

19.12.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To

SCANNED
16/12/22
Peshawar

come up for arguments on 02.02.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

02.02.2023

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his learned counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 03.04.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(SALAH-UD-DIN)
Member (J)

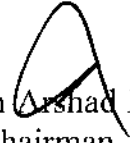
12th Oct. 2022

Appellant in person present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Appellant seeks adjournment on the ground that his counsel was busy before the Hon'ble Peshawar High Court, Peshawar. Last chance is given to the appellant to argue the case failing which the appeal will be decided on the available record without arguments. To come up for arguments on 22.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

22nd Nov, 2022

Appellant in person present. Mr. Muhammad Adeel Butt Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 19.01.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

15.02.2022^s

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.


Reader

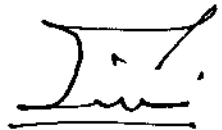
06.06.2022

Appellant in person present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on ~~26.07~~ 26.07.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

26th July, 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Clerk of learned counsel for the appellant submitted an application for adjournment on the ground that father of learned counsel for the appellant is admitted in hospital, therefore, he could not appeared before the Tribunal. To come up for arguments on 12.10.2022 before the D.B.



(Salah Ud Din)
Member(Judicial)



(Kalim A...)

21.09.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned senior counsel for the appellant is stated to be busy before the Hon'ble High Court and adjournment is, therefore, sought. Request is accorded. To come up for arguments on 20.12.2021 before the D.B.



(Rozina Rehman)
Member(Judicial)


Chairman

20.12.2021

Mr. Yasir Khan, Advocate, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Junior of learned counsel for the appellant requested for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 15.02.2022.



(Atiq Ur Rehman Wazir)
Member (E)



Chairman

28.01.2021

Junior to counsel for appellant present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former requests for adjournment as senior counsel is busy before Hon'ble Peshawar High Court in case W.P No. 4519/2020; allowed. Case is adjourned to 13.04.2021 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 29.07.2021 for the same as before.

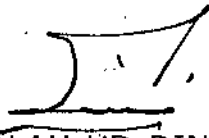

READER

29.07.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 21.09.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.06.2020

Due to public holiday on account of COVID-19 the case is adjourned for the same on 23.09.2020 before D.B.

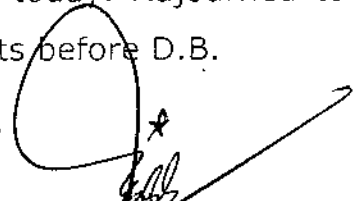


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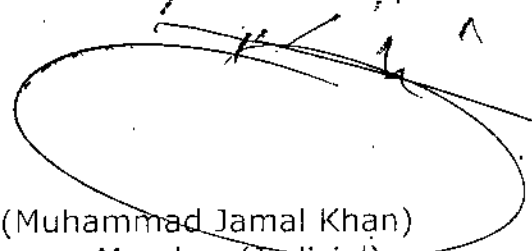
23.09.2020

Appellant is present in person. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondent is also present.

Appellant submitted Vakalatnama in favour of Mr. Munir Muhammad, Advocate, the same is placed on record. Appellant also requested for adjournment on the ground that his counsel is not available today. Adjourned to 13.11.2020 on which to come up for arguments before D.B.



(Mian Muhammad)
Member (Executive)

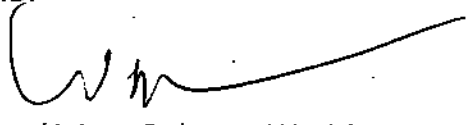


(Muhammad Jamal Khan)
Member (Judicial)

13.11.2020

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.01.2021 for hearing before the D.B.



(Atiqur Rahman Wazir)
Member



Chairman

17.01.2020

Appellant in person present Mr. Muhammad Jan learned Deputy District Attorney present. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Learned Member (Executive) is not available. Adjourned for 27.02.2020 before D.B.



Member

27.02.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Muhammad Riaz Superintendent for the respondents present. Appellant requested for adjournment that his counsel is not available today. Adjourned. To come up for arguments on 02.04.2020 before D.B.



Member



Member

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.



Reader

26.07.2019

Appellant in person and Mr. Adnan Khan, Assistant Litigation for respondent No. 2 along with Mr. Usman Ghani, District Attorney for the official respondents present.

Reply on behalf of respondent No. 2 has been submitted which is placed on record. To come up for arguments before D.B on 28.10.2019. The appellant may furnish rejoinder, within a fortnight, if so advised.

Chairman



28.10.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 13.12.2019 before D.B.



Member



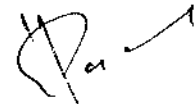
Member

13.12.2019

Lawyers are on strike as per the decision of All Pakistan High Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 17.01.2020 before D.B



Member



Member

30.04.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present.

Comments on behalf of respondent No. 1 already stand submitted. Learned Register, Peshawar High Court Peshawar shall be issued notice for submission of reply/comments on behalf of respondent No. 2.

Adjourned to 20.06.2019 before S.B.


Chairman

20.06.2019

Appellant in person, Mr. Kabirullah Khattak, Additional AG for official respondents and private respondent No. 13 in person present. Written replies on behalf of official respondent No. 1 as well as private respondent No. 13 have already submitted. Private respondents No. 3 to 12 & 14 have already been proceeded ex-parte vide order sheet dated 17.01.2019. Written reply on behalf of respondent No. 2 not submitted therefore, notice be issued to learned Registrar, Peshawar High Court Peshawar for submission of written reply/comment on behalf of respondent No. 2. To come up for written reply/comments on behalf of respondent No. 2 on 26.07.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

17.1.2019

Counsel for the appellant and Addl. AG for official respondents present.

The respondents No. 3 to 14 were sent notices for today's hearing in pursuance to order dated 11.12.2018, however, none of them is in attendance except respondent No. 13. Respondents No. 3 to 12 and 14 are, therefore, proceeded against ex-parte. Respondent No. 13 has submitted reply which is placed on file. The respondent No. 1 shall positively furnish reply/comments on next date of hearing. Adjourned to 29.03.2019 before S.B.

Chairman 

29.03.2019

Appellant in person present. Written on behalf of respondent No.1 still awaited. Notice be issued to respondent No.1 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 30.04.2019 before S.B.


Member

Appellant Deposited
Security & Process Fee

ejf

regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 25.10.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)
Member

25-10-18

*Due to retirement of Honorable
Chairman the Tribunal is non
functional therefore the case is
adjourned to come up for the
same on 11-12-2018*

of ali
Reedon

11.12.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG on behalf of official respondents present. None present on behalf of private respondents No. 3 to 14 therefore, fresh notice be issued to them for attendance and filing of written reply. To come up for written reply/comments on 17.01.2019 before S.B. Notice be also issued to appellant and his counsel for the date fixed.

MA
Muhammad Amin Khan Kundi
Member

Service Appeal No. 398/2018

04.09.2018

Counsel for the appellant Irshad Ahmed Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as water Career in Judiciary Department vide order dated 31.07.2010. It was further contended that appointment order of the appellant was withdrawn by the competent authority vide order dated 05.08.2010 on the ground that appellant was overage at the time of appointment. It was further contended that the appellant filed departmental appeal which was accepted, the impugned order was set-aside and the appellant was reinstated in service and the intervening period was ordered to be treated as leave without pay vide order dated 14.12.2013. It was further contended that the appellant was reinstated in service vide order dated 11.01.2014 but with immediate effect. It was further contended that feeling aggrieved from the said order the appellant filed departmental appeal but the same was also rejected hence, the present service appeal. It was further contended that since the appellant was reinstated in service by the appellate authority and the impugned order was set-aside while the intervening period was ordered to be treated as leave without pay therefore, the competent authority was required to reinstate the appellant from the date of first appointment but the competent authority has reinstated the appellant with immediate effect vide order dated 11.01.2014. IT was further contended that the said impugned order of immediate effect has affected the seniority and promotion and due to said impugned order dated 11.01.2014 juniors to the appellant has been promoted while the appellant has been ignored, therefore, the impugned order is liable to correction.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for

M. Anwar
4.9.2018

27.04.2018

Appellant with counsel present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 26.06.2018.



Reader

26.06.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.07.2018 before S.B.



(Muhammad Amin Khan Kundi)

Member

20.07.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 04.09.2018 before S.B.



(Ahmad Hassan)

Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 398/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	21/3	3
1	20/03/2018	<p>The appeal of Mr. Irshad Ahmad Khan resubmitted today by Mr. Muhammad Yousaf Orakzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	21/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/18</u>.</p> <p style="text-align: right;"><i>MA</i> MEMBER</p>
	02.04.2018	<p>Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 27.04.2018 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

The appeal of Mr. Irshad Ahmad Khan Water Career District Judiciary Peshawar received today i.e. on 07.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is wrong.
- 2- Affidavit is not attested by Oath Commissioner.
- 3- Annexures of the appeal be attested.

No. 504/S.T.

Dt. 07/03 /2018

Handwritten signature
REGISTRAR
2/3/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Yousaf Orakzai Adv.

Resubmitted please.

Handwritten signature

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

A No. 398/18

Irshad Ahmed Khan

Versus


District & Sessions Judge Peshawar and Others

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	Termination order	"D"	12
	Departmental Appeal	"E"	13-15
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Irshad Ahmed Khan (Appellant)

Through


Mohammad Yousaf Orakzai


Ghulam Ali Bangash

Advocates

Office: FF 8, 5th Floor Bilour Plaza,
Saddar Road Peshawar Cantt
0301-8808685

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Irshad Ahmed Khan
Water Career, District Judiciary, ASJ-V Peshawar

----- Appellant

Versus

1. District & Sessions Judge, Peshawar.
2. Chief Justice, Peshawar High Court through Registrar Peshawar High Court Peshawar.
3. Afsar Hussain, Junior Clerk, District & Sessions Court, Peshawar.
4. Altaf Hussain, Junior Clerk, District & Sessions Court, Peshawar.
5. Muhammad Ishaq, Junior Clerk, District & Sessions Court, Peshawar.
6. Bakht Gul, Junior Clerk, District & Sessions Court, Peshawar.
7. Nihar Ali, Junior Clerk, District & Sessions Court, Peshawar.
8. Adeel Arif, Junior Clerk, District & Sessions Court, Peshawar.
9. Sabir Shah, Junior Clerk, District & Sessions Court, Peshawar.
10. Abbar Khan Afridi, Junior Clerk, District & Sessions Court, Peshawar.
11. Fawad Ullah, Junior Clerk, District & Sessions Court, Peshawar.
12. Illauddin, Junior Clerk, District & Sessions Court, Peshawar.
13. Wajid Mateen, Junior Clerk, District & Sessions Court, Peshawar.
14. Qaiser Shah, Junior Clerk, District & Sessions Court, Peshawar.

----- Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974; AGAINST THE IMPUGNED
ORDER DATED 11-01-2014 OF RESPONDENT NO.1, WHEREIN
HE WAS RE-INSTATED WITH IMMEDIATE EFFECT
INSTEAD OF FROM THE DATE OF HIS TERMINATION**

PRAYER-IN-APPEAL:

By accepting this appeal, the impugned order of the Respondent No.1 may graciously be set-aside and issued order for re-instatement of the appellant from the date of his termination from service with all back benefits.

Respectively Sheweth:

Facts leading the institution of the instant appeal are;

BRIEF FACTS:

- a) That the appellant was appointed as Water Career (BPS-1) on the recommendation of the Departmental Selection Committee vide District & Sessions Judge Peshawar office order No. 84(FA)4505-12 dated 31-07-2010.

(The copy of appointment order is annexed "A")

- b) That after fulfilling all codal formalities, the appellant had submitted his arrival report on 02-08-2010.

(The copies of medical certificate & arrival report are annexed "B" & "C")

- c) after five days, the said order was withdrawn by the competent authority on the basis of allegations that the appellant was found to have been over-age by one year against the maximum age limit of 40 years vide District & Sessions Judge Peshawar order No. 4593-97 dated 05-08-2010.

(The copy of termination order is annexed "D")

- d) That on 09-08-2010, the appellant has submitted a departmental appeal before the Hon'ble Peshawar High Court Peshawar Judicial Department.

(The copies of Departmental Appeal is annexed "E")

- e) That on 14-12-2013, the Hon'ble Peshawar High Court Judicial Department set aside the impugned order of District & Sessions Judge as mentioned above and the appellant was re-instated in service vide Departmental Appeal No.19 of 2010.

(The copy of Peshawar High Court Judgment is annexed "F")

- f) That in compliance with the order passed by the Hon'ble Peshawar High Court Peshawar vide annexure "D", the District & Sessions Judge Peshawar issued re-instatement order of the appellant vide Office Order No.106(OO-V-4)294-297 dated 11-01-2014.

(The copy of D&SJ office order dated 11-01-2014 is annexed "G")

- g) That on 11-01-2014, the appellant had submitted his arrival report. Furthermore, the appellant neither runs personal business nor any job during the intervening period after his termination from service.

(The copies of Arrival Report and affidavit are annexed as "H" & H-I)

h) That during the period of my termination, the competent authority had conducted DPC/DSC meeting and issued the promotion order of various official who are junior than me.

(The copy of appeal is annexed "I")
(The copies of promotion order and Seniority List are annexed "I" & "J")

i) That on 12-04-2016, the appellant had approached to the District & Sessions Judge Peshawar for reviewing the seniority list and placing his name at the exact location but in vain.

(The copy of application is annexed "K")

j) That on 20-06-2016, the appellant had requested for provision of copies of merit list and seniority list time and again but to no avail; ultimately written applications regarding the provision of aforesaid lists were sent to the District & Sessions Judge Peshawar through registered mail.

(The copies of applications are annexed "L" & "M")

k) That the appellant had submitted an application to the District & Sessions Judge Peshawar for counting his service from the date of his initial appointment i.e 02-08-2010 instead of date of re-instating in service i.e 11-01-2014 but the same was turned down on 27-03-2017 vide No.2669.

(The copies of application and rejection letter are annexed "N" & "O")

l) That on 17-04-2017, the appellant had filed an appeal before the Hon'ble Peshawar High Court Peshawar for the revival of District & Sessions Judge Peshawar office order vide annexure G.

(The copy of departmental appeal is annexed "P")

m) That on 07-10-2017, the Hon'ble Peshawar High Court Peshawar dismissed the appeal of the appellant with the observation that "the appellant had submitted his arrival report on 11-01-2010".

(The copy of dismissal of appeal is annexed "Q")

- n) That on 08-12-2017; the appellant had submitted Review Petition to the Hon'ble Peshawar High Court Peshawar for placing his name at the exact number of the seniority list and he may be promoted to the rank of Junior Clerk but the same was dismissed on 19-01-2017.

(The copy of Review Petition and Rejected Order are annexed "R" & "S")

- o) That the appellant had obtained the photocopy of the review judgment on 10-02-2018 and approached the Hon'ble Tribunal and seek relief inter-alia on the following grounds:-

GROUNDS:

1. That there was no fault on the part of appellant and was appointed after fulfilling all legal and codal formalities, even his right is also protected by the Constitution of Islamic Republic of Pakistan 1973.
2. That the appellant was re-instated into service by the Hon'ble appellate authority on 14-12-2013 with the observation that "the appellant is re-instated in service and period intervening shall be considered as leave without pay". In such circumstances the appellant was deprived from the financial benefit but he is still entitled for the period of absence from service to be counted.
3. That the appellant neither runs private job nor any job during the intervening period i.e after his termination, therefore, he is entitled for all back benefits in accordance with F.R 54.
4. That re-instatement means to restore the official from the date of issuance of impugned order by the competent authority i.e. 31-07-2010. The period of absence in such case would be treated as spent on duty but the appellant was aggrieved from such relief.
5. That admittedly the appellant had been appointed in year 2010 on the recommendation of Departmental Selection Committee, after due satisfaction carefully examined by the Competent Authority/Departmental Selection Committee.
6. That the appellant did not appointed on the same post again but re-instated in service from the date of his termination, hence, he is entitled for the relief sought.

5

6. That Respondent No. 3 to No.14, are junior than appellant as he was appointed as Water Carrier (Class-IV) on 31-07-2010 and report his arrival on 02-08-2010, so the appellant is entitled for the promotion of Junior Clerk.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the

7. That those officials who are junior than the appellant have been promoted to the rank of Junior Clerk while the appellant is still Water Carrier and deprived from his lawful and constitutional right.

8. That the doors of the competent authority and appellate authority were knocked time and again for his lawful right but with no fruitful result.

9. That the appellant has inalienable right to be treated in accordance with law under Article 4 of the Constitution of Pakistan, equal protection under Article 25 and safeguard against discrimination in service under Article 27 of the Constitution which has been violated by the respondents.

10. That case of the appellant has not been treated in accordance with law which is utter violation of the Constitution.

11. That undue conduct of the respondent though the appellant has a fundamental right under Article 10-A of the Constitution of Pakistan to fair trial and due process of law but the same was deflowered.

12. That the entire act, action and the impugned order of the respondent were passed against the principle of natural justice and fair trial but found biased.

13. That at any rate, act and action of the respondent is illegal, having no legal effect in the eye of law, untenable and the appellant is entitled for the relief sought.

PRAYER:

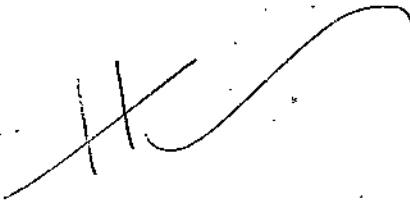
It is, therefore, most humbly prayed that on acceptance of this service appeal, the Hon'ble Bench may graciously be pleased to set aside the impugned order of respondent No.1 dated 11-01-2014 and allow the seniority of the appellant from the

date of his appointment instead of reinstatement with all back benefits as provided by law alongwith grant of any other remedy deemed fit by this Hon'ble Bench.

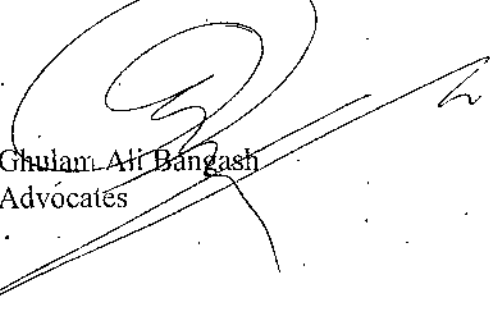


Irshad Ahmad Khan (Appellant)

Through



1. Mohammad Yousaf Orakzai



2. Ghulam Ali Bangash
Advocates

07

Dated: 28/03/2018

NOTE:

➤ Appeal in hand is 1st one on the subject issue before the competent authority.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Irshad Ahmed Khan

Versus

District & Sessions Judge Peshawar and Others

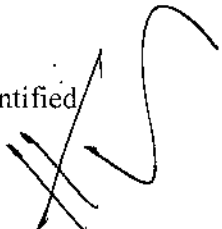
AFFIDAVIT

I, Irshad Ahmed Khan, Water Carrier (Class-IV), District Judiciary, ASJ-V Court, Peshawar do hereby solemnly affirm and declare on oath that contents of the accompanying service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

Identified



Mohanimad Yousaf Orakzai
Advocate

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Irshad Ahmed Khan

Ghulam Ali Bangash
Advocates

Versus

District & Sessions Judge Peshawar and Others

ADDRESSES OF THE PARTIES

Address of the appellant:

Irshad Ahmed Khan, Water Carrier (Class-IV),
District Judiciary, ASJ-V Court, Peshawar

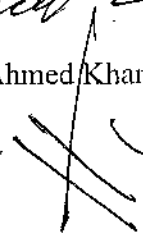
Addresses of the Respondents:

1. Chief Justice, Peshawar High Court through Registrar Peshawar High Court Peshawar.
2. District & Sessions Judge, Peshawar.
3. Afsar Hussain, Junior Clerk, District & Sessions Court, Peshawar.
4. Altaf Hussain, Junior Clerk, District & Sessions Court, Peshawar.
5. Muhammad Ishaq, Junior Clerk, District & Sessions Court, Peshawar.
6. Bakht Gul, Junior Clerk, District & Sessions Court, Peshawar.
7. Nihar Ali, Junior Clerk, District & Sessions Court, Peshawar.
8. Adeel Arif, Junior Clerk, District & Sessions Court, Peshawar.
9. Sabir Shah, Junior Clerk, District & Sessions Court, Peshawar.
10. Abbar Khan Afridi, Junior Clerk, District & Sessions Court, Peshawar.
11. Fawad Ullah, Junior Clerk, District & Sessions Court, Peshawar.
12. Illauddin, Junior Clerk, District & Sessions Court, Peshawar.
13. Wajid Mateen, Junior Clerk, District & Sessions Court, Peshawar.
14. Qaiser Shah, Junior Clerk, District & Sessions Court, Peshawar.

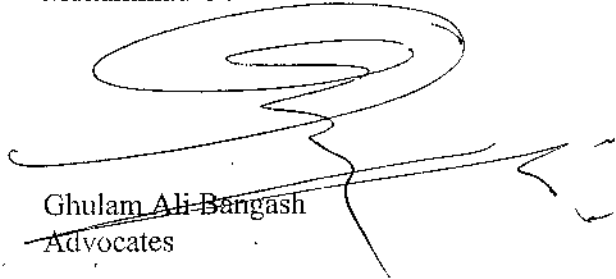


Irshad Ahmed Khan (Appellant)

Through



Mohammad Yousaf Orakzai



Ghulam Ali Bangash
Advocates

"A" 9

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, PESHAWAR

Dated 31st July 2010

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee dated 30th July 2010, Mr. Irshad Ahmad Khan son of Ziarat Gul is appointed as Water Carrier (BPS-01) against the vacant post, in the interest of Public Service, with immediate effect:

His appointment to the service shall be subject to the following terms and conditions:

1. His service shall be governed by the Government of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003
2. He shall be on probation initially for a period of two years, extendable for a further period of two years and shall be confirmed on the availability of the post.
3. His service shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if, his work or conduct during this period is not found satisfactory
4. His testimonials and antecedents are to be duly verified from the quarter concerned.
5. He shall produce medical fitness certificate before assuming the charge.

If the above terms and conditions of appointment are acceptable to him, he should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if he fails to report for duty to the undersigned within seven days from the date of issue to this order.

Sd/x (ZIAUDDIN KHATTAK)
District & Sessions Judge,
Peshawar

No. 81 (FA) 2525-12. Dated Peshawar the 31st July 2010.

Copy of the above is forwarded to:-

1. The Registrar, Peshawar High Court, Peshawar.
 2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 3. Syed Anees Badshah Bukhari, Addl. Member Inspection Team-II, Peshawar High Court, Peshawar.
 4. The Senior Civil Judge, Peshawar.
 5. The Accountant, Sessions Court, Peshawar.
 6. The ACC, Sessions Court, Peshawar.
 7. The COC, office of the Senior Civil Judge, Peshawar.
 8. The official concerned by name.
- } for information
} for information and compliance

District & Sessions Judge,
Peshawar.

To be true

[Signature]

"B"

10

MEDICAL CERTIFICATE

Name of official Mr. Ashraf Ahmad 28101
 Caste or race Muslim
 Father's name Mr. Zia-ud-Din
 Residence Village Baneela Dist. Peshawar
 Date of birth 20/11/1968
 Exact height by measurement 5'6"
 Personal mark of identification Scar on forehead
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Ashraf Ahmad a candidate for employment in the Office of the District & Sessions Judge and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except nil

I do not consider this as disqualification for employment in the office of the AD
 His age according to his own statement 41 year and by appearance about 41 year.

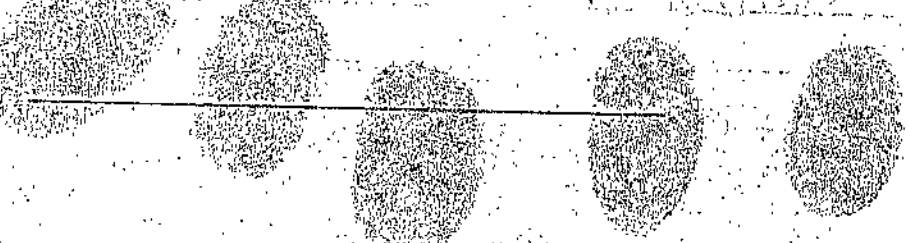
To be true

[Signature]

MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL
 Medical Superintendent
 Police & Services Hospital
 Peshawar

2/08/10

LEFT HAND THUMB AND FINGER IMPRESSIONS



To

The Honorable,
District & Sessions Judge,
Peshawar.

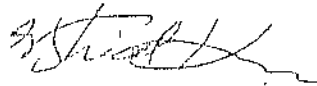
"C"
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11

Subject: ARRIVAL REPORT

Respected Sir,

In compliance with your kind office order bearing
endorsement No. 84(F.A)4505-12 dated 31/07/2010, I have the
honor to submit my arrival report, today on 2/8/10

Thanks.



Iqbal Ahmad Khan
Water carrier

To be true



District & Sessions Judge,

Subject

ARRIVAL REPORT

Page No.

1



12

12

Office of the District & Sessions Judge, Peshawar.

No. _____ Dated _____

Office order.

Whereas, Mr. Irshad Ahmad Khan son of Ziarat Gul was appointed as 'water carrier' in this Sessions Division, vide order bearing II 84 (FA) 4505-12 Dated 31.7.2010 subject to his medical fitness.

And whereas, he was examined medically by Medical Superintendent Police & Services Hospital, Peshawar on 5.8.2010 who reported his age as forty one (41) years while the maximum age for water carrier was forty years.

Now therefore, on the recommendation of the Departmental Selection Committee dated 5.8.2010, being over age, the appointment order of Mr. Irshad Ahmad Khan, referred above, is hereby withdrawn with immediate effect and his services are dispensed with accordingly.

[Signature]
District & Sessions Judge,
Peshawar.

[Signature]

No. 4593-97 Dated 05.08.2010

05/8/10

Copy forwarded for information to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General Khyber Pakhtunkhwa, Peshawar
3. Irshad Ahmad Khan son of Ziarat Gul i/o 18511 Colony Post Office Technical College Kohat Road Tehsil & District Peshawar.
4. The accountant of this Court for information & compliance.
5. Information Kiosk

To be True
District & Sessions Judge,
Peshawar

[Signature]

(6)
(19)

BEFORE THE HONOURABLE ADMINISTRATIVE JUDGE,
PESHAWAR HIGH COURT, PESHAWAR,
(APPELLATE AUTHORITY)

Through Registrar Peshawar High Court, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST OFFICE ORDER NO. 4593-97 DATED 05.08.2010 WHEREBY APPOINTMENT ORDER OF THE APPELLANT IS WITHDRAWN WITH IMMEDIATE EFFECT AND SERVICES ARE DISPENSED WITH.

Prayer: *On acceptance of this Departmental Appeal the impugned dispensing with order be set aside and appellant be reinstated in service with full back benefits and wages, with such other relief as may deem fit in the circumstances of the case may also be granted.*

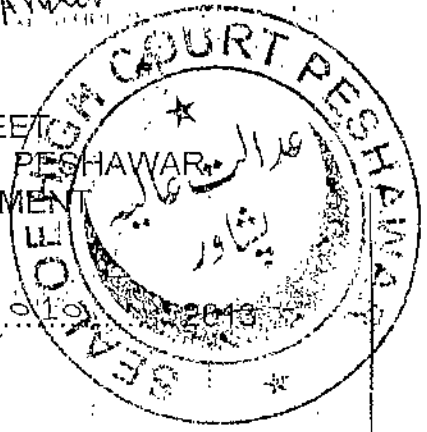
Respected Sir,

Reference subject mentioned Office Order I, Irshad Ahmad Khan, Ex. Water Carrier in the Sessions Division, submit my Departmental Appeal in your Honor's sympathetic & benevolent considerations as under

1. That, I was appointed as Water Carrier in BPS 1, against the vacant post, upon the recommendations of Departmental Selection Committee held on 30.07.2010, vide Office Order dated 31.07.2010, copy of the Appointment Letter is attached as Annexure-A.
2. That, without any Show Cause Notice or Personal Hearing the Impugned subject mentioned Order was passed whereby my appointment order was withdrawn and services were dispensed with, allegedly on the recommendations of Departmental Selection Committee, copy of the same is attached as Annexure-B.

Annexure 4th 16

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT



D.A. No. 19 of 2010

JUDGMENT

Date of hearing 14 - 12 - 2013.

Appellant Irshad Ahmad Khan

Respondent D.S.J. Peshawar

MIAN FASIH-UL-MULK, J.- This departmental appeal is directed against the order dated 05.08.2010 passed by the learned Sessions Judge, Peshawar, whereby appointment order of appellant, Irshad Ahmad Khan, Water Carrier, was withdrawn on the ground of maximum age limit.

2. Brief facts of the case are that appellant in response to an advertisement applied for appointment as Water Carrier (BPS.1) in the District Judiciary. The Departmental Selection Committee recommended the name of appellant for the said post and accordingly he was issued appointment order dated 31.07.2010. Subsequently, the said order was withdrawn vide impugned order as the appellant

To be true

ATTESTED

EXAMINER,
Peshawar High Court

22 JAN 2014

was found to have been over-age by one year against the maximum age limit of 40 years.

3. Arguments heard and record perused.

4. It is well settled that before appointment of a person in Government service, his antecedents are carefully examined by the competent Authority or for that matter the Departmental Selection Board. The petitioner being matriculate had annexed his certificate with his application alongwith N.I.C and in both the documents his date of birth was mentioned. It was for the department to have raised the objection before appointment of appellant that he was over-age. Once the appellant was duly interviewed and selected followed by issuance of appointment order and submission of arrival report by the official for duty, his services could not have been dispensed with on the basis of his medical report at a subsequent stage, where he was referred for the purpose of his physical fitness. The fault in this case lies on the department and not on the appellant; hence the impugned order is against the principles of natural justice

ATTESTED

EXAMINER
Peshawar High Court,

22 JAN 2014

for taking away a vested right, accrued in favour of appellant without any fault on his part.

5. Accordingly, this appeal is accepted and the impugned order of District and Sessions Judge, Peshawar is hereby set aside. The appellant is re-instated in service and the period intervening shall be considered as leave without pay.

sd/ Mian Fazlul Mulla J

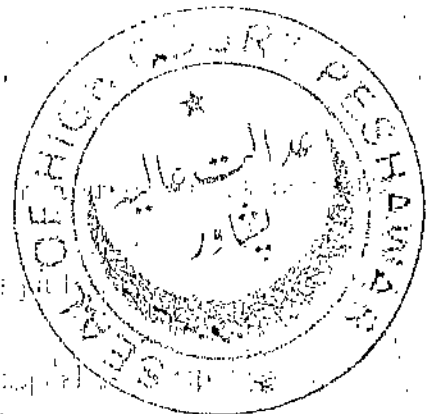
Announced
14.12.2013

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-o-Shahadat Order 1984

22 JAN 2014

22-1-14

No. 10715
Date of Presentation of Application 22-1-14
No of Pages 3
Copying fee /
Urgent Fee /
Total 6.00
Date of Preparation of Copy 22-1-14
Date Given For Delivery 22-1-14
Date of Delivery of Copy 22-1-14
Received By MC Jeshal Mulla



for taking away a vested right
without any fault on his part.

Accordingly, this appeal is

order of District and Sessions Judge, Peshawar is

hereby set aside. The appellant is re-instated in service and

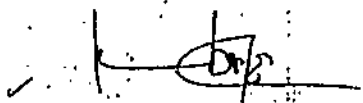
the period intervening shall be considered as leave without

OFFICE OF THE DISTRICT & SESSIONS JUDGE PESHAWAR

Dated: 11th January, 2014

OFFICE ORDER

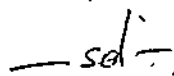
In compliance with the Order passed by august Peshawar High Court, Peshawar in D.A. No. 19 of 2010, Mr. Irshad Ahmad Khan is hereby re-instated in service as Water Carrier (BPS-01) in this establishment, with immediate effect.


(SHAIBER KHAN)
District & Sessions Judge,
Peshawar.

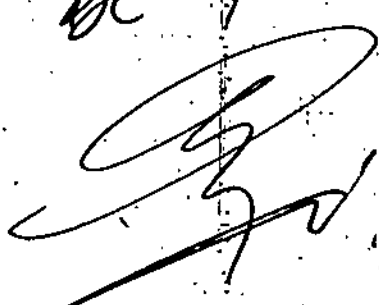
No:106 (OO-V-4) 294-227 Dated Peshawar 11 / 01 / 2014.

Copy forwarded for information/necessary action, to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Accountant, Sessions Court, Peshawar
3. The A.C.C. Sessions Court, Peshawar
4. The Official concerned by name.


District & Sessions Judge,
Peshawar

oil

To be there


To

The Hon'ble,
District & Sessions Judge,
Peshawar.

Subject ARRIVAL REPORT

Respected Sir,

In compliance with your kind order bearing Endst No. 85 (PS-V-2) 294-297 dated 11/01/2014, I, Irshad Ahmad Khan do hereby assume the charge of the post of Water Carrier (BPS-01) today on 11/01/2014 (F.N).

Yours Obediently

Dated 11/01/2014

[Irshad Ahmad Khan]
Water Carrier (BPS-01)

Seen

↓
D & S, Peshawar

Just to be true

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OFFICE OF THE DISTRICT AND SESSIONS JUDGE PESHAWAR


Dated 30th January, 2013

OFFICE ORDER

On the recommendation of Departmental Promotion Committee dated 30/01/2013, the following officials of this Sessions Division are hereby promoted to the post of Junior Clerk (BPS-07), in public interest, with immediate effect:

S#	Name of official	Designation
1.	Afsar Hussain ✓	Chowkidar
2.	Altaf Hussain ✓	Naib Qasid
3.	Muhammad Ishaq ✓	Naib Qasid
4.	Barkat Ali ✓	Naib Qasid
5.	Bakht Gul ✓	Mali
6.	Nihar Ali ✓	Naib Qasid
7.	Adeel Arif ✓	Sweeper

The officials at serial # 01 to 07 were fit for promotion except the length of service; therefore, the committees while exercising power conferred upon it under Rule-9 of the Government Servants (Appointment, Promotion & Transfer) Rules, 1989, appointed the above-named officials on acting charge basis till they complete the required length of service.

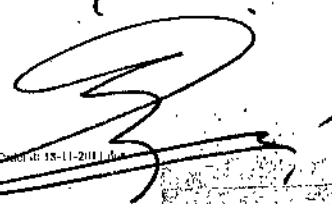

[SHAIBER KHAN]
District & Sessions Judge,
Peshawar.

No. 85 (PS-V-2) 816-25 Dated Peshawar, the 30/01/2013

Copy forwarded for information and necessary action to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Badruddin, Additional District & Sessions Judge-II, Peshawar
4. The Senior Civil Judge, Peshawar.
5. Syed Fazal Wadood, Civil Judge-I, Peshawar.
6. The Accountant, Sessions Court, Peshawar.
7. The ACC, Sessions Court, Peshawar.
8. The COC, office of the Senior Civil Judge, Peshawar.
9. All the officials concerned by name.

To be true


District & Sessions Judge,
Peshawar.

JUNIOR CLERK (BFS-11)

J
22

NAME OF OFFICIAL	BPS	DATE OF APPOINTMENT			DATE OF RETIREMENT ON 25 YEAR SERVICE	DATE OF RETIREMENT ON AGE OF SUPER-ANNUATION	REMARKS	
		* BY INITIAL RECRUITMENT	** BY PROMOTION	*** BY TRANSFER				
Syed Shireel Shah	11	* 29/05/2003			29/05/2028	02/01/2034	First Appointment Arrival on 30/05/2003	
Inam-Ul-Haq	11	* 29/05/2003			29/05/2028	13/01/2043	First Appointment Arrival on 30/05/2003	
Qaseem Khan	11	* 29/05/2003			15/06/1971	08/04/2016	Appointed as Junior Clerk in Employment Exchange Department in the year 09/04/1991.	
Fozal-e-Khuda	11	* 29/05/2003			12/04/1979	30/05/2028	11/01/2039	First Appointment Arrival on 31/05/2003
Fahoom Akhtar	11	* 29/05/2003			15/04/1984	29/05/2028	14/01/2044	First Appointment Arrival on 30/05/2003
Shaukat Ali	11	* 29/05/2003			30/03/1975	30/04/2028	29/01/2035	First Appointment Arrival on 31/05/2003
Mian Yousaf Ali Shah	11	* 29/05/2003			02/01/1980	29/05/2028	01/01/2040	First Appointment Arrival on 30/05/2003
Kamran Ullah	11	* 29/05/2003			11/03/1982	29/05/2028	10/03/2042	First Appointment Arrival on 30/05/2003
Muhammad Imran	11	* 29/05/2003			28/02/1981	29/05/2028	27/02/2041	First Appointment Arrival on 30/05/2003
Nasir Khan	11	* 29/05/2003			02/02/1982	29/05/2028	01/01/2042	First Appointment Arrival on 29/05/2003
Mansab Ali	11	* 17/10/2003			14/08/1975	21/10/2024	13/08/2035	Appointed as Dattari in Custom Department On 11/05/1999, appointed as Junior Clerk Sessions Court, Peshawar arrival on 22/10/2003
Sami Ullah	11	* 17/10/2003			20/05/1978	17/10/2028	19/05/2038	First Appointment Arrival on 18/10/2003
Shaukat Ali	11	* 17/10/2003			03/02/1970	08/08/2017	02/02/2030	Appointed as Sanitary worker in Cantonment Board, Peshawar On 09/08/1992, appointed as Junior Clerk Sessions Court, Peshawar arrival on 23/10/2003
Ashfaq Ahmad	11	* 17/10/2003			04/11/1977	17/10/2028	31/10/2037	First Appointment Arrival on 18/10/2003
Shakeel Arshad	11	* 17/10/2003			12/04/1981	17/10/2028	13/04/2041	First Appointment Arrival on 18/10/2003
Ahsan Shehzad	11	* 17/10/2003			30/08/1982	17/10/2028	29/08/2042	First Appointment Arrival on 18/10/2003
Inam Ullah	11	* 17/10/2003			12/03/1981	17/10/2028	11/03/2041	First Appointment Arrival on 18/10/2003
Anwar Ullah	11	* 17/10/2003			15/10/1977	19/10/2028	14/10/2037	First Appointment Arrival on 20/10/2003
Hidayat Ullah	11	* 17/10/2003			10/02/1980	20/10/2024	09/02/2040	Appointed as Constable in Police Department on 1999, appointed as Junior Clerk Sessions Court, Peshawar arrival on 21/10/2003
Muhammad Ishaq	11	* 17/10/2003			09/10/1982	17/10/2028	08/10/2042	First Appointment Arrival on 18/10/2003

22.	Mohammad Allah Yar Khan	11	* 17/10/2003	19/04/1985	17/10/2028	18/01/2045	First Appointment Arrival on 18/10/2003
	Abid-ur-Rehman	11	* 17/10/2003	02/06/1980	30/05/2028	01/01/2040	Initially Appointed as Process Server, Sessions Court, Peshawar on 31/05/2003, appointed as Junior Clerk Sessions Court, Peshawar arrival on 17/10/2003.
23.	Anwar Ali	11	* 17/10/2003	01/11/1977	17/10/2028	31/10/2037	First Appointment Arrival on 18/10/2003
24.	Zikria Kibria	11	* 07/07/2005	10/10/1979	06/07/2030	09/10/2039	First Appointment Arrival on 07/07/2005
25.	Said Qayum	11	*** 10/08/2005	15/02/1982	19/08/2030	14/01/2042	Initially appointed as Junior Clerk in Sessions Court Mardan on 19/07/2003.
26.	Kashif Elahi	11	* 28/02/2006	15/06/1979	04/07/2030	14/01/2039	First Appointment Arrival on 01/03/2006
27.	Fazle Subhan	11	*** 01/06/2006	08/02/1974	25/10/2026	07/01/2034	Initially appointed as Junior Clerk in Sessions Court Mardan on 24/10/2001
28.	Shaukat Raza	11	*** 15/04/2006	08/01/1974	14/04/2031	07/01/2034	Initially appointed as Junior Clerk in Sessions Court Charsadda on 01/02/1996.
29.	Ikramullah	11	** 01/03/2008	11/05/1970	08/04/2026	10/05/2030	Initially appointed as Naib Qasid in Sessions Court Charsadda on 09/04/2001.
30.	Wasiullah	11	*** 15/02/2008	01/01/1978	14/04/2027	31/12/2037	Initially appointed as Chowkidar in Sessions Court Nowshera on 15/04/2002 & Promoted as Junior Clerk on 01/07/2007.
31.	Shafiq Alam	11	*** 05/03/2008	02/04/1984	02/12/2028	01/04/2046	Initially appointed as Junior Clerk in Sessions Court Charsadda on 03/12/2003.
32.	Muhammad Imran Khan	11	* 12/03/2008	05/10/1985	02/12/2033	04/10/2045	Initially appointed as Sweeper in Sessions Court Peshawar on 24/03/2004. Arrival as Junior Clerk on 12/03/2008
33.	Mohammad Bilal	11	* 12/03/2008	12/05/1988	02/12/2033	11/01/2048	First Appointment Arrival on 13/03/2008
34.	Abdul Lalif	11	* 12/03/2008	24/04/1987	02/12/2033	23/04/2047	First Appointment Arrival on 13/03/2008
35.	Alamzeb	11	* 12/03/2008	06/01/1984	02/12/2033	05/01/2044	Initially appointed as Process Server in Sessions Court Peshawar on 15/03/2004. Arrival as Junior Clerk on 12/03/2008
36.	Kamran Khan	11	* 12/03/2008	10/04/1986	02/12/2033	09/04/2046	First Appointment Arrival on 13/03/2008
37.	Syed Diyar Hussain Shah	11	* 12/03/2008	14/04/1982	02/12/2033	13/04/2042	First Appointment Arrival on 13/03/2008
38.	Fakhr-e-Alam	11	* 12/03/2008	02/03/1981	02/12/2033	01/03/2041	First Appointment Arrival on 13/03/2008
39.	Aurangzeb	11	** 15/07/2010	01/03/1973	01/12/2028	28/07/2033	Initially appointed as Naib Qasid 10/05/2003

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	Nasir Khan	11	** 15/07/2010	01/01/1973	10/10/2026	31/12/2032	Initially appointed as Naib Qasid 11/10/2010
	Jshangir Khan	11	** 15/07/2010	16/03/1979	11/05/2028	15/03/2039	Initially appointed as Naib Qasid 12/05/2010
42.	Muhammad Sohail Karim	11	** 15/07/2010	06/09/1975	14/05/2028	05/02/2035	Initially appointed as Naib Qasid 15/05/2010
43.	Amir Abbas	11	** 15/07/2010	07/04/1982	27/05/2028	31/03/2042	Initially appointed as Naib Qasid 28/05/2010
44.	Munawar Shah	11	** 15/07/2010	15/04/1968	30/05/2028	14/04/2028	Initially appointed as Naib Qasid 31/05/2010
45.	Abdul Saboor	11	** 15/07/2010	04/10/1980	17/08/2028	03/10/2040	Initially appointed as Naib Qasid 18/08/2010
46.	Fazake-Fahzem	11	** 15/07/2010	10/02/1983	12/02/2029	02/01/2043	Initially appointed as Chowkidar 16/02/2010
47.	Muhammad Razaqul	11	** 15/07/2010	10/12/1979	18/02/2029	09/12/2039	Initially appointed as Chowkidar 19/02/2010
48.	Muhammad Zeshan	11	** 15/07/2010	11/03/1983	08/03/2029	10/03/2043	Initially appointed as Naib Qasid 09/03/2010
49.	Asfand Yar	11	** 15/07/2010	20/03/1986	28/02/2031	19/03/2046	Initially appointed as Naib Qasid 01/03/2010
50.	Kaleemullah	11	** 15/07/2010	01/03/1985	28/02/2031	28/02/2045	Initially appointed as Naib Qasid 01/03/2010
51.	Amin Ullah	11	** 15/07/2010	01/06/1989	12/03/2033	31/05/2049	Initially appointed as Naib Qasid 13/03/2010
52.	Jamal-ud-Din	11	** 15/07/2010	01/01/1981	12/03/2033	31/12/2040	Initially appointed as Naib Qasid 13/03/2010
53.	Naseer Khan	11	** 15/07/2010	04/01/1970	03/01/2030	03/01/2030	Initially appointed as Sweeper 20/11/2008, achieved age of superannuation before completion of 25 year service
54.	Imran Badshah	11	* 31/07/2010	14/04/1982	28/02/2035	13/01/2042	Initially appointed as Naib Qasid in ATC court, Peshawar on 01/03/2010. Arrival as Junior Clerk on 31/07/2010
55.	Misal Khan	11	* 31/07/2010	14/04/1985	01/06/2035	13/01/2045	First Appointment Arrival on 02/08/2010
56.	Hassan Basri	11	* 31/07/2010	10/06/1979	12/02/2033	09/01/2039	Initially appointed as Constable in FC, on 13/02/2008. Arrival as Junior Clerk on 04/08/2010
57.	Muhammad Naseer	11	* 31/07/2010	05/03/1980	03/08/2035	04/03/2040	First Appointment Arrival on 04/08/2010

58.	Khadim Hussain	11	* 31/07/2010	09/07/1982	01/08/2035	08/07/2042	First Appointment Arrival on 02/08/2010
59.	Faizan Hussain	11	* 31/07/2010	17/03/1984	01/08/2035	16/07/2044	First Appointment Arrival on 02/08/2010
60.	Abdullah	11	* 31/07/2010	01/05/1983	01/08/2035	30/07/2048	First Appointment Arrival on 02/08/2010
61.	Muhammad Ishaq	11	** 04/11/2011	01/01/1968	05/03/2010	31/12/2027	Initially appointed as Naib Qasid 06/03/1985
62.	Syed Zahid Ali Shah	11	** 04/11/2011	24/05/1985	20/05/2035	23/07/2045	Initially appointed as Naib Qasid 21/05/2010
63.	Waheed Iqbal	11	** 04/11/2011	01/04/1981	20/05/2035	31/07/2041	Initially appointed as Naib Qasid 21/05/2010

64.	Arif Hussain	11	** 04/11/2011	03/02/1985	20/05/2035	02/07/2045	Initially appointed as Naib Qasid 21/05/2010
65.	Siraj Khan	11	** 04/11/2011	03/02/1985	20/05/2035	02/07/2045	Initially appointed as Naib Qasid 21/05/2010
66.	Tahir Khan	11	** 04/11/2011	13/04/1985	20/05/2035	12/07/2045	Initially appointed as Naib Qasid 21/05/2010
67.	Khalid Usman	11	** 04/11/2011	09/03/1987	20/05/2035	08/07/2047	Initially appointed as Naib Qasid 21/05/2010
68.	Gul Afzal	11	** 04/11/2011	25/02/1985	20/05/2035	24/07/2045	Initially appointed as Naib Qasid 21/05/2010
69.	Tehseen Ullah	11	** 04/11/2011	20/04/1987	20/05/2035	19/07/2047	Initially appointed as Naib Qasid 21/05/2010
70.	Asif Hussain	11	** 30/01/2013	24/03/1972	01/06/2035	23/07/2032	Initially appointed as Chowkidar on 31/07/2010
71.	Allaf Hussain	11	** 30/01/2013	14/03/1978	01/06/2035	13/03/38	Initially appointed as Naib Qasid on 31/07/2010
72.	Muhammad Ishaq	11	** 30/01/2013	03/04/1979	01/06/2035	02/07/2038	Initially appointed as Naib Qasid on 31/07/2010
73.	Bakht Ali	11	** 30/01/2013	20/02/1985	21/05/2035	19/07/2045	Initially appointed as Naib Qasid in the office of SCJ on 20/05/2010
74.	Bakht Ali	11	** 30/01/2013	10/02/1984	30/07/2035	09/07/2044	Initially appointed as Mali on 31/07/2010
75.	Arif Hussain	11	** 30/01/2013	15/01/1987	30/07/2035	14/01/2047	Initially appointed as Naib Qasid on 31/07/2010

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11		*30/01/2013	23/04/1988	30/07/2035	02/04/2048	Initially appointed as Sweeper on 31/07/2010
11		*09/07/2013	10/04/1984	07/01/2036	07/04/2044	Initially appointed as Naib Qasid in the office of SCJ on 08/01/2011
11	Nuiz Muhammad	*02/02/2013	10/01/1982	25/10/2029	09/01/1942	Initially appointed as Constable in Police Department on 26/10/2004
11	Ibrahim	*02/02/2013	30/03/1990	01/02/2038	29/03/2050	First Appointment Arrival on 02/02/2013
11	Abbar Khan Afridi	*02/02/2013	04/05/1992	16/04/2037	03/05/2042	Initially appointed as Naib Qasid in the office of SCJ on 17/04/2012
11	Sajjad Amir	*02/02/2013	16/03/1985	01/02/2038	15/03/2045	First Appointment Arrival on 02/02/2013
11	Saddam Hussain	*02/02/2013	02/01/1985	01/02/2038	01/01/2045	First Appointment Arrival on 02/02/2013
11	Wajid Mateen	*02/02/2013	22/02/1983	30/09/2038	22/02/2043	Initially appointed as Process Server in the office of SCJ on 01/10/2013
11	Abid Sher	*02/02/2013	03/05/1994	01/02/2038	02/05/2054	First Appointment Arrival on 02/02/2013
11	Rafi Ullah	*02/02/2013	01/04/1991	01/02/2038	31/03/2051	First Appointment Arrival on 02/02/2013
11	Farhan Ahmad	*02/02/2013	13/03/1983	01/02/2038	12/03/2043	First Appointment Arrival on 02/02/2013
11	Dast Muhammad	*02/02/2013	25/02/1988	01/02/2038	24/02/2048	First Appointment Arrival on 02/02/2013
11	Eawad Ullah	*09/07/2013	10/09/1989	16/02/2037	09/09/2049	Initially appointed as Naib Qasid in the office of SCJ on 17/04/2012
11	Hamayun Saif Ullah	*09/07/2013	20/03/1990	12/07/2038	21/03/2050	First Appointment Arrival on 13/07/2013
11	Zafar Shah	*09/07/2013	25/12/1982	27/05/2026	24/12/2042	Initially appointed as Process Server in the office of SCJ on 28/05/2003
11	Muhammad Ijaz	*19/06/2014	20/03/1990	16/04/2037	21/03/2050	Initially appointed as Naib Qasid in the office SCJ on 17/04/2012
11	Saina Ullah	*19/06/2014	21/04/1992	22/06/2039	20/04/2052	First Appointment Arrival on 23/06/2014
11	Muhammad Zubair	*19/06/2014	06/04/1989	22/06/2039	05/04/2049	First Appointment Arrival on 23/06/2014

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94.	Qaiser Shah	11	19/06/2014	30/03/1990	22/05/2038	29/03/2050	Initially appointed in KMU as Junior Clerk 23/05/2013
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Shahid Khan
District & Sessions Judge,
Peshawar

19/06/2014 30/03/1990 22/05/2038 29/03/2050

Shahid Khan
District & Sessions Judge,
Peshawar

بھضور جناب ڈسٹرکٹ اینڈ سیشن جج پشاور

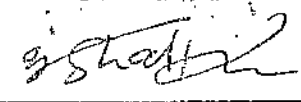
عنوان: درخواست برائے آرڈر آف میرٹ جولائی 2010

جناب عالی!

گزارش کی جاتی ہے کہ سائل Seniority کے لئے ہائی کورٹ میں رٹ کرنا چاہتا ہے اور سائل کو جولائی 2010 کی آرڈر آف میرٹ درکار ہے تو براہ کرم سائل کو وہ آرڈر عنایت فرمادیں۔
عین نوازش ہوگی۔

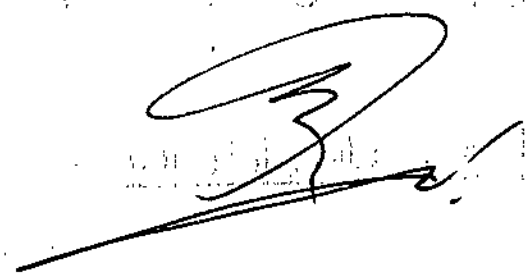
العارض

ایکا تابعدار ملازم ارشاد احمد خان، واٹر کیڑیئر جوڈیشل کمپلیکس پشاور۔


دستخط

الرقوم: 20.06.2016

To be true




20.06.2016
بھضور جناب ڈسٹرکٹ اینڈ سیشن جج پشاور

عنوان: درخواست برائے کلاس فور سینیارٹی لسٹ

جناب عالی!

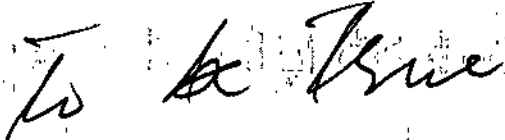
گزارش کی جاتی ہے کہ سائل 2 آگست 2010 سے یہاں بطور واٹر
کیریئر ملازم ہے پشاور ہائی کورٹ میں سینیارٹی کے لئے رٹ کرنا چاہتا
ہے اور سائل رٹ کرنے لئے سینیارٹی لسٹ کی ضرورت ہے، براہ کرم
سائل کو سینیارٹی لسٹ آف کلاس فور عنایت فرمادیں۔

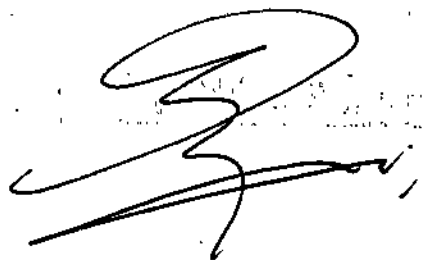
عین نوازش ہوگی۔

العارض 

آپکا تابعدار ملازم ارشاد احمد خان، واٹر کیریئر جوڈیشل کمپلیکس پشاور۔

دستخط

المرقوم: 20.06.2016 



No. 110 Date: 12-4-16

"N"

30

To

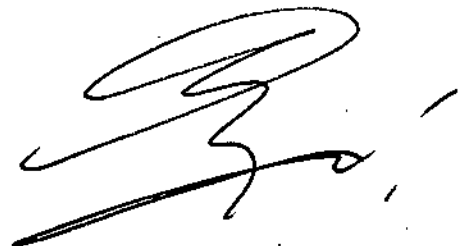
The Honorable,
District & Sessions Judge,
Peshawar

Subject: APPLICATION FOR ISSUANCE DIRECTIONS TO MAKE CORRECTION OF DATE OF ARRIVAL OF APPLICANT IN THE SERVICE BOOK TO THE EXTENT OF FIRST ENTRY/APPOINTMENT i.e 2.8.2010 INSTEAD OF 11.1.2014 AND BE CONSIDERED FOR PROMOTION W.E.F 2.8.2010 WHEN HIS JUNIOR WERE PROMOTED.

Respected Sir,

1. That the applicant is appointed as Water carrier BPS-1 vide order dated 31.7.2010 and submitted his arrival report on 2.8.2010 and joined the duties.
2. That vide order dated 5.8.2010 the appointment of applicant was withdrawn by the competent authority due to reason of overage as reported by Medical Superintendent Police Hospital Peshawar.
3. That being aggrieved of the order dated 5.8.2010 the applicant filed departmental appeal before the Honorable Peshawar High Court Peshawar which was accepted and the applicant was reinstated in service vide order dated 14.12.2013 and the period intervening was ordered to be treated as leave without pay.
4. That in the light of judgment of Honorable Peshawar High Court Peshawar the competent authority issued reinstatement order of the applicant dated 11.1.2014 and I submit arrival report on same day i.e 11.1.2014.
5. That from perusal of my service it appears that my entry into service is recorded as 11.1.2014 i.e my second arrival after re-instatement instead of 2.8.2010 my initial date of appointment.

To be true

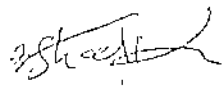


3rd APP

- 6. That now seniority list was issued by the competent authority in which those employees are shown senior to me and they were promoted when the petitioner was out of service, though they were junior to me and were appointed much after the appointment of applicant.
- 7. That since the honorable Judge of the High Court has allowed me reinstatement, therefore, the date of my first appointment remained intact and therefore, it should be recorded as 2.8.2010 in the service book as well as in the seniority list, similarly my seniority shall also be counted from the said date.
- 8. That it is pertinent to point out here that the period during which I was terminated from service, some of my juniors were promoted as Junior Clerk, therefore, the applicant also deserve similar treatment and they also need to be considered for promotion with effect from the date they were promoted.

It is therefore, requested that on acceptance of this application direction may please be issued for the correction of date of appointment/arrival of the applicant as 2.8.2010 instead of 11.1.2014 and also make correct entry in the seniority list and to consider him for promotion with effect from the date when his junior were promoted.

Dated: 12.06.2016



(Irshad Ahmad Khan)
Water Carrier (BPS-3)
District & Sessions Court,
Peshawar.

Forwarded to the Honorable District & Sessions Judge, Peshawar for necessary action please.

(Umar Wali Khan)
Additional District &
Sessions Judge, Peshawar

12/06/16

"0" "2"
32



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 2669
Dated Peshawar 27/03/2017

To
Mr. Irshad Ahmad,
Water Carrier, Peshawar.

Subject: REJECTION OF APPLICATION

Memo:

I am directed to inform you that your application for counting your service from the date of initial appointment i.e. 02/08/2010, instated of date of re-instating in service i.e. 11/01/2014, has been rejected by the Competent Authority on the recommendation of Departmental Promotion Committee.

Superintendent,
Sessions Court, Peshawar.

Superintendent
District & Sessions Court,
Peshawar.

To be true

RECEIVED DISTRICT JUDICIARY PESHAWAR
27/03/2017

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

"G.P."
33

Irshad Ahmad Khan (Water Career)

District Judiciary ASJ-V, Peshawar

-----Appellant

Versus

1. District & Sessions Judge, Peshawar.
2. Afsar Hussain Junior Clerk District & Sessions Court Peshawar 31/2/2010
3. Altaf Hussain Junior Clerk District & Sessions Court Peshawar
4. Muhammad Ishaq Junior Clerk District & Sessions Court Peshawar
5. Bakht Gul Junior Clerk District & Sessions Court Peshawar
6. Nihar Ali Junior Clerk District & Sessions Court Peshawar
7. Adeel Arif Junior Clerk District & Sessions Court Peshawar
8. Sabir Shah Junior Clerk District & Sessions Court Peshawar 8/1/2011
9. Abbar Khan Afridi Junior Clerk District & Sessions Court Peshawar 17/4/2012
10. Fawad Ullah Junior Clerk District & Sessions Court Peshawar 17/4/2012
11. Illaud Din Junior Clerk District & Sessions Court Peshawar
12. Wajid Mateen Junior Clerk District & Sessions Court Peshawar 2/12/13 / 1/1/14
13. Qaisar shah Junior Clerk District & Sessions Court Peshawar

-----Respondents

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
PASSED BY RESPONDENT No. 1, AS ILLEGAL, WITHOUT
JURISDICTION AND OF NO LEGAL EFFECT WHEREBY HIS
APPOINTMENT MAY BE CONSIDERED FROM YEAR 2010 INSTEAD OF
2014, MOREOVER, MAY GRACIOUSLY BE DIRECTED TO PLACE THE
NAME OF THE APPELLANT AT THE EXACT NUMBER OF THE
SENIORITY LIST AND HE MAY BE PROMOTED TO THE RANK OF
JUNIOR CLERK ALONGWITH GRANT OF ANY OTHER REMEDY
DEEMED FIT.

both branches

To be true

Respectively Sheweth:

Facts leading the institution of the instant appeal are;



1ST APP

1ST APP PHC

BRIEF FACTS:

39

- a) That the appellant in response to an advertisement applied for appointment as Water Carrier (PBS-I) in the District Judiciary.
- b) That the Departmental Selection Committee recommended the name of the appellant for the said post and accordingly he was issued appointment order vide D&SJ Peshawar No.84(FA)4505-12 dated 31-07-2010, copy of which is annexed-"A".
- c) That after five days, the said order was withdrawn on the basis of allegations that the appellant was found to have been over-age by one year against the maximum age limit of 40 years vide impugned order No.4593-97 dated 05-08-2010, copy of which is annexed-"B".
- d) That a departmental appeal was preferred by the appellant against the impugned order vide D.A. No 19 of 2010, the honourable Peshawar High Court Judicial Department set aside the afore-mentioned impugned order and the appellant was reinstated in service vide judgment dated 14-12-2013, copy of which is annexed-"C".
- e) That in compliance of the order passed by honourable Peshawar High Court Peshawar in D.A No. 19 of 2010, the District & Sessions Judge, Peshawar had issued reinstatement order of the appellant vide No.106 (OO-V-4)294-297 dated 11-01-2014, copy of which is annexed-"D".
- f) That the appellant had submitted his arrival report on 11-01-2014 (F.N), copy of which is annexed-"E".
- g) That during the period of my termination the competent authority had conducted a DPC/DSC meeting and issued the promotion order of various official who are junior than me, copy of order and seniority list is annexed-"F" & "G" respectively.
- h) That appellant had approached to the District & Sessions Judge, Peshawar for reviewing the seniority list and placing his name at the exact location but to no avail, copies of application and reminder are annexed-"H" & "I" respectively.
- i) That the appellant had requested for provision of copies of order of merit and seniority list time and again but in vain; ultimately written applications regarding aforesaid provision were sent to D&SJ, Peshawar through registered mail copies, of which are annexed-"J" & "K".
- j) That the applicant had filed an application before the District & Sessions Judge Peshawar for promotion as Junior Clerk on the existing vacancies but the same was turned down on 27-03-2017, copy of which is annexed "L".

GROUNDS:

1. Because admittedly the appellant had been appointed in year 2010 on the recommendation of Departmental Selection Committee, after due satisfaction carefully examined by the Competent Authority/Departmental Selection Board.
2. Because the appellant has annexed his documents i.e. certificates, application, CNIC etc, but the department did not raise any objection before appointment of the appellant but after a while the appointment order was withdrawn after a lapse of five days with the objection of being over age by 1 year against the maximum age limit of 40 years.
3. Because the subject matter in shape of departmental appeal was brought before the appellate authority was duly accepted and the impugned order of D&SJ, Peshawar was declared as set aside.
4. Because the appellant was honourably reinstated in service, therefore his service shall be counted from the date of his initial appointment i.e. 2010 as envisaged in FR.54.
5. Because as per Civil Servant Rules a department is bound to prepare seniority list of the employees but since 2010 no seniority list has been prepared or circulated amongst the officials, which is clear violation of the rules.
6. Because those officials who are junior than me have been promoted to the rank of Junior Clerk while the appellant is still Water Carrier.
7. Because the door of appointing authority was knocked time and again but with no fruitful result.
8. Because case of the appellant has not been treated in accordance with law which is in utter violation of Article 4 of the Constitution.
9. Because at any rate, act and action of the Respondent is illegal, having no legal effect in the eye of law, untenable and the appellant is entitled for the relief sought.

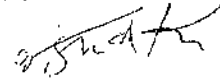
PRAYER:

It therefore most humbly prayed that on acceptance of this departmental service appeal, the appointing authority may graciously be directed to place the name of the appellant at the exact number of the seniority list and he may be promoted to

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The rank of junior clerk along with grant of any other remedy deemed fit by this Hon'ble Bench.

Appellant

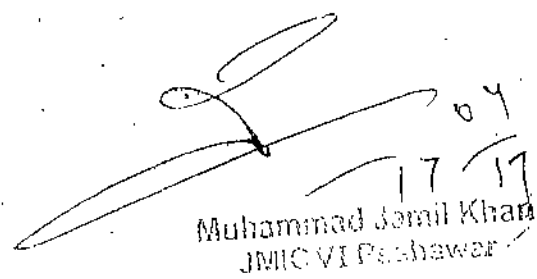


Irshad Ahmad Khan

Dated: 17/4/2017

Note:- Appeal in hand is 1st one of the subject issue before the competent authority.

Forwarded to Hon'ble District and Sessions Judge, Peshawar.



04
17/17
Muhammad Jamil Khan
JMJC VI Peshawar

37

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

Departmental Appeal No. 16/2017

JUDGMENT.

Date of hearing: 7.10.2017.

Appellant: Orshad Ahmad in person.

Respondent: Officer Assistant / representative of
Dy. S. (Peshawar)



WAQAR AHMAD SETH, J:- This departmental appeal is directed against the order dated 27.3.2017 of learned District & Sessions Judge, Peshawar whereby application of the appellant regarding counting of his service from the date of initial appointment i.e. 2.8.2010 instead of date of reinstatement in service i.e. 11.1.2014 was rejected.

2. Arguments heard and record perused.
3. Perusal of the record would reveal that the appellant was appointed as Water Carrier (BPS-01) in the District Judiciary vide order dated 31.7.2010, however, his appointment order was withdrawn vide order dated 5.8.2010 on the ground of being overage by one year against the maximum age limit of 40 years. Feeling aggrieved, the appellant filed departmental appeal No. 19/2010 before this Court, which was allowed vide order dated 14.12.2013 and he was reinstated in service by considering the intervening period

to be true

[Signature]

ATTESTED

18 NOV 2017

18 NOV 2017

as leave without pay. After passing the above said judgment, the appellant submitted his arrival report on 11.1.2014. Contention of the appellant is that during his termination period, Departmental Promotion Committee meeting was conducted wherein various officials, who were junior to him, were promoted to the rank of Junior Clerk; hence requested for placing his name at correct place in the seniority list by promoting him to the rank of Junior Clerk. The contention of the appellant is misconceived because he was reinstated in service on court's order (without consequential benefits) and it was ordered that the intervening period should be treated as leave without pay, which order has not been challenged further before any competent court of law and has attained finality; hence, in the circumstances, the appellant cannot claim seniority and his application was rightly rejected by the learned District & Sessions Judge, Peshawar.

4. In view of the above, the departmental appeal being without any merit is hereby dismissed.

ANNOUNCED.
Dated: 7.10.2017



Sw. Wajid Ahmed Sami

JUDGE

777 *Navab Shah
 Date of Presentation of Application: 18/11/17
 37
 12-20
 18/11/17
 18/11/17

CERTIFIED TO BE TRUE COPY
 Examiner
 Peshawar High Court, Peshawar
 Authorised under Article 67 of
 The Constitution of Pakistan Order 1984
 18 NOV 2017

39

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Review 38/2017
DA NO 16/2017

Irshad Ahmad Khan (Water Career)
District Judiciary ASJ-V, Peshawar.



Versus

1. District & Sessions Judge, Peshawar.
2. Afsar Hussain Junior Clerk District & Sessions Court Peshawar
3. Altaf Hussain Junior Clerk District & Sessions Court Peshawar
4. Muhammad Ishaq Junior Clerk District & Sessions Court Peshawar
5. Bakht Gul Junior Clerk District & Sessions Court Peshawar
6. Nihar Ali Junior Clerk District & Sessions Court Peshawar
7. Adcel Arif Junior Clerk District & Sessions Court Peshawar
8. Sabir Shah Junior Clerk District & Sessions Court Peshawar
9. Abbar Khan Afridi Junior Clerk District & Sessions Court Peshawar
10. Fawad Ullah Junior Clerk District & Sessions Court Peshawar
11. Illaud Din Junior Clerk District & Sessions Court Peshawar
12. Wajid Mateen Junior Clerk District & Sessions Court Peshawar
13. Qaisar shah Junior Clerk District & Sessions Court Peshawar

PESHAWAR DISTRICT & SESSIONS COURT PESHAWAR	
Receipt No.	29397
Date	8/12/17
For action	
Signature	

To be true
[Signature]

-----Respondents

REVIEW PETITION IN OEDER DATED 07-10-2017, PASSED BY THIS AUGUST COURT IN DEPARTMENT APPEAL TITLE IRSHAD AHMAD KHAN VS DISTRICT & SESSIONS JUDGE, PESHAWAR AND OTHERS THAT THE APPOINTMENT MAY BE CONSIDERED FROM YEAR 2010 INSTEAD OF 2014. MOREOVER, MAY GRACIOUSLY BE DIRECTED TO PLACE THE NAME OF THE APPELLANT AT THE EXACT NUMBER OF THE SENIORITY LIST AND HE MAY BE PROMOTED TO THE RANK OF JUNIOR CLERK ALONGWITH GRANT OF ANY OTHER REMEDY DEEMED FIT.

Respectively Sheweth:

Facts leading the institution of the instant appeal are;

ATTESTED
EXAMINER
Peshawar High Court
10 FEB 2018

2nd APP. E Ans

BRIEF FACTS:

- a) That the appellant in response to an advertisement applied for appointment as Water Carrier (PBS-1) in the District Judiciary.
- b) That the Departmental Selection Committee recommended the name of the appellant for the said post and accordingly he was issued appointment order vide D&SJ Peshawar No.84(FA)4505-12 dated 31-07-2010, copy of which is annexed-"A".
- c) That after five days, the said order was withdrawn on the basis of allegations that the appellant was found to have been over-age by one year against the maximum age limit of 40 years vide impugned order No.4593-97 dated 05-08-2010, copy of which is annexed-"B".
- d) That a departmental appeal was preferred by the appellant against the impugned order vide D.A No.19 of 2010, the honourable Peshawar High Court Judicial Department set aside the afore-mentioned impugned order and the appellant was reinstated in service vide judgment dated 14-12-2013, copy of which is annexed-"C".
- e) That in compliance of the order passed by honourable Peshawar High Court Peshawar in D.A No. 19 of 2010, the District & Sessions Judge, Peshawar had issued reinstatement order of the appellant vide No.106 (OO-V-4)294-297 dated 11-01-2014, copy of which is annexed-"D".
- f) That the appellant had submitted his arrival report on 11-01-2014 (F.N), copy of which is annexed-"E".
- g) That during the period of my termination the competent authority had conducted a DPC/DSC meeting and issued the promotion order of various official who are junior than me, copy of order and seniority list is annexed-"F" & "G" respectively.
- h) That appellant had approached to the District & Sessions Judge, Peshawar for reviewing the seniority list and placing his name at the exact location but to no avail, copies of application and reminder are annexed-"H" & "I" respectively.
- i) That the appellant had requested for provision of copies of order of merit and seniority list time and again but in vain; ultimately written applications regarding aforesaid provision were sent to D&SJ, Peshawar through registered mail copies of which are annexed- "J" & "K".
- j) That the applicant had filed an application before the District & Sessions Judge Peshawar for promotion as Junior Clerk on the existing vacancies but the same was turned down on 27-03-2017, copy of which is annexed "L".

EXAMINED
 District & Sessions Judge
 Peshawar
 10 FEB 2019

(4)

k) That this Hon'ble court Announced the judgment on Dated: 07-10-2017 and dismissed the Appeal of the Appellant with the observation that "Appellant had submitted his arrival report on 11-01-2014". Furthermore the Appellant had submitted his first arrival report in 2010 after his appointment, copy of the Peshawar High court Peshawar Judgment is annexed "K".

Now the Appellant is filling instant Review petition on following grounds amongst others

GROUND:

1. Because the Peshawar vide order 14-12-2013, has held that there was no fault on behalf of Appellant and was appointed after fulfilling all the legal and codal formalities, even his right is also protected by the constitution of Islamic Republic of Pakistan 1973.
2. Because in order dated: 14-12-2013 passed by this August Appellate forum allowed the Appeal of Appellant with the observation "that appellant is reinstated in service and period intervening shall be considered as leave without pay" in circumstances Appellant was entitled for all back benefits because there was no fault on behalf of Appellant, even the Appellant only needs his name for placing/considering in seniority list from his first arrival that i.e. 31-07-2010, and if the order of this Hon'ble is perused, order dated: 12-13-2013, the period was considered as leave without pay and the Appellant is considered to be in service from his first Arrival 31-07-2010 because in order nowhere it is mentioned that his service be considered from of announcement of Judgment, but period for which he was not performed the duty is considered as leave without pay, meaning thereby he deems to be in service.
3. Because considering the period as leave without pay and then not considering in placing name of Appellant in seniority list from date of his first Arrival amounts to double Jeopardy
4. Because admittedly the Appellant had been appointed in year 2010 on the recommendation of Departmental Selection Committee, after due satisfaction carefully examined by the Competent Authority/Departmental Selection Board.
5. Because the appellant has annexed his documents i.e. certificates, application, CNIC etc, but the department did not raise any objection before appointment of the appellant but after a while the appointment order was withdrawn after a lapse of five days with the objection of being over age by 1 year against the maximum age limit of 40 years.
6. Because the subject matter in shape of departmental appeal was brought before the appellate authority was duly accepted and the impugned order of D&SJ, Peshawar was declared as set aside.

ATTESTED
EXAMINER
Peshawar High Court

10 FEB 2018

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7. Because the appellant was honourably reinstated in service, therefore his service shall be counted from the date of his initial appointment i.e. 2010 as envisaged in FR.54.
8. Because as per Civil Servant Rules a department is bound to prepare seniority list of the employees but since 2010 no seniority list has been prepared or circulated amongst the officials, which is clear violation of the rules.
9. Because those officials who are junior than me have been promoted to the rank of Junior Clerk while the appellant is still Water Carrier.
10. Because the door of appointing authority was knocked time and again but with no fruitful result.
11. Because case of the appellant has not been treated in accordance with law which is in utter violation of Article 4 of the Constitution.
12. Because at any rate, act and action of the Respondent is illegal, having no legal effect in the eye of law, untenable and the appellant is entitled for the relief sought.

PRAYER:

It therefore most humbly prayed that on acceptance of this departmental service Review the appointing authority may graciously be directed to place the name of the appellant at the exact number of the seniority list and he may be promoted to the rank of junior clerk alongwith grant of any other remedy deemed fit by this Hon'ble Bench.

Appellant

Irshad Ahmad Khan

Dated: - 10-2017

NOTE:

Cell. 0345-9207170
Review in hand is 1st one on the subject issue before the competent authority.

Judgment.

**BEFORE PESHAWAR HIGH COURT, PESHAWAR /
APPELLATE AUTHORITY.**

Judicial Department.

Review Petition No. 38/2017 in DA No. 16/2017.



Irshad Ahmad.....Petitioner.

Vs

District & Sessions Judge, Peshawar & others.....Respondents.

Date of hearing.....19th January, 2018.....

Petitioner(s) *Irshad Ahmad in person.*

Respondent(s) by: *Qajid Ahmad - Assistant on behalf of Senior
Clerk Judge Peshawar.*

WAOAR AHMAD SETH, J: - Through the instant

review petition, petitioner wants review of order dated 7.10.2017, whereby his departmental appeal No. 16/2017 was dismissed against the order of District & Sessions Judge, Peshawar, by which his application qua counting his service from the date of initial appointed was dismissed.

2. In essence, the case of petitioner is that he was appointed as Water Carrier BPS-01 in the District Judiciary

Peshawar vide order dated 31.7.2010, which was withdrawn on 5.8.2010 on the ground of being overage, however, was re-instituted by this forum through departmental appeal No. 18/2010

ATTESTED

EXAMINER
Peshawar High Court

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and is always a creation of the relevant statute on the subject.

Powers of review is available or can be exercised only when statute expressly bestow any power of review. Such jurisdiction cannot be exercised when it is specifically provided and Court cannot grant relief by invoking inherent powers on the assumption that review is the continuation of proceedings. The apex Court in the case of Muzaffar Ali's reported in PLD 1981 SC-94 has held, which reads as under:-

"Right of review is a substantive right and is always a creation of the relevant Statute on the subject. The assumption that a review in appeal is a continuation of the appeal is not correct, with the result that the further corollary drawn there form in favour of existence of a right of review on that score will also consequently fall. Again the theory of continuation of trial or proceedings is not conclusive of the existence of a right to make a previous judgment open for scrutiny whether by a higher court in the form of appeal or the same court in the form a review. For example, it will be appreciated that an appeal is regarded as a continuation of trial, but it is well settled that a jurisdiction or right of appeal does not exist merely on this theory but is to be created or granted by a Statute. If so granted and if so invoked or exercised, the proceedings in an appeal are considered a continuation of the trial, but the basic fact remains that this jurisdiction is to be bestowed by a Statute and Statue alone. If this is not done then the aforesaid theory by itself will not create any right or jurisdiction of appeal. Assuming, without conceding, that a review is also a continuation of the previous proceedings even then before the proceedings are allowed to further continue in the form of review, a jurisdiction to do so in this case also must

ATTEST
 [Signature]
 [Stamp]

be similarly conferred by a State just, as it is to be done in the case of grant a right of appeal. If there is no statutory conferment of jurisdiction of review, like jurisdiction of appeals, the theory of continuation of proceedings will be of no avail."

5. In view of the above facts on record when such powers hasn't conferred by the statute dealing with the matter, the same cannot be exercised, hence this review petition on the face of record is not maintainable, dismissed as such.

Announced.
19th January, 2017.



sd/- Nazim Ahmad Sethi J

Senior Puisne Judge /
Appellate-Authority.

No. 10014
 Date of Presentation of Application 10/2/18
 No of Pages 08
 Copying Fee Rs 32/-
 Urgent Fee _____
 Total _____
 Date of Payment 10/2/18
 Date of Delivery of Copy 10/2/18
 Received By Nazim Ahmad

CERTIFIED TRUE COPY
 Registrar
 Authorized Officer, Registry of
 The Chawre-Shah Wali Court 2014
 10 FEB 2018

be similarly conferred by a State just, as it is to be done in the case of grant a right of appeal. If there is no statutory conferment of jurisdiction of review, like jurisdiction of appeals, the theory of continuation of proceedings will be of no avail."

50 روپے	 	29915
ایڈوکیٹ: <u>محمد یوسف اور مرزئی</u>	پشاور بار ایسوسی ایشن، خیبر پختونخوا	
بار کونسل ایسوسی ایشن نمبر: <u>BC-12-3547</u>		
رابطہ نمبر: <u>0301-880 86 85</u>		

بعدالت جناب: صبر من سرور کزنٹریٹل خیبر پختونخوا پشاور

دعویٰ:	Appellat
غلط نمبر:	ارشاد احمد خان
مورخص:	بنام
جرم:	<u>Destina & Sons</u>
تھانہ:	

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے محمد یوسف اور مرزئی عندم علیہم نفس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 7-3-2018

العبد _____ واہ شد _____ العبد

مقام: پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی نا قابل قبول ہوگی۔

ارج داہم رضا - وائس کیمبر - ڈسٹرکٹ جج پشاور - پشاور

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 398 /2018

Irshad Ahmad Khan.....Appellant

Versus

The District & Sessions Judge etc.....Respondents

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1.	Reply along with Affidavit			1-4
2.	Wakalat Nama			

Respondent No.2
(Registrar PHC)

Through

Khaled Rahman
Advocate,
Supreme Court of
Pakistan

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 22/07/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 398 /2018

Irshad Ahmad Khan.....Appellant

Versus

The District & Sessions Judge etc.....Respondents

REPLY ON BEHALF OF RESPONDENT NO.2 (REGISTRAR PHC).

Respectfully Sheweth,

Preliminary objections.

- I. That the appellant has got no cause of action to file the instant appeal. Appellant was re-instated into service by the Court Order on 11.01.2014 and since then he did not challenge the consecutive Seniority Lists which were issued from time to time by the Respondents. Therefore, the same have attained finality and become past and close transaction.
- II. That the instant appeal is not maintainable on ground that promotion orders of the private Respondents dated 30.01.2013 have not been called in question before any proper forum and he remained silent which itself is an admission on the part of appellant, hence, the same were not addressed after considerable delay because *the law helps vigilantes not indolent*".
- III. That the appellant has concealed material facts from the Hon'ble Tribunal and has not approached the Hon'ble Tribunal with clean hands, therefore, the instant appeal merits outright dismissal. It is noteworthy that appellant was dismissed from service on 05.08.2010 while he was reinstated into service on 11.01.2014 on the strength of the Court order hence plea of the appellant is misconceived regarding his promotion against the post of Junior Clerk because he was reinstated into service (without consequential back benefits) and it was ordered that the intervening period should be

treated as leave without pay, which order has not been challenged further before any competent court of law and has attained finality.

- IV. That the appellant is estopped by his own conduct to file the instant appeal.
- V. That the instant appeal is not maintainable on the ground that as per Rule-3 of the Appeal Rules, 1986 every aggrieved civil servant should separately agitate his grievance before the competent authority by way of submitting departmental appeal while appellant has agitated many grievances i.e. countation of service, antedated promotion as well as seniority lists jointly which is not permissible under the law and rules.
- VI. That the appeal is bad for mis-joinder and non-joinder of the parties because the resultant affectees in case of the acceptance of the instant appeal, have not been arrayed as respondents.
- VII. That the instant appeal is time barred. Moreover, impugned order was passed on 19.01.2018 while service appeal filed on 07.03.2018. The appellant was re-instated into service way back in the year of 2014 while he for first time challenged his counting of service, seniority and promotion orders through the instant appeal in 2018. Therefore, the departmental appeal of the appellant is badly time bared. It is settled principle of law that when departmental appeal is time barred then service appeal in not maintainable.

Reply to Facts:

- a-g Paras a-g of the appeal need no reply.
- h. Para-h of the appeal is not admitted. However, it is averred that the promotion orders of the private Respondents were not called in question by the appellant in any stage before the competent forum. It is noteworthy that appellant has prayed for counting of his service as well as antedated promotion when the private respondents were promoted i.e. 03.01.2013 to the next higher grade while appellant has completely failed to challenge the same before any competent forum within prescribed time and as per law *“every civil servant aggrieved by any final order, whether original or*

appellate made by departmental authority in respect of any of the terms and conditions of the service may, within 30 days shall filed an appeal."

Moreover, the appellant neither challenged his date of entry in his Service Book nor promotion orders even seniority lists were not agitated before any competent forum within due course of time, which attained finality and became past and closed transactions. Furthermore, the departmental appeal as well the instant appeal are time barred, reliance is placed on **2004 SMCR 1426**, **2007 SMCR 346** and **PLJ 2009 SC 1099**. If departmental appeal is time barred then the Service Appeal is also time barred.

- i. Para-1 of the appeal, misconceived, it is submitted that appellant was re-instated into service on court's order (without consequential benefits) which order has not been further challenged by him before any competent court of law and thus has attained finality. Even otherwise, mere submission of application does not entitle a person for the said benefit rather the instant appeal is not maintainable on the ground that as per Rule-3 of the Appeal Rules, 1986 "*A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service made within thirtieth days from the date of communication of the order to him, prefer and appeal to the appellate authority.*" It is also significant to submit here that firstly, appellant has to establish his right of length of service, thereafter, he will be in a position to call in question the seniority and promotion orders of his other colleagues. Moreover, as per the cited rules, appellant had to separately challenge the same.
- j. Comprehensive reply has already been submitted in above paras.
- k. It submitted that the instant appeal is time barred. As per law the appellant was to challenge the same after taking over charge when he was re-instated into service because he was re-instated without back benefits. Hence, after thorough discussion, the appeal of the appellant has been dismissed being devoid of merits and law.

l & m. The detailed reply has already been submitted in preceding paras. However, keeping in view all the relevant facts, law, and rules the departmental appeal of the appellant has been dismissed.

n & o. It is asserted that the review petition against the impugned order dated 07.10.2017 was filed on 08.12.2017 which also was time barred and rightly dismissed.

Grounds:

1. Incorrect. Detailed reply has already been submitted.
2. Incorrect hence denied. In fact appellant was reinstated into service on court's order without back benefits and he did not challenge the same in due time before any competent court of law rather the instant appeal is defective in its present shape because appellant has more than one prayers which is not permissible under the rules.
- 3&4. Need no reply.
- 5-13. Incorrect hence denied. The comprehensive reply has already been submitted. Furthermore, appellant has been treated in accordance with law and rules.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through

Respondent No.2
(Registrar, PHC)

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 22/07/2019

Verification

Verified as per instructions of my client, that the contents of this Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

S.A No. 398/18

Irshad Ahmad Petitioner

Versus

Judiciary Respondent

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:

1. *That the titled case is pending adjudication before this Honourable Court and is fixed for **28.01.2021**.*
2. *That the counsel for the appellant busy before Peshwar High court in case No. W.P No. 4519/2020 titled "Fayaz Alam Vs Govt of KPK & others) thus he would not be able to assist this Honourable Court on the date fixed.*

It is, therefore, respectfully prayed that on acceptance of this application, the case may kindly be adjourned, to any other date convenient to this Honourable Court.

Dated:- 28.01.2021

Through:-

Appellant



Rameez Muhammad
Advocate, High Court,
Peshawar.

MOTION CASES (VL)

These cases will be heard via video link before break.

1. W.P 5147-P/2019)

Muhammad Arif

V/s

Chairman NADRA

Khaista Muhammad (Mardan),
Barrister Babar Shahzad Imran

W.P 5148/2019

Usman

V/s

Chairman NADRA

Deputy Attorney General, Faiz
Ahmad, Shahid Imran Gigyani,
Muhammad Mubarak Jan
Khaista Muhammad (Mardan)

Deputy Attorney General, Shah
Imran Gigyani, Muhammad
Mubarak Jan

NOTICE CASES (VL)

1. W.P 1743-P/2018)

Maazullah Khan

V/s

Vice President PTCL Islamabad
and Others

Atta ur Rehman Mandukhel
(Mardan)

Sikandar Rashid, Maneri

2. W.P 4336-P/2020

With IR(N)(stay

granted on 22-12-

2020),(

W.P 4519/2020)

Syed Ashtaq Anwar

V/s

Secretary Housing Peshawar

S.M Ilyas (Mardan)

Hamid ur Rehman, Writ Petitor

Branch AG Office

Rameez Muhammad

Hamid ur Rehman, Writ Petitor

Branch AG Office


Fayyaz Alam

(V/s)

Govt of KPK

قیمت 50 روپے	61207			
ایڈوکیٹ: <u>ادمینز محمد ادرار کبیر</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: <u>BC-14-4768</u>				
رابطہ نمبر: <u>0310-9544450</u>				

بعدالت جناب: جسٹس مخدوم مسرروس رطبول پشاور


مخائب: <u>ایمپلائز</u>	دعویٰ: <u>SERVICE APPEAL</u>
 ارشاد احمد خان بنام جوہر منشی	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
باعث تحریر آنکہ	

ارشاد احمد خان و صاحب زبیر گل مکہ ایمر بارک پشاور

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام پشاور کیلئے ادمینز محمد ادرار کبیر کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لے کر اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 23/9/2020



مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامے کی فونو کاپی نام قابل قبول ہوگی۔

ادمینز محمد ادرار کبیر بجائے کو در پشاور

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Irshad Ahmad Khan ... Vs... District & Sessions Judge, Peshawar & others

S/c

REPLY ON BEHALF OF WAJID MATEEN, JUNIOR
CLERK, DISTRICT & SESSIONS COURT, PESHAWAR
(RESPONDENT NO. 13).

Respectfully Sheweth:-

- a. That the answering respondent has been arrayed as respondent No. 13 in the Service Appeal filed U/S-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974. Para-wise reply of the answering respondent is as under:
- b. Para No. "a" to "g" of the "Brief Facts" needs no reply.
- c. In response to para No. "h" of the Appeal, it is humbly submitted that the answering respondent was initially appointed as Process Server in the establishment of Senior Civil Judge, Peshawar vide order dated 01.10.2003 and was subsequently appointed as Junior Clerk vide order dated 01.02.2013 of Hon'ble the District and Sessions Judge, Peshawar, however, inadvertently the date 01.10.2003 has been inadvertently recorded in the seniority list (annexure-I) as 01.10.2013; furthermore, the name of answering respondent does not even exist in office order (annexure-I). The appellant has also struck axe to the roots of his stance by misguiding this august Tribunal because how can an official be promoted

on 30.01.2013 (annexure-I) when he is appointed on 01.10.2013 (annexure-J). Rather the real facts are that the answering respondent was initially appointed as Process Server on 01st October 2003 and was appointed as Junior Clerk vide order dated 01st February 2013. Needless to mention here that the appointment dated 01st February 2013 was on the basis of "appointment through proper channel" and the answering respondent had gone through all the screening tests and interviews etc. *Copy of Office Order dated 01st October 2003 is Mark-A and copy of Office Order dated 01st February 2013 is Mark-B.*

- d. Para No. "i" to "o" needs no reply.
- e. Para No. "1" to "5" of the "Grounds" needs no reply.
- f. In response to Para No. "6" of the "Grounds", it is submitted that the appellant has no concern with the appointment and/or promotion of the answering respondent. The answering respondent has duly been appointed, initially as Process Server in the year 2003 and then as Junior Clerk in the year 2013. The impugned Office Order dated 30th January 2013 does not even bear name of the answering respondent and hence not applicable upon the answering respondent. Rather the fact of the matter is that answering respondent has been appointed as Junior Clerk on the basis of merit, after getting through all the screening procedure and the subject

appointment is "initial appointment" by nature and not "promotion".

g. Para No. "7" to "13" needs no reply.

Prayer:

In light of the above, it is humbly submitted that arraying the answering respondent in the Appeal-in-hand is not in accordance with law and facts and hence, appeal of the appellant to the extent of answering respondent is liable to be dismissed.

Respondent No. 13


Wajid Mateen
Junior Clerk

Dated 24/11 2018.

Mark - A

OFFICE OF THE SENIOR CIVIL JUDGE, PESHAWAR.

Dated Peshawar, the 1st October, 2013.

OFFICE ORDER.

In pursuance of the Peshawar High Court Peshawar, notification bearing Endst. No. Dated Peshawar 15-4-1869, dated, 25-3-2013, read with Peshawar High Court, Peshawar letter no. 413/43/Adm. dated Peshawar 15-4-2013, on the recommendation of the Departmental Selection Committee, the following candidates are appointed as Process Server BPS-1, against the newly created posts with immediate effect in the interest of public service, with the following terms and conditions;



<u>S.No.</u>	<u>Name</u>	<u>Father's Name</u>
1.	Walib-e-Abbas	Sher Hassan
2.	Wajid Mateen	Abdul Mateen
3.	Umer Javed	Javed Ashraf Beg

1. The appointment shall be purely on temporary basis.
2. The service will be liable to termination at any time without notice and showing any reason.
3. They shall have to complete period of probation to the satisfaction of their superior.
4. They shall produce original medical fitness certificate before taking the charge.
5. They shall produce original identity card for determination of their age.

In case the above terms and conditions are acceptable to them, they should report to the undersigned for assuming their duties within seven days from today, failing which the offer shall stand withdrawn.

No. 979-920/SCJ, Dated Peshawar the 1st October 2013.
Copy forwarded to the:

1. The District & Sessions Judge, Peshawar.
2. The Accountant General, H&M, Peshawar for information and necessary action please.


Senior Civil Judge,
Peshawar.

Senior Civil Judge,
Peshawar.

Mark-B

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, PESHAWAR

Dated 1st February, 2013

OFFICE ORDER

In pursuance of the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates for the post of Clerk (BPS-07), with effect from the date of assumption of charge of the post, subject to medical fitness and antecedents verification:

Sr#	Name	Father's Name
1.	Mr. Sabir Shah	Mr. Nawab Gul
2.	Mr. Niaz Muhammad	Mr. Noor Muhammad
3.	Mr. Ibrahim	Mr. Momtaz Hossain
4.	Mr. Abbar Khan Afridi	Mr. Muhammad Ayaz Afridi
5.	Mr. Sajjad Amir	Mr. Amir Muhammad
6.	Mr. Saddam Hussain	Mr. Abdullah Jan
7.	Mr. Wajid Mateen	Mr. Abdul Mateen
8.	Mr. Muid Sher	Mr. Noor Sher
9.	Mr. Rafi Ullah	Mr. Muhammad Ullah
10.	Mr. Farhan Ahmad	Mr. Rahim Bakhsh
11.	Mr. Dost Muhammad	Mr. Shamshad Khan

Their appointment to the service shall be subject to the following terms and conditions

1. They will be governed by the NWFP Civil Servants Act, 1973 read with Peshawar High Court (Subordinate Courts Staff Recruitment Rules) 2003 along with any other Rules/Law applicable.
2. They will be allowed the minimum pay of BPS-07 plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS-07 will be allowed to draw pay which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS-07.
3. They will be governed by such rules and instructions relating to Leave, T.A and Medical Attendance as may be prescribed from time to time.
4. They will be on probation initially for a period of two years extendable upto three years.
5. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
6. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days notice or in lieu thereof fourteen days pay will be paid by the Government. In case of resignation, they will give one month notice to the Government Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.

They will be governed by the KPK Government Servants (Efficiency & Discipline) Rules, 2011 and the NWFP Government Servants Conduct Rules, 1987 and any other instructions which may issue by the Competent Authority from time to time.

If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order.

They shall join duty at their own expenses.

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(SHAIBER KHAN)
District & Sessions Judge,
Peshawar

Endorsement No. ST (J) V 972-81 Dated Peshawar the 02/02/2013

Copy of the above is for circulation to

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Member Inspection Team, Peshawar High Court, Peshawar.
4. Mr. Badruddin, Additional Sessions Judge-II, Peshawar.
5. The Senior Civil Judge, Peshawar.
6. Syed Fazal Wadood, Civil Judge-I, Peshawar.

for information

7. The Accountant, Sessions Court, Peshawar.
8. The ACC, Sessions Court, Peshawar.
9. The COC, office of the Senior Civil Judge, Peshawar.
10. All the officials concerned by name.

*for information
and compliance*

h
District & Sessions Judge,
Peshawar.