

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1281/2015

Date of Institution ... 10.11.2015

Date of Decision ... 26.10.2017

Gul Zameer (Naib Qasid BPS-02) office of the Deputy Commissioner, Swabi.  
... (Appellant)

VERSUS

1. Deputy Commissioner, Swabi and others. ... (Respondents)

MR. MUNSIF SAEED,  
Advocate ... For appellant

MR. MUHAMMAD JAN,  
Deputy District Attorney, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the  
learned counsel for the parties heard and record perused.

FACTS

2. The appellant was serving in the office of Deputy Commissioner Swabi as Naib Qasid in right from 2004. That on 10.07.2015, a promotion order was made and despite his seniority at S.No. 4 he was ignored and respondent No. 3 who was junior to him was promoted. Against this order, the appellant filed his departmental appeal before the Commissioner, Mardan Division on 27.07.2015 which was

rejected on 21.09.2015 and thereafter the appellant filed the present service appeal on 10.11.2015.

### **ARGUMENTS.**

3. The learned counsel for the appellant argued that according to the method of recruitment 20% seats were reserved for promotion from Qasid and holders of equivalent posts who possessed S.S.C in 2<sup>nd</sup> division and having at least 3 years service as such. That the appellant fulfilled the said qualification but was not promoted on the ground that he could not qualify the test conducted for promotion by the DPC. The learned counsel for the appellant referred to the promotion and initial recruitment policy of the Provincial Government dated 11.2.1987 wherein it has specifically been mentioned that no test shall be conducted for promotion.

4. On the other hand, the learned Deputy District Attorney argued that the appellant was rightly ignored and respondent No. 3 was rightly promoted on the ground that as per qualification mentioned in Column No. 3 of method of recruitment (which was a necessary qualification for promotee candidates to have speed of 30 words per minute) and that as per the DPC, the appellant had no knowledge of computer and typing.


### **CONCLUSION.**

5. The argument of the learned Deputy District Attorney regarding qualification in column 3 of the method of recruitment is not convincing because in column 3 the qualifications are for initial recruitment and not for promotion. For promotees the qualification and length of service has been given in column No. 5 which is SSC 2<sup>nd</sup> division with 3 years length of service. The policy of selection for promotion/initial recruitments issued by the Provincial Government on 11.2.1987 clearly states that there shall be no test for promotion to any post in a grade below

grade 16 and the promotion shall be determined on the basis of service record i.e. seniority-cum-fitness. In view of the above discussion, this Tribunal reaches the conclusion that the appellant was wrongly ignored at the relevant time and respondent No. 3 should not have been promoted in his place.

6. In view of the above, this Tribunal accepts the appeal and the respondents are directed to consider the appellant for promotion from due date. Parties are left to bear their own costs. File be consigned to the record room.

  
(GUL ZEB KHAN)  
MEMBER

  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
26.10.2017

09. 04.07.2017 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondent present. Counsel for the appellant submitted rejoinder alongwith miscellaneous application for <sup>Correction</sup> creation of date in the memo of appeal which is placed on file. To come up for arguments on 26.10.2017 before D.B.

(Gul Zeb Khan)  
Member

(Muhammad Hamid Mughal)  
Member

26.10.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

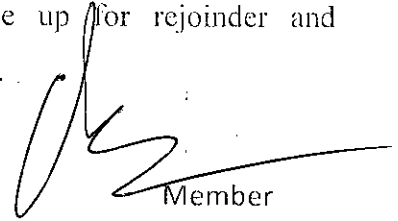
Member

Chairman

ANNOUNCED  
26.10.2017

22.08.2016

Appellant in person and Mr. Bakhtiarullah, Assistant alongwith Additional AG for respondents present. None present on behalf of private respondent No. 3. Proceeded ex-parte. Written reply on behalf of respondents No. 1, 2, 4 and 5 submitted. Cost of Rs. 500/- also paid and receipt thereof obtained from appellant. To come up for rejoinder and arguments on 03.11.2016 before D.B.



Member

03.11.2016

Mr. Kalimullah, Advocate for the appellant and Mr. Bakhtiarullah, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment to prepare the case. Request accepted. To come up for rejoinder and arguments on 6.3.17 before D.B.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

06.03.2017

Appellant in person and Mr. Bakhtiar Ullah, Assistant for respondents present. Arguments could not be heard due to General Strike of the Bar. To come up for arguments on 04.07.2017 before D.B. ~~Status quo be maintained~~



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(ASHFAQUE TAJ)  
MEMBER

Appellant Deposited  
Security & Process Fee



25.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Naib Qasid in the office of Deputy Commissioner Swabi and was entitled to promotion as Junior Clerk but ignored vide impugned order dated 11.6.2015 and officials junior to him were promoted where against he preferred departmental appeal which was rejected on 21.9.2015 and hence the instant service appeal on 10.11.2015.

That the appellant was subjected to Computer Test which was not a pre-requisite for promotion and hence the impugned order is not tenable in the eye of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.3.2015 before S.B.

  
Chairman

22.03.2016

Appellant in person and Mr. Bakhtiar Ullah, Assistant alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 12.5.2016 before S.B.

  
Chairman

12.05.2016

Appellant in person and Mr. Said Badshah, Assistant alongwith Addl: AG for respondents present. Written reply by respondents not submitted despite last opportunity. Requested for further time. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 500/- on 22.08.2016 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1281/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.11.2015	<p>The appeal of Mr. Gul Zameer resubmitted today by Mr. Munsif Saeed Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> for REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-11-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Gul Zameer Qasid Office of the Deputy Commissioner Swabi received to-day i.e. on 10.11.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Affidavit may be attested by the Oath Commissioner.
- 3- Law under which appeal is filed is not mentioned.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be page marked according to the Index.
- 6- One copy/set of the appeal along with annexures i.e. complete all respect may ~~be~~ also be submitted with the appeal.

No. 1758 /S.T,

Dt. 11/11 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Munsif Saeed Adv. Pesh.

*Report.*

1. *Objection 1, corrected.*
2. *Objection 2, corrected.*
3. *Objection 3, corrected.*
4. *Objection 4, corrected.*
5. *Objection 5, corrected.*
6. *Objection 6, corrected.*

*Counsel for appellant. 16-11-15*



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

Service Appeal No. 1281 /2015

Gul Zameer

(Appellant)

**V E R S U S**

Secretary Education KPK and others

(Respondents)

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3	Copy of <sup>minutes &amp;</sup> order dated 26.03.2014	B	6-9
4	Copy of order dated 18.06.2014	C	10-11
5	Copy of DPC dated 11.06.2015	D	12-13
6	Copy of order dated 21.09.2015	E	14-17
7	Copy of office order dated 21.8.2014	F	18-19
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Appellant

Through

Munsif Saeed  
&  
Kaleem Ullah  
Advocates High Court,  
Peshawar

Dated: 06.11.2015



# KHYBER PAKHTUNKHWA

PUBLISHED BY AUTHORITY

PESHAWAR THURSDAY, 12TH AUGUST, 2010.

## GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT.

### NOTIFICATION

*Peshawar dated the 2nd July, 2010.*

**No. 13045/Admn:II/1/296/Amendment.**—In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1998, the Revenue & Estate Department in consultation with the Establishment, Law and Finance Departments, Khyber Pakhtunkhwa, hereby direct that in this Department's Notification No. 13045/Admn:II/1/296/Amendment, dated 13th June, 2006, the following amendments shall be made, namely:

#### AMENDMENTS

1. In the Preamble, for the word "District" the word "Division" shall be substituted.

2. In the Appendix:-

(i) in the heading, for the word "District", the word "Divisional" shall be substituted;

(ii) against serial No. 1, in column No. 5, for the existing entry, the following shall be substituted, namely:

"By promotion on the basis of seniority-cum-fitness from amongst the Assistant (BPS-14) with at least five year service, in the offices of Divisional Commissioners, Additional Commissioners, District Coordination Officers, District Officers (R&E)/Collectors, Executive District Officers (F&P) and Political Agents at Divisional level.

(iii) against serial No. 2, in column No. 5, for the existing entry, the following shall be substituted, namely:

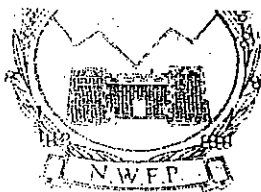
"By promotion on the basis of seniority-cum-fitness from against Senior Scale Stenographers (BPS-15) with at least five years as such in the offices of Divisional Commissioners, Additional Commissioners, District Coordination Officers, District Officers (R&E)/Collectors, Executive District Officers (F&P) and Political Agents at Divisional level; and

(iv) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

"By promotion on the basis of seniority-cum-fitness from amongst Junior Scale Stenographers (BPS-12) with at least five years service as such in the offices of Divisional Commissioners, Additional Commissioners, District Coordination Officers, District Officers (R&E)/Collectors, Executive District Officers (F&P) and Political Agents at Divisional level and Data Control Assistant (BPS-12) of the office of the District Coordination Officers, District Officers (R&E)/Collectors, Executive District Officers (F&P) Department and Political Agents at Divisional level with at least five years service as such and Data Control Assistants/Commissioners, Additional Commissioners at Divisional level.

Note: A joint Seniority List of Junior Scale Stenographers (BPS-12) of the office of District Coordination Officer, District Officers (R&E)/Collectors, Executive District Officers (F&P) Department and Political Agents and Data Control Assistant/Computer Operator (BPS-12) of the offices of Commissioners and Additional Commissioners shall be maintained at Divisional level.

Sd/-x-x-x  
SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA REVENUE AND  
ESTATE DEPARTMENT.

**North-West Frontier Province**

Published by Authority

PESHAWAR, MONDAY, 18TH JANUARY, 2010.

**GOVERNMENT OF N.W.F.P.  
REVENUE AND ESTATE DEPARTMENT****NOTIFICATION**

Dated 13th June, 2006.

No. 5869-5950/Admn:II/1296/Amendment. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to this Notification which shall be applicable to posts borne in the cadre of District Ministerial Services of Revenue and Estate Department specified in column 2 of the said Appendix.

Sd/-x-x-x

SENIOR MEMBER,

BOARD OF REVENUE, N.W.F.P.

## DISTRICT MINISTERIAL SERVICE RULES, 2001.

S.No.	Nomenclature of Post with Pay Scale	Prescribed qualification	Age	Method of recruitment
1	2	3	4	5
1.	Superintendent (BPS-16)	---	---	By promotion on the basis of seniority-cum-fitness from amongst holders of the post of Assistant (BPS-11) with at least five years service as such in the offices of DCO, District Officer (Revenue & Estate)/Collector, and EDO (F&P) Department and Political Agents Offices in the Province.
2.	Private Secretary (BPS-16)	---	---	By promotion on the basis of seniority-cum-fitness from amongst holders of the post of Senior Scale Stenographer (BPS-15) with at least five years service as such in the offices of D.C.O., D.O. (R&E) and EDO (F/P) Department and Political Agents Offices in the Province.
3.	Senior Scale Stenographer (BPS-15)	<ul style="list-style-type: none"> <li>(i) BA or equivalent qualification from a recognized university; and</li> <li>(ii) A speed of 100 words per minute in shorthand and 40 words per minute in typing in English.</li> <li>(iii) Knowledge of Computer in using MS Word and MS Excel.</li> </ul>	---	<ul style="list-style-type: none"> <li>(a) By promotion on the basis of seniority-cum-fitness from amongst Stenographers (B-12) with at least five years service as such; or</li> <li>(b) By initial recruitment if no suitable Stenographer is available for promotion.</li> </ul>
4.	Junior Scale Stenographer (BPS-12)	<ul style="list-style-type: none"> <li>(i) 2nd Class Bachelor Degree or equivalent qualification from a recognized university.</li> <li>(ii) A speed of 50 words per minute in shorthand in English and 35 words per minutes in typing.</li> <li>(iii) Knowledge of Computer in using MS Word and MS Excel.</li> </ul>	18-30 years.	By initial recruitment.

	2	3	4	5
	Data Control Assistant (BPS-12)	(i) 2nd Class Bachelor Degree with Computer Science, Mathematics, Physics, Statistics or Economics as one of the subject and (ii) One year diploma in Computer/Course recognized by the Board of Technical Education.	21-30 years.	(i) Fifty percent by initial recruitment; and (ii) Fifty percent by promotion on basis of seniority-cum-fitness from amongst the holders of the posts of Computer Operator/K.P.O. with at least two years service as such.
6.	Assistant (BPS-11)	2nd Class Bachelor Degree or equivalent qualification from a recognized University.	18-30 years.	75% by promotion on the basis of seniority-cum-fitness from amongst Senior Clerks with at least five years service as Junior/Senior Clerk; and 25% by initial recruitment.
7.	Computer Operator/Key Punch Operator (BPS-11)	(i) B.A/B.Sc. with Statistics/Economics/Mathematics/Physics as one of the subject; and (ii) A minimum speed of 10000 key depression per hour for Punch Data Entry/Verification.	18-25 years.	By initial recruitment.
8.	Senior Clerk (BPS-7)			By promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Junior Clerks having at least 3 years service as such.
9.	Junior Clerk (BPS-5)	(i) 2nd Division in S.S.C. or equivalent qualification from a recognized Board. (ii) A speed of 30 words per minute in English typing.	18-30 years.	(i) 80% by initial recruitment; and (ii) 20% by promotion from amongst the Qasids and holders of equivalent posts who possess S.S.C. 2nd Division and have at least three years service as such. Provided that where no official is available for promotion the vacancy may be filled in by initial recruitment. <b>EXPLANATION:</b> For the purposes of promotion there shall be maintained a common seniority list of eligible Qasids or holders of other equivalent post with particular reference to the dates of their continuous appointment; provided that officials in BPS-2 shall rank senior to officials in BPS-1 irrespective of their length of service.

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2	3	4	5
Sweep (BPS-4)	Literate and possessing a valid driving licence with five years experience. preference will be given to person who are literate.	25-40 years.	By initial recruitment.
Naib Qasid/Chowkidar/Mali/Sweeper (BPS-1)	Literate	21-40 years	By initial recruitment.

It is further stated that quota for female candidate be reserved as per Government policy.

Printed and published by the Manager,  
Stacy & Pgr. Dept., NWFP, Pesh.

District ... District Coordinat... offices of District... Assistant (RDC) basis of seniority as such... Officers, Provisional...

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

Service Appeal No. 1981 /2015

Gul Zameer (Naib Qasid BPS-02)  
Office of Deputy Commissioner Swabi

K.W.P. Provinces  
Service Tribunal  
Diary No. 1339  
Dated 10-11-2015

(Appellant)

**V E R S U S**

- 1) Deputy Commissioner, Swabi
- 2) Commissioner Mardan Division, Mardan
- 3) Najum-us-Saqib (Naib Qasid) Office of Deputy Commissioner Swabi
- 4) Board of Revenue through Senior Member Board of Revenue
- 5) Secretary Finance, Civil Secretariat, Peshawar

(Respondents)

*Appeal under section 4 of the Service Tribunal Act, 1974 against the order dated 21.09.2015 of respondent No. 2 where by departmental appeal filed by the appellant against the order dated 10.07.2015 of respondent No. 1 was dismissed.*

*Prayer:*

*On acceptance of this appeal both the orders dated 21.09.2015 of respondent No. 2 and order dated 16.07.2015 of respondent No. 1 may kindly be set aside, being void ab-initio, without any jurisdiction, in violation of laws and rules and settled norms of business and being discriminatory, whereby*

re-submitted to day  
and filed.

Registrar



②

**respondent No. 3 is promoted from Naib Qasid (BPS-1) to the post of Junior Clerk (BPS-11) and the appellant service and eligible for the same post was illegally ignored.**

**Respectfully Sheweth,**

- 1) That the appellant was appointed as Naib Qasid (BPS-2) vide order dated 05.04.2004.
- 2) That respondent No. 1 prepared seniority list of Naib Qasid in which appellant name placed at Serial No. 4 of said seniority list. (Copy of seniority list is attached as Annexure A)
- 3) That D.P.C. for promotion of Naib Qasid / Qasid by respondent No.1 on 06.03.2014 to the post of Junior Clerk (BPS-11) was held, whereby respondent No. 3 along with other two Naib Aqsid / Qasid were promoted from Naib Qasid to the post of Junior Clerk vide order dated 26.03.2014, while appellant being senior and eligible for promotion was ignored. (Copy of order dated 26.03.2014 is attached as Annexure B)
- 4) That feeling aggrieved, appellant filed an appeal before the worthy commissioner Mardan Division Mardan, which was accepted vide order / judgment dated 18.06.2014, with the direction to the respondent No. 1 that it is held that those candidates who are senior and possess (BPS-2) or higher grade are entitled for promotion to the post of Junior clerk (BPS-11) as per law and rules. (coy of order / judgment is attached as annexure C)
- 5) That inspite of judgment passed by respondent No. 1 and rules for promotion of Naib Qasid / Qasid to Junior Clerk is available and clear direction issued by respondent No. 1 in the light of promotion rules and service laws, respondent No. 1

called DPC for promotion of Naib Qasid / Qasid (BPS-2) to Junior Clerk on 11.06.2015 after one year, in which all rules and judgment of respondent No. 1 is violated vide order dated 11.06.2015. (Copy of DPC dated 11.06.2015 is attached as Annexure D)

- 6) That feeling aggrieved from the above acts of the respondent No. 1 the appellant preferred appeal before the respondent No. 2 which was dismissed vide order dated 21.09.2015. (Annexed E)
- 7) That feeling aggrieved from the above said order the appellant approaches this honourable tribunal on the following grounds amongst others.

**GROUND**

- A) That both the impugned orders dated 11.06.2015 and 21.09.2015 are illegal, against the law and rules on subject.
- B) That valuable rights of the appellant is violated and in the light of rules and regulations the appellant is eligible for promotion, but he has been ignored.
- C) That the law, rules and regulation for promotion clear cut lays down the criteria that promotion should be made on seniority cum fitness basis but this rules is violated by the respondents and respondent No. 3 is promoted illegally.
- D) That in other districts of Khyber Pakhtunkhwa for the promotion of Qasid no tests are conducted while in the present district tests for promotion are introduced just to deprive the appellant from his valuable rights. (Copy of promotion order of other Qaisds from other district of Khyber Pakhtunkhwa is attached as Annexure F)

4

E) That other grounds will be raised at the time of arguments with prior permission of this honourable tribunal.

*It is, therefore humbly prayed that on acceptance of this appeal, both the impugned orders may kindly be set aside and the appellant may kindly be promoted for the post of Junior Clerk being eligible and senior.*

*[Signature]*

Appellant

Through

*[Signature]*  
Munsif Saeed

*[Signature]*  
&  
Kaleem Ullah

Advocates High Court,  
Peshawar

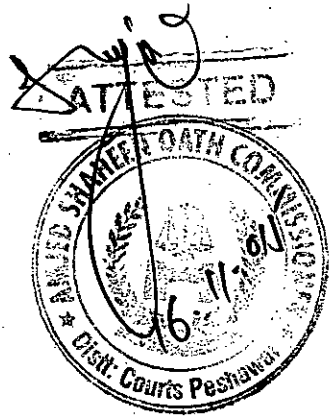
Dated: 06.11.2015

**AFFIDAVIT**

*I, Gul Zameer (Naib Qasid BPS-02) Office of Deputy Commissioner Swabi, do hereby solemnly affirm and declare on Oath that the contents of service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.*

*[Signature]*

DEPONENT



FINAL SENIORITY LIST MATRIC PASSED CLASS IV WORKING IN THE OFFICE OF DEPUTY COMMISSIONER  
SWABI AS STOOD ON 01.07.2014

S.NO	NAME OF OFFICIAL	PRESENT SCALE	QUALIFICATION	DATE OF BIRTH	DATE OF APPOINTMENT	DATE OF APPOINTMENT ON THE PRESENT POST	REMARKS
1	Mr. Muhammad Zahid ✓	BPS-2	Matric (2 <sup>nd</sup> Division)	01.04.1967	28.08.1988	28.08.1988	
2	Mr. Ubaid Ullah ✓	BPS-2	Matric (2 <sup>nd</sup> Division)	07.03.1971	23.12.1993	23.12.1993	
3	Mr. Faqir Hussain ✓	BPS-2	Matric (2 <sup>nd</sup> Division)	1976	01.01.1995	01.01.1995	
4	Mr. Gul Zameer	BPS-2	Matric (2 <sup>nd</sup> Division)	02.05.1968	05.04.2004	05.04.2004	
5	Mr. Sajid Ali (Chowkidar)	BPS-2	Matric (2 <sup>nd</sup> Division)	11.04.1982	05.04.2004	05.04.2004	
6	Mr. Adil Ahmad	BPS-2	Matric (2 <sup>nd</sup> Division)	01.04.1972	19.04.2004	19.04.2004	
7	Mr. Javed Iqbal ✓	BPS-1	Matric (2 <sup>nd</sup> Division)	02.03.1975	25.02.2008	25.02.2008	
8	Mr. Najmus Saqib	BPS-1	Matric (2 <sup>nd</sup> Division)	12.04.1983	25.02.2008	25.02.2008	
9	Mr. Noor Ullah (Chowkidar)	BPS-1	Matric (2 <sup>nd</sup> Division)	20.04.1986	25.02.2008	25.02.2008	
10	Mr. Ansar Iqbal	BPS-1	Matric (2 <sup>nd</sup> Division)	02.02.1989	25.02.2008	25.02.2008	
11	Mr. Syed Umar Shah	BPS-1	Matric (1st Division)	1975	15.22.2012	15.02.2012	

Annex  
A

DEPUTY COMMISSIONER  
SWABI

Submitted to be  
your copy.  
Advocate

Annex  
B

MINUTES OF THE MEETING

A meeting of the Departmental Promotion Committee, Revenue & Estate Department Swabi was held on 06.03.2014 at 12:30 P.M. in the office of the Deputy Commissioner Swabi. The following attended.

- |  |          |
|--|----------|
| 1. Capt. (R) Kamran Ahmad Afridi DC Swabi  | In-Chair |
| 2. Mr. Altamsh Janjua ADC Swabi            | Member   |
| 3. Mr. Arshad Abbasi Assistant Rep. of BOR | Member   |
| 4. Mr. Khaliq Dad Wazir, AAC-I, Swabi      | Member   |

At the outset of the meeting, the chairman welcomed the participants. Thereafter, agenda items were discussed at length and decisions taken.

PROMOTION OF ASSISTANT BPS-14.

The house was informed, that there are total 16 posts of Office Assistants BPS-14 at the cadre strength of this office, and according to the service rules 25% posts (04 posts) will be filled by direct recruitment while 75% (12 posts) by promotion from amongst the Senior Clerks BPS-09 on the basis of seniority-cum-fitness.

At present 10 posts of Office Assistants are filled up, out of which 02 are directly recruited/appointed while 08 posts are filled by promotion whereas 06 posts are lying vacant. Thus out of 06 vacant posts, 02 posts are required to be filled up by direct recruitment while 04 posts by promoting Senior Clerks. However, there are only 02 Sanctioned posts of Senior Clerks BPS-09 which are filled. Therefore the cases of the incumbents of these posts namely Mr. Ali Baswar and Mr. Jehanzeb Senior Clerks were placed before the committee for scrutiny/consideration. Their service record and ACRs were perused and debated upon.

Since both the officials were fulfilling the criteria set for upward promotion, hence the committee unanimously recommended them for promotion as Office Assistant BPS-14.

PROMOTION OF SENIOR CLERK BPS-09.

Consequent upon the promotion of 02 Senior Clerks BPS-09 as Office Assistants BPS-14, 02 posts of Senior Clerks BPS-09 will become available. The post of Senior Clerk BPS-09 is 100% promotion post. The same are required to be filled up by promotion from amongst the Junior Clerks BPS-07 on the basis of seniority-cum-fitness. The final seniority list of Junior Clerks BPS-07 was placed before the Departmental

*Recommended to be true  
Copy - Advocate J.D.*

GSS

(7)

While scrutinizing the service record/ACRs of the official at S.No.1 namely Mr. Jehanzeb Junior Clerk, the same was found complete. Therefore his case was recommended for promotion as Senior Clerk BPS-09.

Mr. Muhammad Iqbal Junior Clerk who appear at S.No. 2 submitted his written affidavit to the effect that he is not willing to be promoted as Senior Clerk BPS-09 at this stage and further requested to maintain his right of promotion for future. Accordingly the case of next senior most Junior Clerk namely Mr. Nazar Muhammad was placed for promotion before the committee. Since he was fulfilling the criteria set for promotion, hence the committee unanimously recommended Mr. Nazar Muhammad Junior Clerk BPS-07 for promotion as Senior Clerk BPS-09.

#### PROMOTION OF JUNIOR CLERK BPS-07.

Consequent upon the promotion of 02 Junior Clerks BPS-07 as Senior Clerks BPS-09, 02 posts of Junior Clerk BPS-07 will become vacant besides 01 already vacant post of Junior Clerk. Thus all these 03 posts of Junior Clerk BPS-07 will be required to be filled up.

The house was informed that there are 23 sanctioned posts of Junior Clerks BPS-07 at the cadre strength of Revenue & Estate Department District Swabi. As per rules, 80% (18 posts) are to be filled by direct recruitment while 20% (05 posts) by promotion from amongst the Qasids/Naib Qasids and other equivalent post who poses SSC 2<sup>nd</sup> division with at least 03 years service as such on the basis of seniority. The final combined seniority list of Naib Qasids/Chowkidars/ Sweepers/ Malis was placed before the committee for consideration/recommendation for upward promotion as Junior Clerk.

It was decided that eligibility/typing/computer test will be taken from all SSC passed Naib Qasids/Chowkidars/ Sweepers/ Malis. The test was taken under the supervision of Additional Deputy Commissioner, Swabi General Assistant (Revenue) and Superintendent to Deputy Commissioner, Swabi and the following 04 Naib Qasids were placed before the committee for promotion as per priority of recommendation :-

1. Mr. Najm-us-Saqib Naib Qasid.
2. Mr. Muhammad Aamir Naib Qasid.
3. Mr. Ansar Iqbal Naib Qasid.
4. Mr. Gohar Zaman Naib Qasid.

*Retained to be  
for copy.  
Advocate*

The committee recommended Mr. Najm-us-Saqib Naib Qasid, Mr. Muhammad Aamir Naib Qasid and Mr. Gohar Zaman Naib Qasid for promotion as Junior Clerks BPS-07, while the case of Mr. Ansar Iqbal Naib Qasid was deferred as was not suitable. Keeping in view previous record like mis-conduct, non punctuality/casual in

(8)

office duty and involvement in the wrongly insertion of mutation in the record of Revenue Record Keeper.

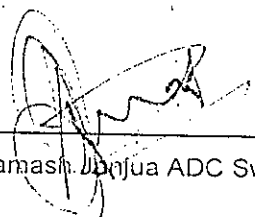
CHANGE OF POSTS.

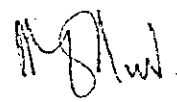
Consequent upon the promotion of 03 Naib Qasids to the post of Junior Clerks, 03 posts of Naib Qasids will become vacant which will be filled up by change of posts of Chowkidars and Sweepers.

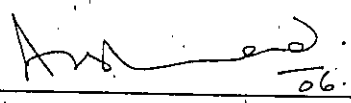
The house was informed that there are Muslims Namely Mr. Gul Zamir Khan & Mr. Khalil-ur-Rehman working as Sweepers and One Mr. Muhammad Adil Chowkidar presently working as Naib Qasid in Deputy Commissioner Office, Swabi.


The committee recommended that posts of above mentioned Sweepers and Chowkidar may be changed to Naib Qasid. However, they will perform their duties on the present posts, till the arrival of incumbents of these posts.

The meeting ended with a vote of thanks from the chair.

  
Altamash Dajua ADC Swabi

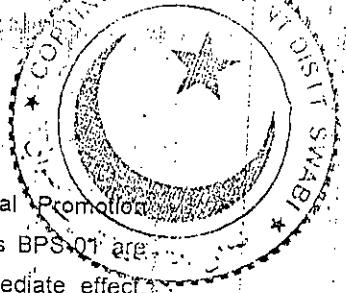
  
Khalilq Dad Wazir, AAC-I, Swabi

  
06.3.14.  
Mr. Arshad Abbasi Assistant  
Representative, BOR Peshawar

  
Capt (R) Kamran Ahmad Afridi  
Deputy Commissioner, Swabi.

*Printed to be  
true copy.  
Advocate.*

مقررہ وقت میں آفس میں موجود رہیں اور تمام سرکاری کاموں کو بروقت انجام دیں۔



**OFFICE ORDER.**

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held on 06.03.2014, the following Naib Qasids BPS-01 are hereby promoted as Junior Clerk BPS-07 (5800-320-15400) with immediate effect, subject to verification of their academic certificates from the concerned Boards of Intermediate & Secondary Education. However they will perform that duty till further orders.

S.No	Name of Official	Designation	Promoted as
1	Mr. Najm-us-Saqib	Naib Qasid BPS-01	Junior Clerk BPS-07
2	Mr. Muhammad Aamir	Naib Qasid BPS-01	Junior Clerk BPS-07
3	Mr. Gohar Zaman	Naib Qasid BPS-01	Junior Clerk BPS-07

**Terms & Conditions.**

1. They shall be on probation for a period of two years.
2. They will get their pay at the minimum of basic pay scales including usual allowances as admissible under the rules.

~~ATTENTION TO BE TRUE COPY~~  
Member/Examiner  
Swabi District

DEPUTY COMMISSIONER,  
SWABI.

**OFFICE OF THE DEPUTY COMMISSIONER SWABI.**

No. 728 /DC(S)/EA/Misc

Dated. 26/03/2014

Copy forwarded to:-

1. The Commissioner, Mardan Division Mardan.
2. The Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Additional Deputy Commissioner, Swabi.
4. The Assistant Commissioner, Swabi/Lahor.
5. The District Accounts Officer, Swabi.
6. Accountant Local for information & necessary action. He should also verify the academic certificates of the officials from the concerned Boards of Intermediate & Secondary Education.
7. Officials concerned.

we  
EA/Hc  
D.C office  
Swabi

DEPUTY COMMISSIONER,  
SWABI.

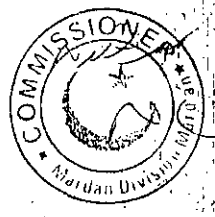
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Advocate



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Annex  
C

*Handwritten dates and numbers:*  
18-06-04  
16-04-04



**IN THE COURT OF COMMISSIONER MARDAN DIVISION, MARDAN.**

Noor Said Appellant  
Versus  
Deputy Commissioner/District Collector Swabi etc. Respondents

Case No.....  
Dated of institution: 16/04/2014  
Dated of Decision: 18/06/2014

**APPEAL AGAINST THE ORDER DATED 26/03/2014 OF THE DEPUTY COMMISSIONER/DISTRICT COLLECTOR SWABI.**

**ORDER:-**

Through this single consolidated order, I will dispose of the above noted appeal as well as the following five (5) connected appeals as all these appeals have been lodged against a common order which involves the common question of law and facts.

- 1. Appeal No. /9RCC titled Tilawat Shah Naib Qasid vs DC Swabi etc
- 2. Appeal No. /9RCC titled Mushtaq Ahmad N/Qasid vs DC Swabi etc
- 3. Appeal No. /9RCC titled Muhammad Zahid N/Qasid vs DC Swabi etc
- 4. Appeal No. /9RCC titled Faqir Hussain Naib Qasid vs DC Swabi etc
- 5. Appeal No. /9RCC titled Ansar Iqbal Naib Qasid vs DC Swabi etc

Through all these appeals, the appellants have challenged the order dated 26/03/2014 of the Deputy Commissioner/District Collector Swabi whereby the present respondents No.2 to 4 have been promoted from the posts of Naib Qasids(BPS-1) to the posts of junior clerks(BPS-7). Feeling aggrieved thereby, the appellants have assailed the said impugned order before this court through the instant appeals.

Appellants alongwith their counsel present. Representative of Deputy Commissioner Swabi also present and he submitted parawise comments. Respondents No. 2 to 4 also present, repeated chances were given to them to produce their counsel to argue the case and on 04/06/2014, last opportunity was given to them to produce their counsel to argue the case on next date of hearing i.e. 11/06/2014 but on 11/06/2014 also they failed to produce their counsel. Hence, right of defence of said respondents No.2 to 4 was struck off vide order sheet dated 11/06/2014. Arguments of the learned counsel for the appellants heard and case file as well as parawise comments of DC Swabi thoroughly perused.

From perusal of record of the case and arguments advanced at the bar, it reveals that the appellants were posted as Naib Qasids BPS-2 and BPS-3 with respondent No.1 and they are stood at S.No.8, 10, 12, 13, 23, 36 of the seniority list circulated by DC Swabi vide circulated order dated 31/12/2012 while the respondents No.2 to 4 namely Gohar Zaman, Muhammad Aamir and Najm-us-Saqib are stood at S.No.24, 26 and 34 respectively as per the said seniority list. During the course of arguments, counsel for the

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13-08-04  
Adv. etc of Jd  
true copy

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appellants contended that as per the District Ministerial Service Rules 2001, the junior clerk BPS-5 should be appointed by promotion of 20% amongst the Naib Qasids who hold the SSC second division and at least three years service experience. He added that as per the explanation of the said rules, the official in BPS-02 shall rank senior to official in BPS-1, irrespective of their length of service. Counsel for the appellants further argued that as per Section 9 of Civil Servant Act 1973, promotion of civil servant shall be made on seniority cum fitness while in case of appointment by recruitment civil servants shall be appointed on the basis of merit amongst the candidates. Representative of DC Swabi produced working papers of appellants as well as of the respondents No.2 to 4, and service books of appellants as well as of the respondent No.2 to 4, which reveals that the appellants are Naib Qasids in BPS-2 while respondents No.2 to 4 are in BPS-1 and as per the seniority list produced by the representative of DC Swabi, the appellants are senior to respondents No.2 to 4 but respondent No.1(DC Swabi) has ignored all these facts and respondents No.2 to 4 were promoted from Naib Qasids BPS-1 to the posts of junior clerks of BPS-7 vide the impugned order dated 26/03/2014 and the appellants being seniors were ignored.

From the above discussion and record produced by the representative of DC Swabi, It is held that those candidates who are senior and possess BPS-2 or higher grade are entitled for promotion to the post of junior clerk as per law and rules.

In view of the above, the impugned order is against law and facts of the case which is therefore set aside and the appeals of the appellants are hereby accepted with the direction to DC Swabi to conduct the DPC afresh keeping in view the District Ministerial Staff Rules 2001. No order as to cost.

File be consigned to record room after necessary completion.

Announced.  
18/06/2014



No. 303  
Date of Application 8-9-14  
Name of Applicant [Signature]  
Wards Sec Fee SC  
Urgent Fee  
Sign of Copy [Signature]  
Date of Preparation

13-08-14

**ATTESTED**  
[Signature]  
Examiner/Reader to  
Commissioner Court  
Mardan Division Mardan

13-08-0/15

attached to be  
true copy  
Adv. [Signature]

Annea  
DL

### MINUTES OF THE MEETING

The Departmental Promotion Committee meeting regarding promotion of Class-IV against the 20% reserve quota to the post of junior clerk BPS-11 was held on 11.06.2015 at 11.AM in the office of the Deputy Commissioner Swabi.

The following attended the meeting.

- |    |  |          |
|----|--|----------|
| 1. | Mr. Matiullah Khan, Deputy Commissioner Swabi    | In chair |
| 2. | Mr. Qaiser Khan Assistant to Commissioner Mardan | Member   |
| 3. | Mr. Afsar Ali Shah Assistant Commissioner Swabi  | Member   |

At the outset of the meeting the chairman welcomed the participants. Thereafter agenda items were discussed at length and decisions taken.


The house was informed that there are 23 sanctioned posts of J/clerk BPS (11) on the cadre strength of Deputy Commissioner Office Swabi. As per rules 80% (18 posts) have already been filled by direct recruitment, while 20% (05 posts) by promotion from amongst the Qasids/ N/ Qasids and other equalent posts having SSC 2<sup>nd</sup> division qualification with at least three years service as such on the basis of seniority. Two posts have been already filled up by promoting 02 N/ Qasids as J/clerk. Thus three posts to be filled up by way of promotion on seniority cum fitness. Eleven (11) eligible candidates were called for test out of these 08 class-IVs appeared. On query Five (5) candidates told that they know computer while rest of the candidates stated that they are not computer literates. Test taken from those five (5) candidates. Out of whom One Najam-us-Saqib passed the test while rest of the candidates failed.

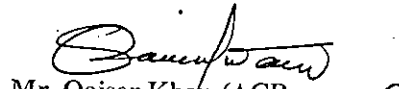
The failed candidates were however given an opportunity to improve their computer skill within two months.

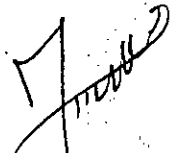
The committee recommended the promotion of Mr. Najam-us-Saqib to the post of J/clerk (BPS-11).

The case of drivers for the grant of senior scales i.e BPS (06) and BPS (07) respectively on completion of 10 and 15 years service was discussed. However as per recommendation of the committee it was felt necessary/ advisable to seek an opinion/clarification from the provincial Government before any further proceeding.

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


  
Mr. Afsar Ali Shah AC, Swabi  
(Member)

  
Mr. Qaiser Khan (ACR 11.6.15)  
ACR (Rev), Representative Commissioner  
Mardan Division, Mardan.  
(Member)

  
Mr. Matiullah Khan DC, Swabi  
(Chairman)

Approved to be

your copy.

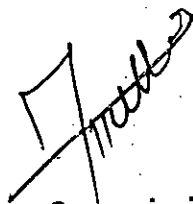
Advocate 

OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee in its meeting held on 11-06-2015 Mr. Najam-us-Saqib Naib Qasid (BPS-01) is hereby promoted as Junior Clerk BPS-11 (6600-460-20400) with immediate effect, subject to verification of their academic certificates from the concerned Boards of Intermediate & Secondary Education.

Terms & Condition.

1. He will be on probation for a period of two years.
2. He will get his pay at the minimum of basic pay scales including usual allowances as admissible under the rules.

*dc*  
  
 Deputy Commissioner,  
 Swabi. *Q*

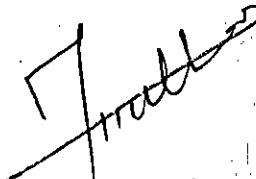
OFFICE OF THE DEPUTY COMMISSIONER, SWABI.

No 1939 /DC/EA

Dated 10 /07/2015.

Copy forwarded to the:-

1. The District Accounts Officer, Swabi.
2. The Assistant Commissioner, Lahor.
3. The Accountant Local office Swabi.
4. Official concerned.

*dc*  
  
 Deputy Commissioner,  
 Swabi. *Q*

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 true copy.*

*Adv. case of 11*

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**IN THE COURT OF COMMISSIONER MARDAN DIVISION, MARDAN.**

Gul Zameer Appellant  
 Versus

Deputy Commissioner/District Collector Swabi Respondent

Case No.....  
 Dated of institution: 27/07/2015  
 Dated of Decision: 21/09/2015

**APPEAL AGAINST THE ORDER OF RESPONDENT NO.1 DATED 10/07/2015 WHEREBY RESPONDENT NO.2 IS PROMOTED FROM NAIB QASID BPS-1 TO THE POST OF JUNIOR CLERK BPS-11, WHILE APPELLANT BEING SERVITOR BPS 2 THAN RESPONDENT NO.2 IS IGNORED.**

**ORDER:-**

Brief facts of the case are that the appellant was appointed as Naib Qasid in BPS-1 on 28/08/1988. During the service seniority list of Naib Qasids of the Deputy Commissioner Office Swabi has been prepared and the name of the present appellant was placed on at serial No.1. a meeting of DPC for the promotion of class-IV against the 20% reserve quota to the post of junior clerks BPS-11 was held in the office of Deputy Commissioner Swabi on 11/06/2015 under the Chairmanship of Deputy Commissioner Swabi. In the said DPC one Najub ul Saqib Naib Qasid has been promoted to the post of junior clerk on 10/07/2015. Aggrieved with the said order, the present appellant has come to this court in appeal.

Applicant with counsel present and representative of Deputy Commissioner Swabi present and submitted comments for the department, placed on file. Arguments of the learned counsel for the appellant heard. Record perused.

From the perusal of record it reveals that there are 3 posts are required to be filled up by the way of promotion on seniority cum fitness eleven eligible candidates were called for test out of those 08 class-IV appeared on query five candidates told that they know computer while rest of the candidates stated that they are not computer literates and only five (05) candidates give computer test. From those five candidates only one Najub ul Saqib passed the test while rest candidates failed.

Further more the department has given chance to the present appellant to improve their computer-skill within two months.

Keeping in view above discussion I am of the considered view that there is no any force in present appeal. Hence, dismissed. No order as to costs.

File be consigned to record room after necessary completion.

**Announced.**  
 21/09/2015

No. 568  
 Date of Application 21/9/015  
 Name of Applicant Najub ul Saqib  
 Wards 400 Fee all  
 Urgent Fee.....  
 Sign of Copyist.....  
 Date of Preparation 14/10/015

**ATTESTED**  
  
 Examiner/Reader to  
 Commissioner Court  
 Mardan Division Mardan  
 Commissioner  
 Mardan Division, Mardan  
 14/10/15

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Before The Commissioner Mardan Division Mardan

Gul Zamir Qasid (BPS-2) office of D.C Swabi  
.....Appellant

VERSUS

1. D.C swabi
2. Najub Ul Saqib Naib Qasid .....Respondent

Appeal against the order of respondent No.1 dated 10/07/2015 whereby respondent No.2 is promoted from Naib Qasid (BPS-2) to the post of Junior clerk (BPS-11), while appellant being servitor (BPS-2) than respondent No.2 is ignored, which is illegal, against law, rules, facts and violation of order/ judgment this Hon'able court dated 18/06/2014.

Respectfully Sheweth:

1. That appellant was appointed as Naib Qasid (BPS-2) vide order dated 05/04/2004
2. That responded No.1 prepared sonority list of Naib Qasid in which appellant name placed at serial No.4 of said seniority list. (Copy of seniority list is attached as Annex: "A").
3. That D.P.C for promotion of Naib Qasid / Qasid by respondent No.1 on 06/03/2014 to the post of Junior Clerk (BPS-11) was held by respondent No.1 on 06/03/2014, whereby respondent No.2 along with other two Naib Aqsid/ Qasid were promoted from Naib Qasid to the post of Junior Clerk vide order dated 26/03/2014, while appellant being servitor most and eligible for promotion was ignored. (Copy of order dated 26/03/2014 is attached as Annex: "B").
4. That feeling aggrieved, appellant filed an appeal before the worthy commissioner Mardan Division Mardan, which was accepted vide order/ judgment dated 18/06/2014, with the direction to the responded No.1 that it is held that those candidates who are sevir and possess (BPS-2) or higher grade are entitled for promotion to the post of junior clerk (BPS-11) as per law and rules. (Copy of order/ judgment is attached as Annex: "C").

See Page No =  
2  
14/10/15

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5. That inspite of judgment passed by this Hon'able court and rules for promotion of Naib Qasid/ Qasid to Junior Clerk is available and clear direction issued by this Hon'able court in the light of promotion rules and service laws, respondent No.1 was called D.P.C for promotion of Naib Qasid/ Qasid (BPS— 2) to junior clerk on 11/06/2015 after one year , in which all rules and judgment of this Hon'able court is violated vide order dated 11/06/2015. (Copy of DPC dated 11/06/2015 is attached as Annex: "D").
6. That on the wrong comments of D.P.C dated 11/06/2015, respondent No.2 is promoted from Naib Qasid (BPS-1) to junior clerk (BPS-11\_ vide impugned order dated 10/07/2015, while appellant being senior most and eligible for the promotion is ignored, which is illegal, against law, rules, facts and violation of order/ judgment of this Hon'able court dated 18/06/2014. (Copy of impugned order dated 10/07/2015 is attached as Annex: "E").
7. That the impugned order of responded No.1 dated 10/07/2015 is illegal, against law and facts and violation of order/ judgment dated 18/06/2014 of this Hon'able court and appellant is entitled on the following grounds:-

**GROUNDS:-**

Because respondent No.1 has violated the section-9 of civil servant Act. 1973 coupled with the appointment, promotion and transfer Rules 1989. because when competent authority passed any order against the finding of D.P.C , then he should explain reason for the same.

Because respondent No.1 has violated their own rules, which is circulated vide letter dated 13/06/2006, whereby in para No.9 of said rule for promotion of junior clerk in column of remarks (explained that BPS-02, would be considered seior tant Naib Qasid (BPS-01) but respondent No.1 has ignored the same and on the basis of said rules this Hon'able court passed order/ judgment dated 18/06/2015. (Copy is attached as Annex: "F").

Because as per law and rules, promotion of civil servant should be made on the basis of seniority- cum-fitness but respondent No.1 has violated the same because appellant is senior than responded No.2 as per seniority list and service.

That appellant is serving as Naib Qasid BPS-02, while respondent No.2 are serving as Naib Qasid (BPS-01) hence appellant is senior

**ATTESTED**

*[Signature]*  
 Examiner in Charge to  
 Commissioner Court  
 Muzaffargarh District  
 14/10/2015

*See Page 16*

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*14/10/2015*

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than respondent No.2 and appellant was recommended by Tehsildar/ Assistant Commissioner Lahore vide supplication dated 29/01/2014.

It is, therefore, most humbly prayed that on acceptance of this appeal, order of respondent No.1 dated 10/07/2015 may please be set aside and appellant may please be promoted from Naib Qasid to the post of Junior clerk against the post of responded No.2 with all back benefits. Any other relief deemed fit may also be graciously awarded.

Dated

Appellant

Through

Yaqoob Khan Advocate  
High Court at Dist: Courts  
Mardan

**AFFIDAVIT**

That the contents of the appeal are true and correct to the best of my knowledge and belief.

Deponent

No. 568  
Date of Application 21/09/15  
Name of Applicant  
Wards 1200 Fee 120  
Urgent Fee  
Sign of Applicant  
Date of Preparation

14/10/015

ATTESTED

Examiner/Reader to  
Commissioner Court  
Mardan Division Mardan

14/10/015



18

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING  
HELD ON 19/08/2014 UNDER THE CHAIRMANSHIP OF DEPUTY  
COMMISSIONER PESHAWAR**

A meeting of Departmental Promotion Committee was held on 19/08/2014 at 11:00 AM under the chairmanship of Deputy Commissioner Peshawar to consider promotion case of Class-IV against the vacant post of Junior Clerk BPS-11 in the office of Deputy Commissioner, Peshawar.

Annex

F

The following attended:-

- |   |          |
|---|----------|
| 1. Syed Zaheer-ul-Islam Shah,<br>Deputy Commissioner, Peshawar                          | Chairman |
| 2. Mr. Sharifullah,<br>Superintendent Board of Revenue,<br>Khyber Pakhtunkhwa, Peshawar | Member   |
| 3. Mr. Muntaz Ahmad,<br>Assistant Commissioner, Peshawar                                | Member   |

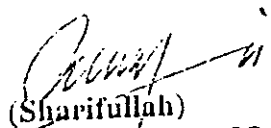
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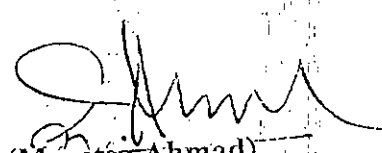
Opening the discussion, the Assistant Commissioner Peshawar intimated that as stated in the Working Paper there are 28 sanctioned posts of Junior Clerks BPS-11 in the office of Deputy Commissioner, Peshawar out of which 27 have already been filled in and remaining 1 is vacant due to the promotion of Mr. Shahid Ali to the post of Senior Clerk on 31/12/2013. The said vacant post is falling to the share of promotion quota. As per Recruitment Rules 20% of the total posts are to be filled in by promotion from amongst the Class-IV on the basis of seniority cum fitness whereas 80% by initial recruitment, the breakup of which is as under:-

Total Sanctioned Posts of J/Clerk:	28
I). 80% quota reserved for initial recruitments	22.00
II) 20% quota reserved for promotion amongst Class-IV	06.00

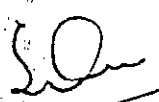
The Departmental Promotion Committee examined service records of all the eligible Class-IV included in the panel, unanimously agreed and found fit Mr. Nasir Khan, Senior most Naib Qasid (BPS-02) for promotion to the post of Junior Clerk (BPS-11) on regular basis and recommended him as such:-

Meeting ended with the vote of thanks.

  
(Sharifullah)  
Superintendent, Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar  
(Member)

  
(Muntaz Ahmad)  
Assistant Commissioner  
Peshawar  
(Member)

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true copy.  
Adv. Col. J. J. J.

  
(Syed Zaheer-ul-Islam Shah)  
Deputy Commissioner, Peshawar  
(Chairman)

(18)


OFFICE OF THE  
DEPUTY COMMISSIONER  
PESHAWAR

Dated Pesh. the 21/08/2014

OFFICE ORDER:

No. 9497 /DC(P)/EA. On the recommendation of Departmental Selection Committee held on 19/08/2014, Mr. Nasir Khan S/O Wali Muhammad, Naib Qasid (BPS-02) of this office is hereby promoted as Junior Clerk (BPS-11) with immediate effect.


On promotion the above official will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/Promotion/Transfer) Rules 1989.

  
Deputy Commissioner  
Peshawar

Endst: No. 9428-34 DC(P)/EA

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Board of Revenue, Estate and Revenue Department, Khyber Pakhtunkhwa, Peshawar alongwith copy of minutes of meeting.
3. Additional Deputy Commissioner, Peshawar.
4. Assistant Commissioner, Peshawar.
5. Accounts Officer, Budget and Accounts Section DC Office Peshawar for further necessary action.
6. Mr. Nasir Khan S/O Wali Muhammad.
7. Personal File/Office order File.

  
Deputy Commissioner  
Peshawar

*Admitted to be  
for copy.*

*Advocate. M. J. D.*




5269

ایڈووکیٹ/دستخط: \_\_\_\_\_  
بار کونسل ابار ایسوسی ایشن نمبر: 62-11-1916  
رابطہ نمبر: 0345-942919

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروسز ٹریڈ یونین کے نام

دعویٰ: _____	منجانب: _____
علت نمبر: _____	
موردہ: _____	
جرم: _____	
تھانہ: _____	

### بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 ان مقام کیسے کیلئے سندھ ایڈووکیٹس کونسل 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 حالت و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں مدد و تخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاڈگری یا کٹرف یا اہیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اہیل نگرانی و نظارتی 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 ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی حملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے بہت سے ہوگا وہ وکیل موصوف وکیل کرنے کا مختار 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 مندر ہے۔

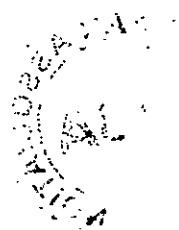
المرقوم: 7-11-16

\_\_\_\_\_ واہ شد \_\_\_\_\_

\_\_\_\_\_ کے لئے منظور ہے۔ \_\_\_\_\_

نوٹ: اس کاپی کو کسی اور کو نہیں دینا

Accepted by \_\_\_\_\_



Faint, illegible markings or text located near the bottom center of the page.

**BEFORE THE HONORABLE COURT OF REGISTRAR KHYBERPAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Gul Zamir

Appeal No.1281/15

Naib Qasid (BPS-02) Office of DC Swabi..... **Appellant**

Versus

1. Deputy Commissioner, Swabi.
2. Commissioner Mardan Division Mardan.
3. Najum-us-Saqib (Naib Qasid) Office of the Deputy Commissioner Swabi.
4. Board of Revenue through Senior Member Board of Revenue.
5. Secretary Finance, Civil secretariat, Peshawar..... **Respondent.**

**Appeal under section 4 of the Service Tribunal Act, 1974 against the order dated 21/09/2015 of respondent No.2 where by departmental appeal filed by the appellant against the order dated 10/07/2015 of respondent No. 1 was dismissed.**

**REPLY / WRITTEN COMMENTS ON BEHALF OF RESPONDENT NO.1,2,4,& 5.**

**PRILIMARLY OBJECTIONS.**

1. The appellant has no cause of action/ locus standi file the present appeal.
2. The present appeal is badly time barred.
3. The appellant has concealed the material facts from this Honorable court hence liable to be dismissed.
4. The appellant has not come to Honorable Court with clean hands.
5. That the appeal is bed for mis joinder and no joinder of necessary parties.
6. That the present appeal is barred by law.
7. That the present appeal is bad in its present form hence not maintainable and liable to be rejected with special cost.
8. Respondent No1 issued the promotion order after completion all codal formalities.

**FACTS.**

1. Para No 1 correct to the extent that the appellant was appointed as Naib Qasid (BPS-02) vide order dated. 05-04-2004.
2. Para No. 2 is correct. Hence no comments.
3. Para No. 3 is correct to the extent that the Respondent No. 1 promoted the Naib Qasid to the post of Junior clerk on the basis of seniority cum fitness, according to law and rules. But Appellant did not succeed to qualify the test for promotion/ said post. Hence appellant was not promoted.
4. Para No. 4 is correct to the extent that appellant did not pass typing test for promotion which was mandatory provision for the said post.

5. Para No. 5 is incorrect that the Respondent No. 1 called the DPC meetings so many times but due to some official works / engagement the DPC meetings were postponed.
6. Para No.6 is incorrect as explained in preceding pares.
7. Para No.7 is incorrect to the extent that the appellatant has no cause of action and locus standi to file the instant appeal.

**GROUND:**

- A. Para No.1 is correct to the extent that the candidate/ promottee was promoted according to rules and regulations. Those candidates/ promotes were promoted who passed/ qualified the typing test which is mandatory provision for the post on the recommendation of DPC which is a legal forum.
- B. Para No. B is incorrect to the extent that violation has been made. The Respondents have issued the order after the completion of the all proceeeding which have required for the said promotion.
- C. Para No. C is correct to the extent that the promotion has been made on seniority cum fitness basis. Therefore this promotion order was issued after completion of legal requirements/ formalities.
- D. Para No. D is incorrect. No rights of the appellatant are affected. The promotion order was issued according to rules on the subject.

It is, therefore humbly prayed that on acceptance of this reply the instant appeal filed by the appellatant may graciously be dismissed with cost.

*19/8/2016.*  
 Senior Member  
 Board of Revenue, Peshawar

Commissioner  
 Mardan Division Mardan

Secretary Finance  
 Khyber Pakhtunkhwa, Peshawar

Deputy Commissioner  
 Swabi

**CERTIFICATE.**

Certified that all the contents of the reply are true and correct according to the knowledge and no facts have been concealed.

Depdient

BEFORE THE HONORABLE COURT OF REGISTRAR KHYBERPAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Gul Zamir

APP No = 1281/15

Roll/1915  
12/5/16

Naib Qasid (BPS-02) Office of DC Swabi..... Appellant

Versus

1. Deputy Commissioner, Swabi.
2. Commissioner Mardan Division Mardan.
3. Najum-us-Saqib (Naib Qasid) Office of the Deputy Commissioner Swabi.
4. Board of Revenue through Senior Member Board of Revenue.
5. Secretary Finance, Civil secretariat, Peshawar..... Respondent.

Appeal under section 4 of the Service Tribunal Act, 1974 against the order dated 21/09/2015 of respondent No.2 where by departmental appeal filed by the appellant against the order dated 10/07/2015 of respondent No. 1 was dismissed.

PRILIMARLY OBJECTIONS.

1. The appellant has no cause of action/ locus standi file the present appeal.
2. The present appeal is badly time barred.
3. The appellant has concealed the material facts from this Honorable court hence liable to be dismissed.
4. The appellant has not come to Honorable Court with clean hands.
5. That the appeal is bed for mis joinder and no joinder of necessary parties.
6. That the present appeal is barred by law.
7. That the present appeal is bad in its present form hence not maintainable and liable to be rejected with special cost.
8. Respondent No1 issued the promotion order after completion all codal formalities.

FACTS.

1. Para No 1, correct to the extent that the appellant was appointed as Naib Qasid (BPS-02) vide order dated. 05-04-2004.
2. Para No. 2 is correct. Hence no comments.
3. Para No. 3 is correct to the extent that the Respondent No. 1 promoted the Naib Qasid to the post of Junior clerk on the basis of seniority cum fitness, according to law and rules. But Appellant did not succeed to qualify the test for promotion/ said post. Hence appellant did not promote. *as not*
4. Para No. 4 is correct to the extent that appellant did not pass typing test for promotion which was mandatory provision for the said post.

- 5. Para No. 5 is incorrect that the Respondent No. 1 called the DPC meetings so many times: but due to some official works / engagement the DPC meetings were postponed.
- 6. Para No. 6 is correct that appeal was dismissed by Respondent No. 2 on the basis of found merit less and baseless. *as explained in preceding para*
- 7. Para No. 7 is incorrect to the extent that the appellant has no cause of action and locus standi the instant appeal is ~~baseless and meritless hence liable to be dismissed.~~

GROUNDS.

*to file*

- A. Para No. 1 is incorrect to the extent that the candidate/ promottee was promoted according to rules and regulations. Those candidates/ promotes were promoted who passed/ qualified the typing test which is mandatory provision for said post on the recommendation of the DPC which is a legal forum.
- B. Para No. B is incorrect to the extent that violation has been made. The Respondents have issued the order after the completion of the all proceeding which were required for the said promotion.
- C. Para No. C is incorrect to the extent that the promotion has been made on seniority cum fitness basis. Therefore this promotion order was issued after completion of legal requirements/ formalities.
- D. Para No. D is incorrect to the extent that promotion should not be made on test/ seniority cum fitness. *Incorrect. No rights of the appellant are affected.*

*It is, therefore humbly prayed that on acceptance of this reply the instant appeal filed by the appellant may graciously be dismissed with cost.*

*The promotion Order was issued according to rules on the subject*

DEPUTY COMMISSIONER,  
SWABI

*Letter subject to  
subject to  
connections  
Attach the online  
records of the  
concerned DPC  
a counter affidavit  
S. A. /*

*12.5.16*  
Addl. Advocate General  
(Service Tribunal) K.P.K  
Peshawar.



۳

فصل ۳۰۰

تاریخ ثبت ۱۲۸۱

تاریخ

~~شماره~~

۲۲.۰۸.۱۶

**BEFORE THE HONOURABLE**  
**KHYBER PAKTHUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Appeal No. \_\_\_\_\_/15

Gul Zamcer \_\_\_\_\_ (Petitioner)

**V E R S U S**

Deputy Commissioner Swabi and others

\_\_\_\_\_ (Respondents)

**Application for correction of mentioning the correct date which is 10.07.2015 which is inadvertently mentioned as 16.07.2015 in the main appeal of the appellant.**

**Respectfully Sheweth,**

- 1) That the above titled appeal is pending adjudication before this honourable court which is fixed for today i.e. 04.07.2017.
- 2) That inadvertently the date of order of respondent No. 1 was mentioned as 16.07.2015 instead of 10.07.2015 which is clerical mistake.
- 3) That there no legal bar in rectifying the correct date as 10.07.2015 in main appeal.

**It is, therefore, most humbly prayed that the instant application may kindly be accepted.**

Through

Petitioner

*Kaleem Ullah*  
Kaleem Ullah

Advocates High Court,  
Peshawar

Dated: 04.07.2017

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

Appeal No. 1281/15

Gul Zamir

\_\_\_\_\_(Petitioner)

**V E R S U S**

Deputy Commissioner Swabi and others

\_\_\_\_\_(Respondents)

**Rejoinder to the Para-wise comments filed by  
the respondents.**

**Respectfully Sheweth,**

Reply to the preliminary objections:

- 1) Para 1 of preliminary objection of comments is incorrect, against law and facts, hence denied. In reply it is submitted that the appellant has got every much cause of action. Furthermore appellant has also got the locus standie to file the present appeal, whereas the respondents have got no right to deny the claim of the appellant, detail has been given in the main appeal.
- 2) Para 2 of preliminary objection is incorrect, against law and facts. Appeal of the appellant is well within the time.
- 3) Para 3 of preliminary objection is incorrect, against law and facts. In reply it is stated that the appellant has not

concealed anything from this honourable tribunal and has mentioned in detail the whole facts before this honourable tribunal in the shape of appeal, whereas the respondents have concealed material facts from this honorable tribunal as respondents are trying to protect their blue eyed person by infringing valuable and constitutional right of the appellant.

- 4) Para 4 of the preliminary objection is incorrect, in reply it is submitted that the respondents have not come to this honourable tribunal with clean hands, whereas the appellant has come to this honorable court with clean hands.
- 5) Para 5 of the preliminary objection is incorrect, in reply it is submitted that all the necessary and formal parties are made parties to the instant appeal.
- 6) Para 6 of the preliminary objection is incorrect, appeal of appellant is not barred by law but within time.
- 7) Para 7 of preliminary objection is against law and facts, hence denied. In reply it is stated that present appeal is very much maintainable and there is very chance of success, whereas the instant para of the main appeal is correct.
- 8) Para 8 of the preliminary objection is against law and facts, In reply it is stated that the mandate of the law on the subject has been grossly violated by respondents. As respondent No. 1 issued promotion order to respondent No. 3 in sheer violation of the law since respondent No. 3 was Junior to appellant, therefore appellant is entitle to be promoted to the post of ahead respondent No. 3, and be enlisted senior to respondent No. 3, detail has been given in above paras.

**BEFORE THE HONOURABLE**  
**KHYBER PAKTHUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Appeal No. 1281/15

Gül Zamir

\_\_\_\_\_  
(Petitioner)

**V E R S U S**

Deputy Commissioner Swabi and others

\_\_\_\_\_  
(Respondents)

**Rejoinder to the Para-wise comments filed by  
the respondents.**

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On Facts:

1. Para 1 of the facts of comments needs no reply.
2. Para 2 of the facts of comments also needs no reply.
3. Para 3 of the facts of comments is incorrect, however in reply it is stated that respondents have concealed material facts from this honourable tribunal, neither respondents have not properly replied Para 3 of the appeal, which is very much clear, comprehensive in its contents as respondents violating the law on subject and statutory rights of the appellate by promoting respondent No. 3 who is junior to appellant and as per law appellant needs to be promoted ahead of respondent No. 3.
4. Para 4 of the facts of comments are incorrect, while para 4 of appeal is very much clear and comprehensive.
5. Para 5 of the facts of comments is incorrect whereas Para 5 of appeal is correct, clear and comprehensive.
6. Para 6 of the facts of the comments is correct to the extent of dismissal of appeal while rest of the para is incorrect while respondent No. 2 dismissing departmental appeal of the appellant, altogether ignored law and rules on subject which favoured case of appellant.
7. Para 7 of the comments is incorrect, while Para 7 of appeal is correct. As appellant has got every cause of action and locus standie to file an appeal as respondents have violated statutory rights of the appellant. Furthermore the respondents have adopted later on the old method of promotion and on the same parameters one Muhammad Zahid and Obaid Ullah was promoted which fortified the stance of the appellant.

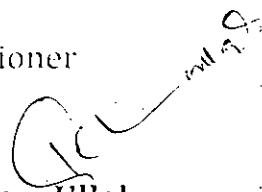
On Grounds:

- A. Para A of ground of comments is incorrect, while Para A of appeal is correct. It is important to mentioned here that as per law there shall be no written test for promotion from the post of Naib Qasid / Qasid to the post of Junior Clerk.
- B. Para B of ground of comments is incorrect, while Para B of appeal is correct.
- C. Para C of ground of comments is incorrect, while Para C of appeal is correct.
- D. Para D of ground of comments is incorrect, while Para D of appeal is correct.

**It is, therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted and the appellant may kindly be promoted to the post of Junior Clerk ahead of respondent No. 3 and be placed in seniority list ahead of respondent No. 3.**

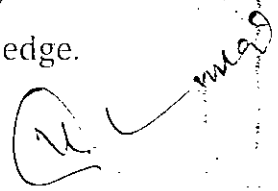
Petitioner

Through

  
**Kaleem Ullah**  
Advocates High Court,  
Peshawar

Dated: 04.07.2017

Certificate: As per instruction of my client I certify that the contents of rejoinder are true and correct the best of my knowledge.






**OFFICE OF THE DISTRICT OFFICER (FINANCE & PLANNING) SWABI**

**OFFICE ORDER**

For the smooth running of official matters/work the following posting/transfer/distribution of work amongst the official of this office is hereby ordered with immediate effect in the best public interest.

S.No	Name of Official	From	To	Remarks
1	Mr. Faqir Hussain N Q	DRI Branch	Diary & Dispatch Clerk in addition to his own duties.	
2	Mr. Zarif Khan N Q	General Duty	Diary & Dispatch Qasid in addition to his own duties.	

Dep

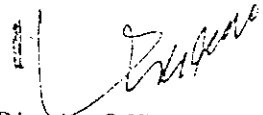
  
19/10/16  
District Officer (F&P)  
Swabi

No. 1/17 P&DD Misc

Dated 17 /10/2016

Copy forwarded to:-

1. The PS to Deputy Commissioner, Swabi.
2. The Programmer DO (F&P) Swabi.
3. The Assistant Programmer DO (F&P) Swabi.
4. Officials concerned for strict compliance.

  
19/10/16  
District Officer (F&P)  
Swabi

**OFFICE ORDER**

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held on 15/12/2015, the following Naib Qasid (BPS-02) are here by Promoted as Junior Clerk BPS-11 ( 3540-595-26390 ) against the 33% reserve quota of Class-IV, with immediate effect.

S.No.	Name of Official	Designation	Promoted As
1	Muhammad Zahid	Naib Qasid BPS-2	Junior Clerk BPS-11
2	Ubaid Ullah	Naib Qasid BPS-2	Junior Clerk BPS-11

**TERMS & CONDITIONS**

1. They shall be on probation period for one year which may be extended up to two years if their performance was not satisfactory.
2. Their confirmation would be subject to the satisfaction that they have improved their computer skill.
3. They will get their pay at the minimum of Basic pay Scales including usual allowances as admissible under the rules.

**DEPUTY COMMISSIONER  
SWABI**

**OFFICE OF THE DEPUTY COMMISSIONER SWABI**

No. 3547/DC(S)/E.A.

Dated 31 /12/2015.

- Copy forwarded to:
- 1 The Commissioner Mardan Division Mardan.
  - 2 The Assistant Commissioner Swabi/Lahor.
  - 3 The District Accounts Officer Swabi.
  - 4 The Accountant, local Office.
  - 5 The Officials Concerned.

**DEPUTY COMMISSIONER  
SWABI**

deputy  
Res  
Re

# PROCEDURE FOR SELECTION FOR PROMOTION/INITIAL RECRUITMENT

Circular letter No. SORI(S&GAD)45-1/75, dated 11.2.1987.---I am directed

that under rule 7 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, appointments by promotion to posts in BPS-2 to BPS-16 shall be made on the recommendation of the appropriate Departmental Promotion Committee. Similarly, under rule 11 of the rules, appointments to posts in BPS-1 to 15 shall be made on the recommendation of the Departmental Selection Committee after the vacancies have been advertised in newspapers. However, no such selection has so far been prescribed.

2. In order to ensure a fair degree of selection, minimise the chances of disfavoured favouritism, the Provincial Government have laid down the following criteria for selection for promotion vis-a-vis initial recruitment to the posts which are filled by the department concerned:-

(I) **Criteria for Selection for Promotion:-**Promotion to any post in a grade above Grade-16 shall not be subject to any test. The suitability of candidates shall be determined on the basis of service record i.e seniority-cum-fitness.

(II) **Criteria of Selection for initial recruitment:-**

(i) For post in Grades 1 to 4--no special criteria has been laid down. The selection committee concerned shall adopt its own method and procedure for selection.

(ii) For posts in Grade-5 and above in all departments--In all departments the total marks allocated for a written competitive examination, for initial recruitment, shall be 100 as per distribution given below:-

(a)	Prescribed qualification	...60
(b)	Higher qualification	...10
(c)	Experience	...10
(d)	Interview	...20

3. Para 2 above indicates only the general distribution of the marks. To ensure uniformity in Administrative Departments to develop criteria of comparative grading of candidates within the overall framework, S&GAD has done a model exercise(attached as Annexure) for the departments concerned.

4. I am accordingly directed to request you to kindly ensure that the aforesaid criteria for selection for promotion vis-a-vis initial recruitment to posts is adhered to strictly in filling posts in future.

## REVISED ANNEXURE COMPARATIVE GRADING OF QUALIFICATION

### Prescribed Qualification Non-Professional Posts.

	First	Second	Third	Total Mark
	70	53	42	70
Matric	70	53	42	
Matric	35	26	21	
FA/F.Sc	35	27	21	
Matric	23	17	14	
FA/F.Sc	23	17	14	
B.A/B.Sc	24	18	14	
Matric	17	13	10	
F.A/F.Sc	17	13	10	
B.A/B.Sc	17	13	11	
M.A/M.Sc	19	14	11	

### For Professional Posts.

#### For four examination

Ist Professional.	17	13	10
2 <sup>nd</sup> Professional	17	13	10
3 <sup>rd</sup> Professional	17	13	10
Final	19	14	12

#### For three examination

Ist Professional.	23	17	14
2 <sup>nd</sup> Professional	23	17	14
Final	24	19	14

#### For two examination

Ist Professional	35	26	21
Final	35	27	21

Qualification above the qualification prescribed under the rules).				12
Stage above	06			
Stage above	08			
Stage above	12			
Experience				10
Experience of one year	04			
Experience of two years	07			
Experience of three years and above	10			
				08
				100

Total marks ... 100

### Explanations:

Qualification prescribed in the rules is matric, comparative grading of candidates shall be as shown at (A) (i) above. Where typing is prescribed in the rules as a part of qualification matric, all persons possessing the prescribed speed shall be considered as equal.

**On Facts:**

1. Para 1 of the facts of comments needs no reply.
2. Para 2 of the facts of comments also needs no reply.
3. Para 3 of the facts of comments is incorrect, however in reply it is stated that respondents have concealed material facts from this honourable tribunal, neither respondents have not properly replied Para 3 of the appeal, which is very much clear, comprehensive in its contents as respondents violating the law on subject and statutory rights of the appellate by promoting respondent No. 3 who is junior to appellant and as per law appellant needs to be promoted ahead of respondent No. 3.
4. Para 4 of the facts of comments are incorrect, while para 4 of appeal is very much clear and comprehensive.
5. Para 5 of the facts of comments is incorrect whereas Para 5 of appeal is correct, clear and comprehensive.
6. Para 6 of the facts of the comments is correct to the extent of dismissal of appeal while rest of the para is incorrect while respondent No. 2 dismissing departmental appeal of the appellant, altogether ignored law and rules on subject. which favoured case of appellant.
7. Para 7 of the comments is incorrect, while Para 7 of appeal is correct. As appellant has got every cause of action and locus standie to file an appeal as respondents have violated statutory rights of the appellant. Furthermore the respondents have adopted later on the old method of promotion and on the same parameters one Muhammad Zahid and Obaid Ullah was promoted which fortified the stance of the appellant.

**On Grounds:**

- A. Para A of ground of comments is incorrect, while Para A of appeal is correct. It is important to mentioned here that as per law there shall be no written test for promotion from the post of Naib Qasid / Qasid to the post of Junior Clerk.
- B. Para B of ground of comments is incorrect, while Para B of appeal is correct.
- C. Para C of ground of comments is incorrect, while Para C of appeal is correct.
- D. Para D of ground of comments is incorrect, while Para D of appeal is correct.

**It is, therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted and the appellant may kindly be promoted to the post of Junior Clerk ahead of respondent No. 3 and be placed in seniority list ahead of respondent No. 3.**

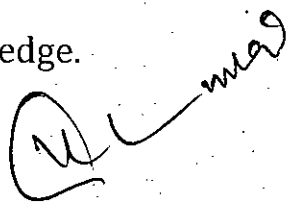
Petitioner

Through

  
**Kaleem Ullah**  
Advocates High Court,  
Peshawar

Dated: 04.07.2017

**Certificate:** As per instruction of my client I certify that the contents of rejoinder are true and correct the best of my knowledge.




**OFFICE OF THE DISTRICT OFFICER (FINANCE & PLANNING) SWABI**

**OFFICE ORDER.**

For the smooth running of official matters/work the following posting/transfer/distribution of work amongst the official of this office is hereby ordered with immediate effect in the best public interest.

S.No	Name of Official	From	To	Remarks
1	Mr. Faqir Hussain N/Q	DRI Branch	Diary & Dispatch Clerk in addition to his own duties.	
2	Mr. Zarif Khan N/Q	General Duty	Diary & Dispatch Qasid in addition to his own duties.	


  
19/10/16  
District Officer (F&P)  
Swabi

No. 147 /P&DD/Misc

Dated 19 /10/2016

Copy forwarded to:-

1. The PS to Deputy Commissioner, Swabi.
2. The Programmer DO (F&P) Swabi.
3. The Assistant Programmer DO (F&P) Swabi.
4. Officials concerned for strict compliance.

  
19/10/16  
District Officer (F&P)  
Swabi

## OFFICE ORDER

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held on 15/12/2015, the following Naib Qasid (BPS-02) are here by Promoted as Junior Clerk BPS-11 ( 8540-595-26390 ) against the 33% reserve quota of Class-IV, with immediate effect:

S.No.	Name of Official	Designation	Promoted As
1	Muhammad Zahid	Naib Qasid BPS-2	Junior Clerk BPS-11
2	Ubaid Ullah	Naib Qasid BPS-2	Junior Clerk BPS-11

### TERMS & CONDITIONS

1. They shall be on probation period for one year which may be extended up to two years if their performance was not satisfactory.
2. Their confirmation would be subject to the satisfaction that they have improved their computer skill.
3. They will get their pay at the minimum of Basic pay Scales including usual allowances as admissible under the rules.

  
DEPUTY COMMISSIONER  
SWABI

OFFICE OF THE DEPUTY COMMISSIONER SWABI

No. 3547 /DC(S)/EA.

Dated 31 /12/2015.

Copy forwarded to:

- 1 The Commissioner Mardan Division Mardan.
- 2 The Assistant Commissioner Swabi/Lahor.
- 3 The District Accounts Officer Swabi.
- 4 The Accountant, local Office.
- 5 The Officials Concerned.

  
DEPUTY COMMISSIONER  
SWABI

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2364 /ST

Dated 31 / 10 / 2017

To


The Deputy Commissioner,  
Government of Khyber Pakhtunkhwa,  
Swabi.

Subject: -

JUDGMENT IN APPEAL NO. 1281/2015, MR. GUL ZAMEER.

I am directed to forward herewith a certified copy of Judgement dated 26.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.