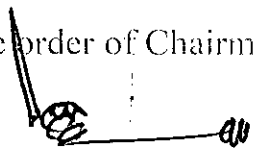


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_

819/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 11/04/2023                | <p>The appeal of Mr. Akbar Zaman presented today by Mr. Abdul Samad Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>12-4-23</u>. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p> |

①

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Appeal No. 819 /2023

Akbar Zaman, Sweeper (BPS-3) S/O Ghulam Jan District Court  
Lakki Marwat.

(Appellant)

VERSUS

1. Registrar,

Peshawar High Court Peshawar.

2. District & Sessions Judge, Lakki Marwat,

3. Senior Civil Judge (Admn), Lakki Marwat.

4. Departmental Promotion Committee,

Through its Chairman, District Court Lakki Marwat.

(Respondents)

**APPEAL UNDER SECTION 4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE ACTION**  
**AND INACTION OF RESPONDENTS, VIDE**  
**WHICH THE RESPONDENTS HAVE FAILED**  
**TO GIVE PROMOTION TO THE APPELLANT**  
**BY DEFERRING PROMOTION OF CLASS-IV**  
**EMPLOYEES TO THE POST OF JUNIOR**  
**CLERKS, AGAINST WHICH THE**  
**DEPARTMENTAL APPEAL DATED 19.12.2022**  
**WAS INSTITUTED BEFORE RESPONDENT**  
**NO. 01, AND TILL DATE NO RESPONSE HAS**  
**BEEN GIVEN.**

**Prayer in Appeal: -**

On acceptance of this appeal the Respondents may kindly be directed to promote the appellant along with all other consequential relief including arrears and seniority, etc.

Respectfully Submitted:

Compendium of the facts from which the present appeal arises are as under:-

1. That the appellant was appointed as Sweeper (BPS-3) in District Court Lakki Marwat in the year 2017. It is pertinent to mention here that the appellant has B.A Qualification. (Copies of Appointment Order and Educational Records are Annexure A & B)
2. That as per seniority list the appellant is on the 2<sup>nd</sup> number of the seniority list of Class-IV employees. (Copy of Seniority List is Attached as Annexure C).
3. That meeting of Departmental Promotion Committee was held on 26.11.2022 to consider promotion of Senior Clerks (BPS-14) on two vacant posts of Assistants (BPS-16), promotion of Junior Clerks (BPS-11) on two vacant posts of Senior Clerks (BPS-14), and promotion of Daftari & Record Lifter (BPS-5) or Class-IV (Naib Qasid, Mali, Chowkidar, Sweeper etc) (BPS-3) against the two vacant posts of Junior Clerk (BPS-11).
4. That the Departmental Promotion Committee has promoted the two Senior Clerks against the two vacant posts of Assistants, two Junior Clerks against two vacant posts of Senior Clerks but while considering the promotion against the three vacant posts of Junior Clerks, the Departmental Promotion Committee didn't even consider the appellant for the said post, while the other candidates/ employees were rejected due to their in-eligibility and guidance of Honorable Peshawar High Court were sought by the DPC for promotion against the posts of Junior Clerks amongst the Daftari & Class-IV. (Copy of Minutes of DPC is Annexure D)

3

- 2
5. That the appellant has perform his duty from his initial appointment with full devotion, zeal and zest and no complaint whatsoever regarding his performance yet by the respondents, which clearly proves that the appellant is hard working and devoted person and the appellant is well qualified for the post to be promoted but the respondents did not consider the appellant despite the fact that the appellant is in the top of the final seniority list which speaks of the Respondents' mala-fide intention, illegal, Unlawfull, without jurisdiction without law full authority, viod ab initio and ineffective upon the legal and valid rights of the appellant.
  6. That the appellant throughout agitated the matter in department by filing application and departmental appeal, but the department remained reluctant and did not bothered to respond till the instant appeal. (Copy of Departmental Appeal is attached as annexure "E").
  7. That feeling aggrieved form the illegal, mala-fide act of the respondents the appellant has no other option but to knock the door of this honorable Tribunal in the shape of the instant service appeal for the redressal of his grievances inter alia on the following grounds: -

**Grounds of Appeal:**

- A. That the appellant has not been treated in accordance with law.
- B. That the impugned minutes of meeting dated: 26.11.2022 is illegal, void abinitio, with malafide intentions, without lawful authority, jurisdiction, and ineffective upon the rights of the appellant, hence liable to be setaside.

- C. That the respondents have violated the rights guaranteed and secured to the appellant under the law by not promoting the appellant to the post of Junior Clerk despite having full qualification and eligible and fulfill all the criteria for the promotion.
- D. That no plausible reasons have been given while deferring the promotion for the post of Junior Clerks amongst the Class-IV, which the respondents are bound under the law to give reasons, hence the act of the Respondents is unwarranted under the law.
- E. That the appellant having high qualification and eligible for being well aware with the computer and typing knowledge, as compared to other candidates even compared to the candidates from the category of Daftari & Record lifter but despite of these important aspects, the appellant was ignored from promotion which is highly discriminatory and nullity-in the eye of law.
- F. That the inaction of the Respondents to give promotion to the appellant offend the provision of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 to enjoy the protection of law and to be treated in accordance with law which is the inalienable rights of every citizen, wherever he may be, every other person for the time being within Pakistan.
- G. That the appellant has performed his duty with great zeal and devotion, hard work and till date no complaint of the appellant has registered to the respondents, in this regard guidance may be taken from the ACR's of the appellant.

5

- H. That due to the inaction of Respondents, the appellant has been deprived from his promotion which is his inalienable right, attached to his service, as he completed 5 Years of continuous service in department more than required service for the promotion to the post of Junior Clerk. Hence the act of the Respondents i.e. not promoting the appellant is totally against the principle of Natural Justice.
- I. That the act of the Respondents while determining the promotion cases without adopting proper criteria and codal requirements is against the worthy ruling of the Honorable Superior Courts of Pakistan and therefore, the same is illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.
- J. That the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of Islamic Republic of Pakistan, 1973.
- K. That the appellant was condemned unheard, his departmental appeal was not adjudicated in the manner as provided by the law. Furthermore no chance of personal hearing was given to the present appellant in order to redress his grievances, which shows the mala-fide of the Respondents, hence needs interference of this Honorable Tribunal.
- L. That the Respondents erroneously exercised their powers against judicial principles, hence, the promotion order issued by Respondents in gross violation of law is liable to be setaside.

6

M. That the other grounds will be raised, if any, at the time of arguments, with the permission of this Honble tribunal.

It is, therefore, prayed that on acceptance of this appeal, this Honorable Tribunal may graciously be please to;

- a) Direct the respondents to give promotion to the appellant according to the seniority list.
- b) Direct the Respondents to give promotion to the appellant to the post of Junior Clerk, from 26.11.2022, along with other consequential relief including arrears, seniority, etc.
- c) Direct the Respondents to include the name of appellant in the seniority list of Junior Clerks after giving seniority to the appellant.

Any other better relief may also kindly be granted in the circumstances of the appellant's case.

Appellant

Through

ABDUL SAMAD DURRANI

SHAHZAD SHAHID BALOCH  
&  
AMJAD KHAN MARWAT

Advocates Peshawar

(7)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2023

Akbar Zaman, Sweeper (BPS-3) S/O Ghulam Jan District Court  
Lakki Marwat.

**(Appellant)**

**VERSUS**

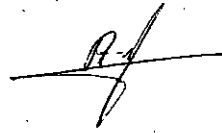
Registrar, Peshawar High Court & Others.

**(Respondents)**

**AFFIDAVIT**

*I, Akbar Zaman, Sweeper (BPS-3) S/O Ghulam Jan District Court Lakki Marwat, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.*

**Deponent**





Annexure 'A'

⑧

**OFFICE OF THE DISTRICT & SESSIONS JUDGE, LAKKI MARWAT.**

**APPOINTMENT ORDER:**

Consequent upon the recommendation of the Departmental Selection Committee in its Meeting held on 29/07/2017, the following successful candidates are hereby appointed as sweepers (BPS-03) against the newly created posts of sweepers (BPS-03) in the establishment of the District & Sessions Judge, Lakki Marwat with effect from the date of assumption of charge of the posts in the public interest as per terms and conditions, given below:

| S.# | Name and Address  | Appointed as  |
|-----|---|---|
| 1   | Mr. Akbar Zaman S/o Ghulam Jan<br>r/o Mohallah Khoidad Khel, Lakki<br>Marwat.<br>CNIC No.11201-11201.     | Sweeper (BPS-03) against the newly created<br>post in the establishment of the District &<br>Sessions Judge, Lakki Marwat vide Peshawar<br>High Court, Peshawar letter No. 2108-<br>60/B&A/Dated Peshawar the 19-03-2013. |
| 2   | Asad Raza S/o Ashiq Hussain r/o<br>Mohallah Bamozai Mina Khel Lakki<br>Marwat.<br>CNIC No.11201-3029176-5 | -Do-  |

**Terms & Conditions:**

1. The services shall purely on temporary basis and liable to confirmation at the expiry of the prescribed probationary period.
2. The appointments shall be governed by such rules as the Government may issues from time to time and all the service rules, for the time being in force, shall be applicable.
3. The appointments shall be subject to medical fitness certificate to be issued by the Medical Superintendent, (DHQ) Hospital Lakki Marwat.
4. The appointments shall also be subject to verification of his credentials/degrees from the concerned institution/university.
5. The appointments are subject to arrival within 07 days of this order.
6. The appointments are subject to grant of minimum pay of BPS-03 plus other allowances.
7. No TA/DA will be admissible.

Sd-

(Mrs. Zarqaish Sani)  
District & Sessions Judge/  
Chairperson, Selection Committee,  
Lakki Marwat.

Endts: No. 2691-95 D&SJ/B&A Dated Lakki, the 31 /07/2017

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. Muhammad Faheem Khan, Computer Programmer, (Nominee of the Peshawar High Court, Peshawar).
3. Syed Hamid Qasim, Senior Civil Judge, Lakki Marwat (Nominee of the District & Sessions Judge, Lakki Marwat).
4. The District Accounts Officer, Lakki Marwat.
5. The officials concerned by names.

Bani  
District & Sessions Judge,

Annexure "B" (9)

# DOMICILE CERTIFICATE

I Akbar Zaman Son / Daughter of Ghulam Jan hereby declare that I was born of parents who are permanently domiciled in North West Frontier Province having been born / settled in this Province. I was born at Village / Mohallah Khandad Chul Tehsil Khanua District Lakki Marwat.

*اکبر زمان*  
Signature of Applicant  
Date 12-9-95

In pursuance to the above declaration dated 12-9-95 filed / filled by Mr / Miss Akbar Zaman son / Daughter of Ghulam Jan domiciled in North West Frontier Province, it is hereby certified that the said Akbar Zaman is domiciled in the North West Frontier Province having been born / settled within it.

I have satisfied myself after verification by the Revenue Staff, that the above declaration is true and the same is certified accordingly, this 12 day of September 1995.

*J. Cheema*  
MAGISTRATE 1ST CLASS  
(Shahzad Ahmad Cheema)  
Seal  
SDM / Lakki Marwat

No. 2941 / 16 dt 12/9  
COUNTERSIGNED *ES*

DISTT. MAGISTRATE  
LAKKI MARWAT



*AS*  
*AS*  
Father's NIC no 22-093793  
Assistant Professor  
Govt. Post Graduate College



حاجی کی لکھنوی کی صحتی / کہ جسے لکھنوی اور عظیم صحتی سے خود بخود و خود  
ذاتی طور پر صحتی سے / کہ خود بخود خود بخود صحتی سے خود بخود و خود

صحتی سے خود بخود و خود

صحتی سے خود بخود و خود / صحتی سے خود بخود و خود / صحتی سے خود بخود و خود

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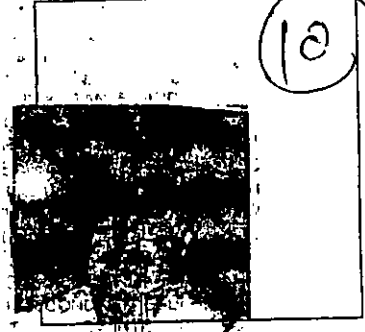
صحتی سے خود بخود و خود

Attested as verified

Attested as verified

BN No 004226

Roll No. 58581



10

# BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Bannu N.W.F.P. Pakistan

## Secondary School Certificate Examination

SESSION 1995 (ANNUAL)

THIS IS TO CERTIFY THAT Akbar Zaman  
 Son/Daughter of Ghulam Jan  
 and a student of Govt: High School NO.2, Takki  
 has passed the Secondary School Certificate Examination of the  
 Board of Intermediate & Secondary Education, Bannu.  
 as a Regular/Private candidate He/She obtained 386 Marks out of 850  
 and has been placed in Grade D Representing Pair

The Candidate passed in the following subjects.

- |            |                     |                 |                 |
|------------|---------------------|-----------------|-----------------|
| 1. English | 3. Islamiyat        | 5. Gen: Math    | 7. Gen: Science |
| 2. Urdu    | 4. Pakistan Studies | 6. Isl: Studies | 8. Arabic       |

He/She has been awarded Grade D on the basis of

Internal assessment by the Institution concerned.

Date of birth according to admission form is Eighth May,

one thousand nine hundred and Seventy eight. (08.5.78)

Asst. Secretary [Signature] Secretary [Signature]

This certificate is issued without alteration or erasure.

Nº 066618



(11)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION  
BANNU

DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
(GENERAL GROUP)

Session 19 95 (Annual/Supplementary)

Name Akbar Zaman

Father's Name Ghulam Jau

Roll No. 58581

| SUBJECT                 | Total No. of Marks Allotted | *F | MARKS OBTAINED |                           |
|-------------------------|-----------------------------|----|----------------|---------------------------|
|                         |                             |    | In Figures     | In Words                  |
| 1. English              | 150                         |    | 70             |                           |
| 2. Urdu                 | 150                         |    | 90             |                           |
| 3. Islamiyat Compulsory | 75                          |    | 52             |                           |
| 4. Pakistan Studies     | 75                          |    | 32             |                           |
| 5. General Mathematics  | 100                         |    | 33             |                           |
| 6. General Science      | 100                         |    | 39             |                           |
| 7. <u>IS</u>            | 100                         |    | 34             |                           |
| 8. <u>As</u>            | 100                         |    | 36             |                           |
| Total                   | 850                         |    | 386-D          | Three Hundred: Eighty Six |

This Certificate is issued errors/ omissions accepted.

\*F : Failed in the paper(s)

Prepared By [Signature]

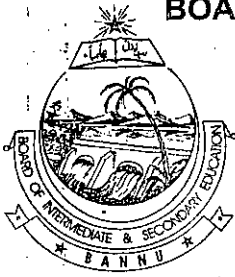
Checked By [Signature]

Date 19

[Signature]  
Controller of Examinations

Board of Intermediate & Secondary Education  
BANNU.

[Signature]  
Assistant Professor  
Govt. Post Graduate College  
Lahore, Pakistan



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU  
KHYBER PAKHTUNKHWA, PAKISTAN**

19

**Higher Secondary School Certificate Examination**

**S. No. 083181**

**Detailed Marks Certificate**

Session: (Annual Part-II) 2012



**Revised**

Roll No: **43479**

Group: **Humanities**

Registration No: 19704-Pvt-1-10

**Akbar Zaman** Son/Daughter of **Ghulam Jan**

appeared as **Private candidate of Lakki Marwat**

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination, held in the month of April The Examination was taken in parts.

| SUBJECTS                | MAXIMUM MARKS |           |         |           | MARKS OBTAINED |           |         |           | Total | In Words          |
|-------------------------|---------------|-----------|---------|-----------|----------------|-----------|---------|-----------|-------|-------------------|
|                         | Part-I        |           | Part-II |           | Part-I         |           | Part-II |           |       |                   |
|                         | Theory        | Practical | Theory  | Practical | Theory         | Practical | Theory  | Practical |       |                   |
| 1. English              | 100           |           | 100     |           | 33             | --        | 33      | --        | 66    | Sixty-Six         |
| 2. Urdu                 | 100           |           | 100     |           | 59             | --        | 45      | --        | 104   | One Hundred Four  |
| 3. Islamiyat Compulsory | 50            |           |         |           | 30             | --        | --      | --        | 30    | Thirty Only       |
| 4. Pakistan Studies     |               |           | 50      |           | --             | --        | 17      | --        | 17    | Seventeen         |
| 5. Islamiyat Elective   | 100           |           | 100     |           | 55             | --        | 48      | --        | 103   | One Hundred Three |
| 6. Islamic History      | 100           |           | 100     |           | 39             | --        | 41      | --        | 80    | Eighty Only       |
| 7. Arabic               | 100           |           | 100     |           | 53             | --        | 39      | --        | 92    | Ninety-Two        |

Total Marks: 1100 Marks Obtained: **492** Four Hundred Ninety-Two Only

Remarks

Date of declaration of Result: 21-07-2012

Prepared by:

Checked by:

Date of issue: 12-05-2014

**Assistant Professor**  
Govt. Post Graduate College  
Lakki Marwat

**Controller of Examinations**  
12/5/2014

Note: Error / Omission is accepted

COMPUTER CELL BISE, BANNU

13

ذات البیت

S. No. 031933

Roll No. 43479



19704

REVISED

Board of Intermediate and Secondary Education

Bannu

Khyber Pakhtunkhwa, Pakistan.

HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION 2012 (ANNUAL)

HUMANITIES GROUP

Assistant Professor  
Bannu Board Graduate College  
Bannu

Akbar Zaman

Son of

Ghulam Jan

appeared as Private candidate of Lakki Marwat

has passed the INTERMEDIATE EXAMINATION held in April, 2012. The Examination was taken in parts.

He obtained 492 marks out of 1100 and has been placed in Grade D Representing: Fair

Registration No: 19704-Pvt-1-10 Date of declaration of Result: 21-07-2012 Prepared on: 12-05-2014

Asst. Secretary

Secretary

This certificate is issued without alteration or erasure.



# UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU

Khyber Pakhtunkhwa PAKISTAN

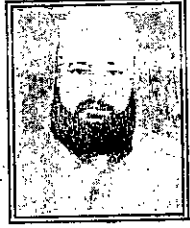
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14

## DETAILED MARKS CERTIFICATE

Bachelor of Arts

Session: 2016-2018



Part-II Annual Examination Held in June, 2018

Name: Akbar Zaman Roll No: 91214

Father's Name: Gulam Jan Reg No: 2016-UB-LP-100847

Institute Name: Private Candidate

The candidate has secured the following marks and is placed in **First** Division.

| No.   | Subjects                   | Max Marks | MARKS OBTAINED |           |       |                         | Remarks |
|-------|----------------------------|-----------|----------------|-----------|-------|-------------------------|---------|
|       |                            |           | Theory         | Practical | Total | In Words                |         |
| 1     | Part-I                     | 285       |                | ---       | 166   | ONE HUNDRED SIXTY-SIX   |         |
| 2     | English (Comp)             | 75        | 49             | ---       | 49    | FORTY-NINE              |         |
| 3     | Urdu                       | 75        | 40             | ---       | 40    | FORTY                   |         |
| 4     | Islamic Studies (Elective) | 75        | 56             | ---       | 56    | FIFTY-SIX               |         |
| 5     | Pakistan Studies (Comp)    | 40        | 30             | ---       | 30    | THIRTY                  |         |
| Total |                            | 550       |                |           | 341   | THREE HUNDRED FORTY-ONE |         |

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36  
The Examination was taken as a Whole

Prepared by:

Checked by:

Controller of Examinations  
University of Science & Technology, Bannu

|                         |            |
|-------------------------|------------|
| Result Declaration Date | 16-10-2018 |
| Issue Date              | 16-10-2018 |



Assistant Professor  
University of Science & Technology, Bannu

Roll No: 91214

Akbar Zaman S/O Gulam Jan

c/o akbar zaman tailor kabir markit distt lakki

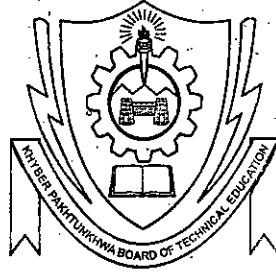
Errors & omissions excepted, if any, are subject to subsequent rectification.



Serial No. 033950

Roll No 146807

**Khyber Pakhtunkhwa Board of Technical Education**



15

**PESHAWAR (PAKISTAN)**

**DIPLOMA IN INFORMATION TECHNOLOGY**

Session 2nd Term 2018

*This is to certify that*

Mr/Miss. AKBAR ZAMAN

Son/Daughter of GHULAM JAN

Registration No. PCI/LM/DITR/IST-17/742

of PEARL COMPUTER INSTITUTE LAKKI MARWAT

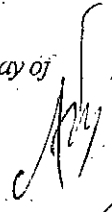

has satisfactorily completed the one-year duration Information Technology course titled "Diploma in Information Technology" and passed the Examination held by the Khyber Pakhtunkhwa Board of Technical Education, Peshawar, in the month of August 2018

He/She secured 1050 Marks out of 1400 and has been placed in Grade A

In recognition thereof, this Diploma In Information Technology is awarded to him/her at Peshawar,

on the 28th day of January 2019

  
**ASSISTANT SECRETARY**

  
  
**Assistant Professor**  
**SECRETARY**

*This Diploma is issued without any alteration or eraser*

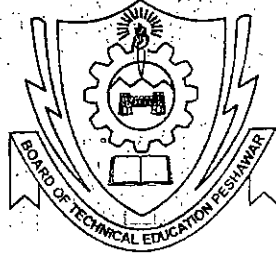
# KHYBER PAKHTUNKHWA BOARD OF TECHNICAL EDUCATION

PESHAWAR

1236097

116656

16



## DETAIL MARKS CERTIFICATE COMPUTER COURSE PART-II DIPLOMA IN INFORMATION TECHNOLOGY 2011

Name of Candidate: AKBAR ZAMAN  
 Father's Name: GHULAM JAN  
 Roll.No: 146807 Session: 2ND TERM 2018  
 Reg.No: PCILM/DITR/IS/17/7422  
 Institute/College: PEARL COMPUTER INSTITUTE LAKKI MARWAT



| Subject                       | Total Marks | Obtained Marks |    |       |                          |
|-------------------------------|-------------|----------------|----|-------|--------------------------|
|                               |             | Th             | Pr | Total | In Words                 |
| Part-I Marks                  | 700         |                |    | 507   |                          |
| 1 Introduction to DataBase    | 100 / 50    | 68             | 45 | 113   | One hundred thirteen     |
| 2 MS Access                   | 50 / 100    | 41             | 96 | 137   | One hundred thirty-seven |
| 3 E-Commerce & Web Technology | 100 / 50    | 62             | 43 | 105   | One hundred five         |
| 4 Graphic Design              | 100 / 50    | 56             | 44 | 100   | One hundred              |
| 5 Project                     | 100         | -              | 88 | 88    | Eighty-eight             |

|      |                         |
|------|-------------------------|
| 1400 | 1050 One thousand fifty |
|------|-------------------------|

*(Signature)*  
**Assistant Professor**  
 Late Post Graduate College

Prepared by Hafeez

Checked by \_\_\_\_\_

Theory Passing Marks=40% Practical Passing Marks=50%

Error(s) & Omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

*(Signature)*  
**CONTROLLER OF EXAMS**

**Final Seniority List of all existing Class-IV staff (Chowkidar, Sweeper & Naib Qasid) for the purpose of promotion to the post of Junior Clerk (BPS-11) when non-availability/ non-suitability of Daftari/ Record Lifter (BPS-05) as stood on 30-04-2022**

| Sr. | Name of Official  | Father's Name        | Present Position Held | Academic Qualification | Date of Birth | Date of acquiring SSC | Date of 1st entry in Dist. Judiciary on regular Basis | Date of appointment in present position (BS-03) | Date of attaining Superannuation | Pertain to the Establishment of | Remarks |
|-----|-------------------|----------------------|-----------------------|------------------------|---------------|-----------------------|---|---|----------------------------------|---------------------------------|---------|
| 1   | Kalim Ullah Khan  | Hamid Ullah Jan      | Naib Qasid (BPS-3)    | MA                     | 2/Apr/1984    | 2000 (Annual)         | 9/Jun/2015  | 9/Jun/2015                                      | 1/Apr/2044                       | SCJ                             |         |
| 2   | Akbar Zaman       | Ghulam Jan           | Sweeper (BPS-3)       | BA                     | 8/May/1978    | 1995 (Annual)         | 31/Jul/2017   | 31/Jul/2017                                     | 7/May/2038                       | DSJ                             |         |
| 3   | Rafce Ullah Khan  | Abdur Raheem Khan    | Naib Qasid (BPS-3)    | BA                     | 1/Oct/1991    | 2008 (Supplementary)  | 31/Jul/2017   | 31/Jul/2017                                     | 30/Sep/2051                      | DSJ                             |         |
| 4   | Fida Ullah        | Muhammad Ishaq       | Naib Qasid (BPS-3)    | BA                     | 14/Mar/1996   | 2015 (Annual)         | 26/Feb/2018   | 26/Feb/2018                                     | 13/Mar/2056                      | SCJ                             |         |
| 5   | Ahmad Saleem Khan | Muhammad Saleem Khan | Naib Qasid (BPS-3)    | FA                     | 3/Mar/1999    | 2016 (Supplementary)  | 26/Feb/2018   | 26/Feb/2018                                     | 2/Mar/2059                       | SCJ                             |         |
| 6   | Muhammad Munir    | Abdul Ghani          | Naib Qasid (BPS-3)    | Matric                 | 10/Oct/1987   | 2004 (Supplementary)  | 28/Feb/2018   | 28/Feb/2018                                     | 9/Oct/2047                       | SCJ                             |         |
| 7   | Nasir Muhammad    | Abdul Qayyum         | Naib Qasid (BPS-3)    | BA                     | 9/Mar/1989    | 2007 (Supplementary)  | 28/Feb/2018   | 28/Feb/2018                                     | 8/Mar/2049                       | SCJ                             |         |
| 8   | Mudassar Munir    | Akhtar Munir         | Chowkidar (BPS-3)     | FA                     | 11/Mar/2000   | 2016 (Annual)         | 27/Oct/2018   | 27/Oct/2018                                     | 10/Mar/2060                      | SCJ                             |         |
| 9   | Arif Ullah        | Abdul Kalam          | Naib Qasid (BPS-3)    | M.A                    | 1/Apr/1987    | 2003 (Annual)         | 19/Oct/2020   | 19/Oct/2020                                     | 31/Mar/2047                      | DSJ                             |         |
| 10  | Babar Zaman       | Aziz Ur Rehman       | Chowkidar (BPS-3)     | Matric                 | 11/Mar/1986   | 2021 (Annual)         | 19/Oct/2020   | 19/Oct/2020                                     | 10/Mar/2046                      | DSJ                             |         |

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Lakki Marwat

District & Sessions Judge  
Lakki Marwat

Annexure C

17

Final Seniority List of all eligible/ existing Class-IV staff (Chowkidar, Sweeper & Naib Qasid) for the purpose of promotion to the post of Daftari (BPS-05)

| Sr. | Name of Official    | Father's Name        | Present Position Held | Academic Qualification | Date of Birth | Date of acquiring SSC | Date of 1st entry in Dist. Judiciary on regular Basis | Date of appointment in present position (BS-03) | Date of attaining Superannuation | Pertain to the Establishment of | Remarks |
|-----|---------------------|----------------------|-----------------------|------------------------|---------------|-----------------------|---|---|----------------------------------|---------------------------------|---------|
| 1   | Kalim Ullah Khan    | Hamid Ullah Jan      | Naib Qasid (BPS-3)    | MA                     | 2/Apr/1984    | 2000 (Annual)         | 9/Jun/2015  | 9/Jun/2015                                      | 1/Apr/2044                       | SCJ                             |         |
| 2   | Akbar Zaman         | Ghulam Jan           | Sweeper (BPS-3)       | BA                     | 8/May/1978    | 1995 (Annual)         | 31/Jul/2017   | 31/Jul/2017                                     | 7/May/2038                       | DSJ                             |         |
| 3   | Asad Raza           | Ashiq Hussain        | Sweeper (BPS-3)       | Middle                 | 25/Jan/1990   | NA                    | 31/Jul/2017   | 31/Jul/2017                                     | 24/Jan/2050                      | DSJ                             |         |
| 4   | Rafeeq Ullah Khan   | Abdur Raheem Khan    | Naib Qasid (BPS-3)    | BA                     | 1/Oct/1991    | 2008 (Supplementary)  | 31/Jul/2017   | 31/Jul/2017                                     | 30/Sep/2051                      | DSJ                             |         |
| 5   | Rafi Ullah          | Umer Daraz           | Naib Qasid (BPS-3)    | Middle                 | 1/Jun/1989    | NA                    | 26/Feb/2018   | 26/Feb/2018                                     | 31/May/2049                      | SCJ                             |         |
| 6   | Fida Ullah          | Muhammad Ishaq       | Naib Qasid (BPS-3)    | BA                     | 14/Mar/1996   | 2015 (Annual)         | 26/Feb/2018   | 26/Feb/2018                                     | 13/Mar/2056                      | SCJ                             |         |
| 7   | Muhammad Asad Ullah | Fateh Muhammad       | Naib Qasid (BPS-3)    | Middle                 | 5/Apr/1998    | NA                    | 26/Feb/2018   | 26/Feb/2018                                     | 4/Apr/2058                       | SCJ                             |         |
| 8   | Ahmad Saleem Khan   | Muhammad Saleem Khan | Naib Qasid (BPS-3)    | FA                     | 3/Mar/1999    | 2016 (Supplementary)  | 26/Feb/2018   | 26/Feb/2018                                     | 2/Mar/2059                       | SCJ                             |         |
| 9   | Muhammad Munir      | Abdul Ghani          | Naib Qasid (BPS-3)    | Matric                 | 10/Oct/1987   | 2004 (Supplementary)  | 28/Feb/2018   | 28/Feb/2018                                     | 9/Oct/2047                       | SCJ                             |         |
| 10  | Nasir Muhammad      | Abdul Qayyum         | Naib Qasid (BPS-3)    | BA                     | 9/Mar/1989    | 2007 (Supplementary)  | 28/Feb/2018   | 28/Feb/2018                                     | 8/Mar/2049                       | SCJ                             |         |
| 11  | Mudaser Munir       | Akhtar Munir         | Chowkidar (BPS-3)     | FA                     | 11/Mar/2000   | 2016 (Annual)         | 27/Oct/2018   | 27/Oct/2018                                     | 10/Mar/2060                      | SCJ                             |         |
| 12  | Shoukat Ali         | Nawab Ali Khan       | Naib Qasid (BPS-3)    | Middle                 | 6/Sep/2001    | NA                    | 8/Oct/2020  | 8/Oct/2020                                      | 5/Sep/2061                       | SCJ                             |         |
| 13  | Baber Zaman         | Aziz Ur Rehman       | Chowkidar (BPS-3)     | Matric                 | 11/Mar/1986   | 2021 (Annual)         | 19/Oct/2020   | 19/Oct/2020                                     | 10/Mar/2046                      | DSJ                             |         |
| 14  | Arif Ullah          | Abdul Kalam          | Naib Qasid (BPS-3)    | M.A                    | 1/Apr/1987    | 2003 (Annual)         | 19/Oct/2020   | 19/Oct/2020                                     | 31/Mar/2047                      | DSJ                             |         |

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Lakki Marwat


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(11)

**WORKING PAPER FOR PROMOTION OF MINISTERIAL STAFF DISTRICT COURTS KHYBER PAKHTUNKHWA**  
 Name of the Establishment: **COURT OF DISTRICT AND SESSIONS JUDGE, LAKKI MARWAT**  
 Promotion to the post of: **Junior Clerk (BPS-11)**  
 Number of vacant posts of Junior Clerk: **02**  
 Total sanctioned post of Junior Clerks: **41**

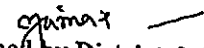
(out of which 12 posts to be filled through DPC while 29 posts to be filled through DSC.  
 So the promotion of 02 Junior clerks to the post of senior clerks, for maintaining the quota of direct and promotion appointments, subsequently 02 posts of junior clerks will be filled through DPC then the appointments through promotion quota will be filled completely.

| S. No. | Name (in order seniority) of all the holders of the posts from amongst whom the subject post is to be filled in | Present post held     | Present post held since | Date of joining the service | First appointment as | Typing speed | Shorthand speed | Computer proficiency | QUALIFICATION  |          |          |     |     | PERFORMANCE EVOLUTION |      |           |         |      |           | Remarks |         |      |                                 |
|--------|---|-----------------------|-------------------------|-----------------------------|----------------------|--------------|-----------------|----------------------|----------------|----------|----------|-----|-----|-----------------------|------|-----------|---------|------|-----------|---------|---------|------|---------------------------------|
|        |   |                       |                         |                             |                      |              |                 |                      | Matric         | FA/ F.Sc | BA/ B.Sc | M.A | etc | 2019                  |      | 2020      |         | 2021 |           |         |         |      |                                 |
|        |   |                       |                         |                             |                      |              |                 |                      | Division/grade |          |          |     |     | Average               | Good | Very Good | Average | Good | Very Good |         | Average | Good | Very Good                       |
| 1      | Imam Ahmad  | Record Lifter (BPS-5) | 25-04-2022              | 23.02.13                    | Chowkidar            | N            | N               | N                    | N              | -        | -        | -   | -   | -                     | Good | -         | -       | Good | -         | -       | Good    | -    | Under Matric                    |
| 2      | Rizwan Ullah  | Daftari (BPS-5)       | 25-04-2022              | 08.06.15                    | Naib Qasid           | N            | N               | N                    | C              | E        | -        | -   | -   | -                     | Good | -         | -       | Good | -         | -       | Good    | -    | Lack of required service length |
| 3      | Kalim Ullau   | Naib Qasid (BPS-03)   | 09-06-2015              | 09.06.15                    | Naib Qasid (BPS-03)  | Y            | N               | Y                    | C              | C        | C        | B   | -   | -                     | Good | -         | -       | Good | -         | -       | Good    | -    |                                 |
| 4      | Akbar Zaman   | Sweeper (BPS-03)      | 08-06-2017              | 08.06.17                    | Naib Qasid (BPS-03)  | Y            | N               | N                    | D              | D        | -        | -   | -   | -                     | Good | -         | -       | Good | -         | -       | Good    | -    |                                 |

Prepared by 

Checked by 

**ATTESTED**

Countersigned by   
 District & Sessions Judge,  
 Lakki Marwat.

Examiner to  
 District & Session Judge  
 Lakki Marwat

Annexure "D" (22)

**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE**  
Held on 26<sup>th</sup> November, 2022 at 10:30AM in the office of the District & Sessions Judge, Lakki Marwat (Chairman)

Meeting of the Departmental Promotion Committee was held on 26-11-2022 at 10:30 AM to consider the promotions of Senior Clerk (BPS-14) against two vacant posts of the Assistants (BPS-16), promotion of Junior Clerks (BPS-11) against the two vacant posts of the Senior Clerks (BPS-14), promotion of Daftari & Record Lifter (BPS-05) or other Class-IV staff (i.e Nnib Qasid, Mali, Chowkidar, Sweeper etc) against the two vacant posts of Junior Clerks (BPS-11) and promotion of Nnib Qasid, Chowkidar, Sweeper etc (BPS-03) against the post of Daftari/ Record Lifter (BPS-05) subject to fulfillment of the requisite requirements on the basis of Seniority cum fitness. The vacant posts fall in the establishment of District & Sessions Judge and Senior Civil Judge (Admn), Lakki Marwat.

The following attended the meeting:

1. **Mr. Ijaz Rashid**, District & Session Judge, Lakki Marwat  
(Chairman of the Departmental Promotion Committee.)
2. **Mr. Minn Mahmood**, Addl: District & Session Judge, D.I.Khan  
(Nominee of the Hon'ble PHC, Peshawar as nominated by the Peshawar High Court, Peshawar vide letter bearing No.15961/SDJ/HRW/ADMIN dated 25/11/2022 as a member)
3. **Mr. Khalid Anwar**, Senior Civil Judge (Admn), Lakki Marwat,  
(Nominee of the Chairman of DPC, Lakki Marwat as a member)

The proceedings of the meeting started with the recitation from the Holy Quran Majeed.

**AGENDA NO. 01**

**PROMOTIONS TO THE 02 VACANT POSTS OF ASSISTANT (BPS-16)**

**DETAIL OF VACANT POSTS:** 01 post became vacant on the retirement of Mr.Mir Abbas, Ex-Assistant from his service in the Establishment of the District & Sessions Judge, Lakki Marwat and 01 post became vacant in the Establishment of the District & Sessions Judge, Lakki Marwat on the reversion of Mr.Said Ahmad from the post of Assistant (BPS-16) to his original position of Senior Clerk (BPS-14). This post of Senior Clerk (BPS-14) was a newly created post vide the Peshawar High Court, Peshawar letter bearing Endst: BO-II/FD/3-14/SNE/PHC/2022-23 dated 11/10/2022 in the Establishment of SCJ (Admn).


The criteria for the Post of Assistant (BPS-16) under Serial No. 4 of the schedule to the Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 is:

| Nomenclature of post       | Method of recruitment  |
|----------------------------|--|
| Assistant/ Reader (BPS-16) | I. Twenty five percent by initial recruitment; and<br>II. Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial // 10 to 12 (all BPS-14) with at least three years service as such. |

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant posts of Assistant (BPS-16). Total sanctioned strength in both the Establishments i.e. District & Sessions Judge & Senior Civil Judge (Admn), Lakki Marwat is 04, out of which 03 posts are to be filled through promotion and 01 post through direct recruitment/appointment. Total vacant posts of Assistant (BPS-16) at

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Lakki Marwat

present are 03 while only one post is working under promotion quota and as per the calculation, it would be 03 posts under the promotion quota, so, 02 more posts will be filled through promotion for fulfilling the requisite quota under the promotion category as one post is already in promotion category.

Final Seniority List for the year 2022 of the Senior Clerks (BPS-14) of both the Establishments i.e District & Sessions Judge & Senior Civil Judge (Admn) Lakki Marwat is Annexure-"A"

After examining the service records of prospective officials from amongst holders of the posts of Senior Clerk (BPS-14) for promotion to the vacant posts of Assistant (BPS-16) and common Seniority List prepared for the purpose of promotion to the posts of Assistant (BPS-16), the senior most officials amongst the Senior Clerks (BPS-14) in the said seniority list for the year 2022 for the purpose of promotion to the posts of Assistant (BPS-16) were interviewed one by one and their academic/professional records were also examined and it was revealed that the officials as mentioned at serial No.01 & 02 in the common seniority list prepared for the purpose of promotion to the vacant post of Assistant (BPS-16), namely, Mr. Sami Ullah, Senior Clerk (BPS-14) and Mr. Muhammad Iqbal, Senior Clerk (BPS-14) had been dropped from promotion to the vacant post of Assistant (BPS-16) due to lack of requisite qualification for the post i.e. Bachelor Degree in the previous DPC meeting held on 19-12-2019 and the official namely, Mr. Said Ahmad, Senior Clerk (BPS-14) placed at serial No.03 in the seniority list was promoted to the said vacant post of Assistant (BPS-16) as he possessed Bachelor Degree. Mr. Sami Ullah, Senior Clerk (BPS-14) being aggrieved filed departmental appeal against the proceedings of said DPC vide bearing No.03/2020 before the Hon'ble Peshawar High Court, Peshawar which was dismissed on 13/09/2021 and then he filed Service Appeal bearing No.7508/2021 before the learned Khyber Pakhtunkhwa Service Tribunal, Peshawar for promotion to the post of Assistant (BPS-16) being deserving and eligible cum fit official. The learned Khyber Pakhtunkhwa Service Tribunal, Peshawar disposed of the said Service Appeal on 29-06-2022 with the following observations/decision.

"..... (8). In view of the discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is held entitled to be promoted to the post of Assistant (BPS-16) with effect from 20-12-2019 with all consequential benefits".

In compliance with the order of the learned Khyber Pakhtunkhwa Service Tribunal, Peshawar passed on 29-06-2022 in the said Service Appeal No.7508/2021 titled "Sami Ullah Vs District & Sessions Judge, Lakki Marwat", Mr. Sami Ullah, Senior Clerk (BPS-14) is promoted and considered as Assistant (BPS-16) w.e.f. 20-12-2019 with all back benefits.

Therefore, after examining the service records of prospective officials and considering their qualification as per requirement under the rules of Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003 for the purpose of promotion to

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District & Sessions Judge  
Lakki Marwat

the vacant posts of Assistant (BPS-16), the Committee unanimously recommended the following two officials named below, in order of seniority, for promotion against the 02 vacant posts of Assistant (BPS-16) on the basis of seniority-cum-fitness with immediate effect.

| S. No. | Name of Official | Promoted              |                    | With effect from                                    | Remarks   |
|--------|------------------|-----------------------|--------------------|---|---|
|        |                  | From the post         | To the post        |   |   |
| 1.     | Mr. Sami Ullah   | Senior Clerk (BPS-14) | Assistant (BPS-16) | 20-12-2019<br>As per the Service Appeal No.7508/021 | Against vacant post of Mr. Mir Abbas, Ex-Assistant on his retirement from his service under the establishment of District & Sessions Judge, Lakki Marwat  |
| 2.     | Muhammad Iqbal   |                       |                    | Immediately   | Against vacant post of Mr. Said Ahmad on his reversion to his original position from the post of Assistant (BPS-16) to the post of Senior Clerk (BPS-16) under the establishment of District & Sessions Judge, Lakki Marwat |

**AGENDA NO. 02**

**PROMOTIONS TO THE 02 VACANT POSTS OF SENIOR CLERK (BPS-14)**

**DETAIL OF VACANT POSTS:** 02 posts of Senior Clerks (BPS-14) became vacant in the Establishment of SCJ (Admn), Lakki Marwat on the promotion of Mr. Sami Ullah and Muhammad Iqbal, Ex-Senior Clerks (BPS-14) to the posts of Assistants (BPS-16) during the current DPC meeting.

The criteria for the Post of Senior Clerk (BPS-14) under the Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 is:-

| Nomenclature of post  | Method of recruitment   |
|-----------------------|---|
| Senior Clerk (BPS-14) | By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Junior Clerks (BPS-11), at Serial No. <u>13 to 18</u> (all BPS-11) with at least three years' service as such. |

**Final Seniority List as stood on 31-12-2021 of the Junior Clerks (BPS-11) of both the Establishments i.e District & Sessions Judge & Senior Civil Judge (Admn) Lakki Marwat is Annexure-"B"**

After examining the service record of prospective officials from amongst holders of the posts of Junior Clerk (BPS-11) and after perusal of common Seniority List prepared for the purpose of promotion to the posts of Senior Clerks, the senior most officials amongst the Junior Clerks (BPS-11) in the said seniority list as stood on 31-12-2021 for the purpose of promotion to the posts of Senior Clerk (BPS-14) were interviewed one by one and their academic/professional records were also examined.

Subsequently, in the light of requirements under the Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003 for the purpose of promotion to the vacant posts of Senior Clerk (BPS-14), the Committee unanimously recommended the following officials named below, in order of following seniority, for promotion against the

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Examiner to  
District & Sessions Judge  
Lakki Marwat



02 vacant posts of Senior Clerks (BPS-14) on the basis of seniority-cum-fitness with immediate effect.

| S. No | Name of Official      | Promoted              |                       | W.E.F       | Remarks   |
|-------|-----------------------|-----------------------|-----------------------|-------------|---|
|       |                       | From the post         | To the post           |             |   |
| 1.    | Hafiz Latif-Ur-Rehman | Junior Clerk (BPS-11) | Senior Clerk (BPS-14) | Immediately | Against the vacant post of Mr. Sami Ullah, Ex-Senior Clerk (BPS-14) on his promotion to the post of Assistant (BPS-16) during the instant DPC meeting under the establishment of SCJ (Admn), Lakki Marwat.    |
| 2.    | Mati Ullah            |                       |                       |             | Against the vacant post of Mr. Muhammad Iqbal, Ex-Senior Clerk (BPS-14) on his promotion to the post of Assistant (BPS-16) during the instant DPC meeting under the establishment of SCJ (Admn), Lakki Marwat |

**AGENDA NO. 03**

**PROMOTIONS TO THE 03 VACANT POSTS OF JUNIOR CLERK (BPS-11)**

The criteria for the post of Junior Clerk (BPS-11) under the rules of Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules, 2003 is:

| Nomenclature of post  | Method of recruitment  |
|-----------------------|--|
| Junior Clerk (BPS-11) | I. Not less than 70 percent by initial recruitment; and<br>II. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such. |

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant posts of Junior Clerk (BPS-11). Total sanctioned strength in both the Establishments i.e. District & Sessions Judge & Senior Civil Judge (Admn), Lakki Marwat is 41, out of which 12 posts are to be filled through promotion and 29 posts through the direct recruitment/appointment. After promotion to the posts of Senior Clerks (BPS-14), total number of vacant posts of Junior Clerk (BPS-11) becomes 15 while the available working posts under the promotion quota is 09 and as per the calculation, it would be 12 posts under the promotion quota, so, 03 more posts will be filled through promotion to fulfill the requisite quota under the promotion category.

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District & Session Judge  
Lakki Marwat

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Final common Seniority list of Daftari/ Record Lifter (BPS-05) for the purpose of promotion to the posts of Junior Clerk (BPS-11) of the Establishment of District & Sessions Judge, Lakki Marwat is Annexure-"C"

Final common Seniority List of other class-IV Staff i.e Naib Qasid, Chowkidar and Sweeper (BPS-03) for the purpose of promotion to the posts of Junior Clerk (BPS-11) when Daftari/ Record Lifter (BPS-05) is not available/ suitable, of both the Establishments i.e District & Sessions Judge and Senior Civil Judge (Admn) Lakki Marwat is Annexure. "D"

After examining the service records of prospective officials from amongst holders of the posts of Daftari/ Record Lifter (BPS-05) and other Class-IV employees for promotion to the posts of Junior Clerk (BPS-11) and after perusal of the common Seniority Lists prepared for the purpose of promotion to the posts of Junior Clerks (BPS-11) (annexures "C" & "D") the senior most officials/ holders of the posts of Daftari & Record Lifter (BPS-05) and other Class-IV staff in the seniority lists as stood on 30-04-2022 for the purpose of promotion to the posts of Junior Clerk (BPS-11), were interviewed one by one and their academic/professional records were also examined, objectively.

Considering the service record and qualifications of officials as per requirement under the Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003, the committee found that:

- Imam*
1. The senior most official amongst the holders of Record lifter/ Daftari (BPS-05) named Mr.Imam Ahmad does not possess the requisite qualification so he lost entitlement for promotion to the required slot of Junior Clerk.
  2. The next official named Mr. Rizwan Ullah, Daftari (BPS-05) being junior official mentioned at Serial. no. 02 does not possess the requisite requirements i.e. lack of required service length of 03 years as he was promoted to the present post on 25-04-2022.

The committee, therefore, unanimously decided that name of official at Serial no. 01 be dropped where as the official at serial no. 02 is not eligible for promotion at this stage.

Thereafter, merits/ eligibility of officials next in the row amongst holders of the posts of Chowkidar, Naib Qasid & Sweeper etc were discussed. Although they have requisite qualification but the committee decided that their promotion could not be made due to the reason that by doing so the seniority/ right of Mr. Rizwan Ullah, Daftari (BPS-05), who was recently promoted to the present post of Daftari (BPS-05) on 25-04-2022, may be effected unjustifiably. Similarly in the same column of seniority Mr. Akbar Zaman, Sweeper (BPS-03) was found to be having no knowledge of typing. Therefore, the committee concluded that the promotions from the posts of Daftari, Chowkidar, Naib Qasid & Sweeper etc should be deferred and guidance in the matter for removal of anomaly in the seniority of officials should be sought from the Hon'ble Peshawar High Court, Peshawar after which the vacant posts of

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Examiner to  
District & Session Judge  
Lakki Marwat

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Junior Clerk (BPS-11) under promotion quota will be filled in the next DPC to be conducted at proper time.

It is also worth noting that the office placed the application of Tariq Humayun, Naib Qasid (BPS-03), before the Departmental Promotion Committee as he submitted that he had passed Middle Standard Examination, which is the required qualification for promotion to the post of Daftari/ Record Lifter, but in the seniority list he was mentioned as illiterate. He, though, had been acknowledging the provisional seniority list when ever it had been circulated.

On examination of common seniority list, it was revealed that the same needs to be prepared subject to proper verification in accordance with Hon'ble Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules-2003 notified vide notification No. J-39 dated 26-03-2003 and read with guide lines of Peshawar High Court, Peshawar circulated vide notification no. 2315/49/SDJ/Reg dated 29-04-2019.

The meeting ended with a vote of thanks to and from the Chair.

*M. Mahmood*  
(MIAN MAHMOOD)

Add: District & Sessions Judge, D.I.Khan  
(Nominee of the Hon'ble PHC, Peshawar as a member)

*Khalid Anwar*

(KHALID ANWAR)

Senior Civil Judge (Admn), Lakki Marwat,  
(Nominee of the D&S/Chairman DPC, Lakki Marwat as a member)

*Jaz Rashid*

(JAZ RASHID)

District & Session Judge, Lakki Marwat  
(Chairman, DPC)

C.D. No 7755  
Application received on 20-12-22  
Copying Fee deposited on.....  
Judgment received for copying 20-12-22  
No. of words 60  
Copying Fee.....  
Search Fee.....  
Urgent Fee.....  
Name of Copyist U.S.  
Copy Completed on 20-12-22  
Copy Delivered on 20-12-22  
Name of Examiner [Signature]

ATTESTED

*[Signature]*  
Examiner to  
District & Session Judge  
Lakki Marwat

Annexure E<sup>v</sup>

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To,

**THE REGISTRAR  
PESHAWAR HIGH COURT,  
PESHAWAR.**

|                                |             |
|--------------------------------|-------------|
| Peshawar High Court, Peshawar. |             |
| Receipt No                     | 13123       |
| Date                           | 30-12-22    |
| Signature                      | [Signature] |

**Subject: DEPARTMENTAL APPEAL AGAINST**

**THE ORDER DATED: 26-11-2022 OF DEPARTMENTAL PROMOTION COMMITTEE WHEREBY THE APPELLANT BEING, WELL QUALIFIED AND BEING ON TOP OF THE SENIORITY LIST OF CLASS-IV, WAS DEFERRED / REJECTED FROM PROMOTION TO THE POST OF JUNIOR CLEK.**

**Through Proper Channel:-**

**Worthy Sir,**

Most respectfully, the appellant submits his grievances being aggrieved from the above mentioned order.

1. That the present appellant joined the department way back in the year 2017 when the appellant was appointed as Sweeper.
2. That as per seniority list the appellant is on the second position in the seniority list of class-IV employees.
3. That meeting of Departmental Promotion Committee was held on 26-11-2022 to consider promotion of Senior Clerks (BPS-14) on two vacant posts of Assistants (BPS-16), promotion of Junior Clerks (BPS-11) on two vacant posts of Senior Clerks (BPS-14) and promotion of Daftari & Record Lifter (BPS-5) or Class-IV (Naib Qasid, Mali, Chowkidar, Sweeper etc) (BPS-3) against the two vacant posts of Junior Clerk (BPS-11).
4. That the Departmental Promotion Committee has promoted the two Senior Clerks against the two vacant posts of Assistants, two Junior Clerks against two vacant posts of Senior Clerks but while considering the promotion against

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the three vacant posts of Junior Clerks, the Departmental Promotion Committee rejected / deferred the appellant against the said post due to unawareness from computer. (Copies of seniority list, Minutes of DPC are attached herewith)

5. That being aggrieved from the above mentioned orders this appeal is preferred on the following grounds inter-alia:-

**Grounds:-**

- a. That the appellant has more than 5 years of service and being second position in the seniority list, is eligible for the promotion to the post of Junior Clerk.
- b. That the Departmental Promotion Committee has illegally deferred / rejected the appellant from considering for the promotion to the post of junior clerk, while the appellant possess all the qualifications required under the Peshawar High Court Peshawar (Subordinate Courts Staff) Rules 2003.
- c. That under the above said rules neither required nor mentioned anywhere that the class-IV must possess complete knowledge of computer for promotion to the post of Junior Clerk, otherwise the appellant fulfill all the criteria required by the law for promotion for the post of Junior Clerk including computer typing.
- d. That, Appellant have been kept deprived of his fundamental right as he deserve promotion to the post of Junior Clerk. It is clear principal laid down by the Apex Court that if an employ is prevented to work on the higher grade despite he was eligible for that higher post then he was entitled the benefits of the said higher post.
- e. That the DPC was concerned in respect of seniority of Daftari Rizwan Ullah (BPS-5) as he is not eligible for the promotion to the post of Junior

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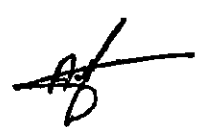
Clerk due to his less than 3 years of service on the post of Daftari and due to the same reason guideline were sought from Hon'ble Peshawar High Court which is against the mandate of law and policy because there are 3 posts vacant for the promotion amongst the Daftari, Record lifter (BPS-5) and class-IV, therefore promotion of eligible candidates from Class-IV could not be delayed / deferred due to in-eligibility of Daftari Rizwan Ullah etc.

f. That any other grounds which are in favour of appellant may kindly be considered for the purpose of deciding the instant appeal.

Keeping in view the dictum laid down by the Apex Courts, it is respectfully prayed that instant appeal may kindly be accepted and the appellant may graciously be granted anti-dated promotion to the post of Junior Clerk along with all back benefits.

Dated: 19-12-2022

Appellant



Akbar Zaman  
Sweeper (BPS-3)  
District Courts  
Lakki Marwat.

**OFFICE OF THE DISTRICT & SESSIONS JUDGE, LAKKI MARWAT**

Endst: No. 466 /D&SJ/B&A

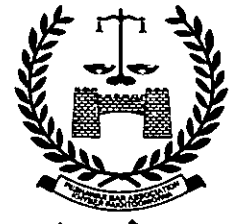
Dated Lakki the 23 / 12 / 2022.

Forwarded in original to the Registrar, Peshawar High Court, Peshawar.

  
District & Sessions Judge,  
Lakki Marwat.

قیمت روپے 50

68492



ایڈوکیٹ:

بار کونسل/ ایسوسی ایشن نمبر: Bc-12-3479

رابطہ نمبر: 0346-9099470

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

Before The KPK Service Tribunal Peshawar

|   |   |
|---|---|
| Akbar Zaman   | Service Appeal  |
|  | علت نمبر: _____<br>مورخہ: _____<br>جرم: _____<br>تھانہ: _____ |
| <b>باعث تحریر آگہ</b>   |   |

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ شاہ عبدالغلام خان کے مقام پر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز ذمہ دار صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جو اب 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 کو مقرر شدہ کو ذمہ جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا۔

میں جو مزید ہر جانے والا مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے Abdul Samad Durani Advocate High Court Peshawar باہر ہوگا۔



المقوم:

مقام کے لیے منظور ہے

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی۔

