



27<sup>th</sup> April. 2023 1. Learned counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Asim Abbasi, Secretary to Commissioner for official respondents and Mr. Farah Naz, private respondent No.6 in person present.

2. Learned counsel for the appellant submitted a detailed application alongwith list of 43 shortlisted candidates for the post of Computer Operator, call letters for written test bearing No. CHD/1/2/-Estab: 4138 dated 09.05.2011 signed by the Assistant to Commissioner (REV/GA) Hazara Division, Attendance list of the candidates, call letter No. CHD/1/2-Estab:4966 dated 03.06.2011 issued to the appellant for computer practical test, computer practical result sheet dated 08.06.2011, some note parts of the relevant file of the office of the Commissioner, Hazara Division, call letter No. CHD/1/2/-Estab: 5569-71 dated 21.06.2011 issued to the appellant for her appearance in interview, merit list of 4 candidates named Faiza Abbasi, Noman Khan, Awais Qureshi and Zia Ul Haq signed by the Assistant to Commissioner (Rev-GA) Hazara Division, an order No. CHD/Estb/2/3/5027-34 dated 01.08.2017, enquiry proceedings conducted by Tasleem Khan, Deputy Commissioner, Haripur and requests for attested copies. Whereas Secretary to Commissioner, Hazara Division appeared alongwith Miss. Farah Naz, private respondent No.6 and produced copy of the minutes of meeting of the Departmental Promotion Selection Committee's held on 03.10.2011 and 16.12.2011. They also produced merit list of the candidates which is quite different from the one produced by the appellant as in this list five candidates are figured instead of four. There is request of Farah Naz made to the Commissioner, Hazara Division and forwarding letter of the Secretary to Commissioner alongwith synopsis and a notification dated 12.11.2020. We also directed the representative of the respondents to produce copy of the appointment order of Miss. Farah Naz and Awais Quraishi which was accordingly produced. During the course of arguments the appellant produced copy of letter No. 5402-3 dated 19.05.2020 issued by the office of the Commissioner, Hazara Division to the Board of Revenue. The appellant also produced copies of correspondence on complaint made by one Noman Khan to the Chief Minister Complaints Cell and Human Rights Cell of the Hon'ble Peshawar High Court. All the documents are directed to be placed on the file.

When confronted with two merit lists one brought by the appellant and the other by Miss. Farah Naz, private respondent No.6, who also happens to be the representative of the respondents, in the company of Secretary to Commissioner, he sought some time to clarify the situation and apprise the Tribunal. It is, however, observed that the documents produced alongwith the detailed application of the appellant were found placed in the original file/record of the office of the Commissioner Hazara Division. The original file is returned to the Secretary to Commissioner, Hazara Division. Adjourned on the request of Secretary to Commissioner, Hazara Division for consideration on 08.05.2023 before D.B at Peshawar. P.P given to the parties.


3. Needless to mention that, although the question before the Tribunal is the claim of seniority of the appellant, yet is undisputed that the appellant and private respondent No.6 were appointed through initial recruitment against the same advertisement and in case of initial recruitment the seniority is determined under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17(A) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and the only criterion provided in the rules is the merit order assigned to the candidates by the Selection Committee but when we are before us two different final merit lists, therefore, the above exercise is undertaken. Therefore, we would also like to direct Commissioner, Hazara Division to produce all the record of recruitment process right from the advertisement, applications, list of eligible candidates, list of candidates who appeared for tests and interviews etc till appointment by the above date and in case no such record is found, as is evident from different documents produced before the Tribunal today, a detailed report in writing shall be submitted enabling the Tribunal for further proceedings in the matter.


  
(Salah Ud Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

26<sup>th</sup> April, 2023 1. Learned counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present. Mr. Farah Naz, private respondent No.6 in person and as a representative of official respondents present.

2. Representative of the respondents has produced copy of merit list and some other documents. Learned counsel for the appellant wants to go through the same and confront those with some official documents, which, he says, were in his possession. He also submitted that on 21.02.2023, the Tribunal had put a query, during hearing, as to whether the appellant and private respondents were selected in the same selection process and, if so, why they were appointed on different dates but the respondents had not replied to this query till date, therefore, minutes of the meeting of the selection committee are required to be placed before the Tribunal by tomorrow positively. Representative of the respondents shall ensure production of the minutes. The learned counsel may also controvert the documents by tomorrow and argue the case. To come up for arguments on 27.04.2023 before D.B at camp court Abbottabad. P.P given to the parties.

  
(Salah Ud Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

*\*Adnan Shah, P.A\**