





08<sup>th</sup> May, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General alongwith Mr. Syed Asif Iqbal, Assistant Commissioner for the respondents present.

2. In compliance with the previous order sheet dated 27.04.2023 Mr. Syed Asif Iqbal, Assistant Commissioner (Political) Office of Commissioner Hazara Division submitted a report alongwith some documents with some irregularities and malpractice stated in the report regarding misplacement of the record of recruitment process, however, the authentic merit list, of the candidates who had applied, appeared and competed in the selection process, has not been produced before the Tribunal rather the two lists, available on the record of the Commissioner Hazara Office as mentioned in the previous order sheet, were again produced. It is observed in the previous order sheet that the case in the Tribunal is one of the seniority of the persons as to determine the seniority under section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(A) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, wherein the sole criteria and the criteria is merit order. There are two merit lists produced before the Tribunal one is containing four names without the name of private respondent No. 6, while the other produced by the private respondent No. 6, as representative of the respondents containing five names. Therefore, we would like to direct Commissioner Hazara Division to produce a certified merit list duly signed by him of all the candidates not from the record available in his office and already produced before the Tribunal as that is not reliable containing two different merit lists but from the record of the selection process on or before 24.05.2023 before D.B at Camp Court, Abbottabad.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

*\*Kaleem Ullah\**