


FORM OF ORDER SHEET

Court of _____

Appeal No. 1226/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/05/2023	<p>The appeal of Mr. Sada Khan received today by registered post through Mr. Abdul Saboor Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1226 of 2023

Saad Khan..... Appellant

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa
Board of Revenue and Estate Department Peshawar
etc..... Respondents

SERVICE APPEAL
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Dated: 19.05.2023


Saad Khan

..... Appellant


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

BEFORE THE SERVICE TRIBUNAL

K.P.K PESHAWAR

Service appeal No 1226 of 2023

Saad Khan, Computer Operator, DC
Office (F&P) wing Hairpur.....**Appellant**

VERSUS

1. The, Secretary to Government of Khyber
Pakhtunkhwa Board of Revenue,
Revenue & Estate Department KPK
Peshawar.
2. The, Commissioner Hazara Division,
Abbottabad.
3. The, Deputy Commissioner, Hairpur.
4. Mr. Ajmal Khan, Sr. Scale Stenographer
(BPS-16), Deputy Commissioner Office,
Haripur..... **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF
THE KPK SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED PROMOTION ORDER
NO. 852-55 DATED 02.02.2023 OF RESPONDENT
No. 04 ISSUED BY RESPONDENT NO. 03
WHEREBY LEGAL RIGHT OF THE APPELLANT TO
PROMOTION HAS BEEN VIOLATED.

Respectfully shewith!

1. That, appellat has been serving as Computer Operator since 21.05.2003, Finance wing in the office of respondent No. 03.
2. That, as per notification dated 23.01.2015 of the Revenue & Estate Department, KPK, the post of Senior Scale Stenographer (BPS-16) is required to be filled in through promotion "*sixty percent by promotion on the basis of seniority cum-fitness, from amongst the Stenographer with at least 5 years service and 40% by promotion on the basis of seniority cum fitness from amongst the computer operators with at least 5 years service*"
(Copy of notification dated 23.01.2015 is annexed as annexure "A").
3. That, after the promulgation of the aforesaid notification, one Nasir ud din Junior scale Stenographer (BPS-14) (DC office Haripur) was promoted against the post of senior Scale Stenographer BPS-16 on the basis of 60 percent quota as per seniority list.

4. That, the said Nasir-ud-din was later on promoted to the post of Private Secretary on 26.04.2019 and the post of Senior Scale Stenographer (BPS-16) fell vacant. There is only one sanctioned post of Senior Scale Stenographer in the office of respondent No.03.
5. That, the post of Senior Scale Stenographer remained vacant since 2019. Appellant vide application dated 13.10.2021 requested respondent No. 01 ⁰⁸ to promote him to the said post against 40% quota.
- (copy of application dated 13.10.2021 is annexed as annexure "B").**
6. That, appellant once again submitted an application dated 01.02.2023, one day prior to the issuing of the impugned order before respondent No. 03, but it was also not considered.
- (copy of application dated 01.02.2023 annexed as annexure "C").**
7. That, respondent No. 03 prepared working paper for the purpose of promotion against the impugned post in which appellant figures at serial No. 01 of the seniority list of computer operators. Calculation of ratio for promotion 60:40

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percent was wrongly sorted out and wrongly decided to fill the said post by again promoting Jr. Scale Stenographer, ignoring the fact that the quota of Jr. Scale Stenographer had already been exhausted in the year 2017 by promoting one Nasir ud din.

(Copy of working paper is annexed as annexure "D").

8. That, without considering the appellant, respondent No. 01 vide impugned order No. 852-55 dated 02.02.2023 promoted respondent No. 04 against the impugned post at the cost of violation of the legal right of the appellant.

(Copy of impugned order dated 02.02.2023 annexed as annexure "E").

9. That, being aggrieved, appellant filed appeal with respondent No. 02 on 03.02.2023 which has still not been responded.

(copy of appeal dated 03.02.2023 annexed as annexure "F").

10. That, being aggrieved from the impugned promotion order dated 02.02.2023 of respondent No. 04, appellant filed a writ petition bearing No. 442-A/2023 before Hon'able Peshawar High Court at Abbottabad bench which was withdrawn

vide order dated 02.05.2023 on the point of jurisdiction with permission to file service appeal before this Hon'able tribunal.

(Copy of order dated 02.05.2023 annexed as annexure "G").

11. That, feeling aggrieved from the impugned promotion order, appellant having no other alternative remedy is filing the present service appeal before this Hon'able tribunal against the impugned promotion order inter alia on the following amongst other grounds.

GROUND:

A. That, as a reference, it is submitted that there were two sanctioned posts of Senior Scale Stenographer (BPS-16) lying vacant in the office of Commissioner Hazara Division. These were equally divided between stenographers and computer operators against the ratio of 60/40 percent quota. The same calculation has not been followed by respondent No. 03 in the matter of the promotion of the appellant.

(Copy of working paper and promotion orders dated 21.09.2016 are annexed as annexure "H").

- B. That, Jr. Scale Stenographers had already availed the quota of 60% in the year 2017 and the present post was to be filled in by promoting Computer Operators against 40% quota but respondent No. 03 without any lawful justification denied appellant his due right by wrongly promoting respondent No. 04.
- C. That, after issuing the impugned order, appellant requested respondent No. 03 through application dated 08.02.2023 for provision of minutes of meeting of DPC but the same was not provided to the appellant.
- (copy of application dated 08.02.2023 annexed as annexure "I").**
- D. That, appellant was appointed on regular basis on 21.05.2003 whereas, respondent No.04 was appointed on 19.06.2006. Jr. Scale Stenographers had already availed their quota in the year 2017. This fact has not been considered by respondent No. 03 while promoting respondent No. 04 on the basis of wrong calculation.
- E. That, the impugned order dated 02.02.2023 is illegal, unlawful, without lawful authority, without jurisdiction and

of having no legal effect, hence, liable to be set-aside.

PRAYER:

IT IS, THEREFORE, most respectfully prayed that Hon'able Tribunal may graciously be pleased to:-

- A). **DECLARE** that the impugned order bearing No. 852-55 dated 02.02.2023 is illegal, unlawful, without lawful authority, against the legal right of the appellant and against the spirit of the notification dated 23.01.2015 and the same be set-aside accordingly.
- B). **CONSEQUENT UPON,** setting aside the impugned order dated 02.02.2023, respondent No. 03 be directed to consider the Computer Operators (BPS-¹⁶~~14~~) against the post of Senior Scale Stenographer (BPS-16) against 40% promotion quota as per notification dated 23.01.2015 w.e.f 2019 with all back benefits.

Dated: 19.05.2023


Saad Khan

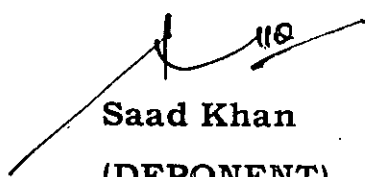
..... **Appellant**

Through


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Saad Khan, Computer Operator, DC Office (F&P) wing Hairpur, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.



Saad Khan

(DEPONENT)

BEFORE THE SERVICE TRIBUNAL

K.P.K PESHAWAR

Service appeal No _____ of 2023

Saad Khan..... **Appellant**

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa
Board of Revenue and Estate Department Peshawar
etc.....**Respondents**

SERVICE APPEAL

AFFIDAVIT!

I, Saad Khan Computer Operator, DC Office (F&P) wing Hairpur, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable Tribunal nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated: 19.05.2023


**Saad Khan
(DEPONENT)**

CNIC 13301-6506895-7

BEFORE THE SERVICE TRIBUNAL**K.P.K PESHAWAR**

Service appeal No _____ of 2023

Saad Khan..... **Appellant****VERSUS**The Secretary to Government of Khyber Pakhtunkhwa
Board of Revenue and Estate Department Peshawar
etc.....**Respondents****SERVICE APPEAL****CORRECT ADDRESSES OF THE PARTIES****APPELLANT S**Saad Khan Computer Operator, DC Office
(F&P) wing Hairpur**RESPONDENS**

1. The, Secretary to Government of Khyber Pakhtunkhwa Board of Revenue, Revenue & Estate Department KPK Peshawar.
2. The, Commissioner Hazara Division, Abbottabad.
3. The, Deputy Commissioner, Hairpur.
4. Mr. Ajmal Khan, Sr. Scale Stenographer (BPS-16), Deputy Commissioner Office, Hairpur

Dated: 19.05.2023


SAAD KHAN
..... **Appellant**

Through



ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

Handwritten signatures and initials at the top of the page.

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT

Peshawar Dated the 23/01/2015

NOTIFICATION

No. 2074/Estt/III/35SSRC. In pursuance of provisions contained in sub-rule (2) of rule 5 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department, in consultation with Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other condition specified in column 3 to 5 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Deputy Commissioners specified in column 2 of the said Appendix.

APPENDIX

S.No	Nomenclature of posts with BPS	Minimum qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
1	Superintendent (BPS-17)	3	4	5 By promotion, on the basis of seniority-cum-fitness from amongst the Assistants (BPS-16) of the districts concerned with atleast five years service in the offices of respective Deputy Commissioners and Political Agents.

2	Senior Scale Stenographer (BPS-16)	<p>(i) At least Second Class Bachelor's Degree, from a recognized university;</p> <p>(ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and</p> <p>(iii) Knowledge of computer using MS Word, MS Excel.</p>	20 to 32 years	<p>(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with atleast five years service as such in the offices of respective Deputy Commissioners and Political Agents; and</p> <p>(b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the offices of respective Deputy Commissioners and Political Agents:</p> <p>Provided that if no suitable person is available for promotion then by initial recruitment.</p>
3.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 30 years	<p>(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with atleast five years service as Junior and Senior Clerk in the Offices of Deputy Commissioners and Political Agents of district concerned; and</p> <p>(b) twenty five percent by initial recruitment from amongst the candidates of the district concerned.</p>
4.	Head Clerk (BPS-14)			By transfer from amongst Senior Clerks (BPS-14) of the district concerned.
5.	Stenographer (BPS-14)	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board;	18 to 30 years	By initial recruitment from amongst the candidates of the district concerned.

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		(ii) a speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and (iii) knowledge of computer in using MS Word, MS Excel.		
6.	Senior Clerk (BPS-14)	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the district concerned with atleast two years service as such.
7.	Computer Operator (BPS-12)	(i) At least Second Class Bachelor's Degree in Computer Science Information Technology (BCS/BIT four years), from a recognized university; (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education	18-to 28 years	By initial recruitment from amongst the candidates of the district concerned.
8.	Pesh Imam (BPS-12)	Sanad in Dars-e- Nizami or a Sanad of Fazail-e-Arabi Note: Preference will be given Hafiz-e-Quran.	18-to 32 years	By initial recruitment from amongst the candidates of the district concerned.
9.	Sub Engineer (BPS-11)	Diploma in Associate Engineering in Civil Technology from Board of Technical Education with certificate in Computer Aided Design (CAD) from recognized Institution.	18-30 years	By initial recruitment from amongst the candidates of the district concerned
10.	Junior Clerk (BPS-11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the district concerned with two years service as such, who have passed Secondary School Certificate Examination; and (b) sixty seven percent by initial recruitment from

				<p>the candidates of the district concerned.</p> <p><u>Note:</u> For the purpose of promotion there shall be maintain a common seniority list of Qasid and Naib Qasid etc with reference to the date of their appointment:</p> <p>Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment:</p> <p>Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possession the requisite qualification shall be promoted in preference to the senior official or officials.</p>
11.	Reader/Record Keeper (BPS-7)	At least second division in Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 30 years	By initial recruitment from amongst the candidates of the district concerned.
12.	Alhamad (BPS-5)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18-30 years	By initial recruitment from amongst the candidates of the district concerned.
13.	Driver (EPS-4)	Literate having LTV driving license issued by the competent authority. Preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18-37 years	By initial recruitment from amongst the candidates of the district concerned.
14.	Khadim (BPS-4)	Literate. Note: Preference will be given to Hafiz-e-Quran	18-32 years	By initial recruitment from amongst the candidates of the district concerned.

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15.	Process Server (BPS-2)	Literate.	18-32 years	By initial recruitment from amongst the candidates of the district concerned.
16.	Qasid (BPS-2)		--	By promotion on the basis of Seniority-cum-fitness, from amongst the Naib Qasids with two years as such.
17.	Naib Qasid/ Chowkidar/Sw eeper/Mali (BPS-1)	Literate.	18-32 years	By initial recruitment from amongst the candidates of the district concerned.

Sd/

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Alleged
T6 19/10/23

OP/16

The Deputy Commissioner
Haripur.

Subject:- REQUEST FOR PROMOTION OF COMPUTER OPERATORS TO THE POST OF SENIOR SCALE STENOGRAPHER IN DEPUTY COMMISSIONER'S OFFICE HARIPUR

B

Respected Sir,

It is humbly stated that on 24-04-2017, one Mr. Nasir-ud-Din Junior Scale Stenographer (BPS-14) (DC office Haripur) was promoted on the post of Senior Scale Stenographer (BPS-16) amongst the Junior Scale Stenographers ^{COs} on the basis of (60% 40%) quota as per seniority list.

Later on, he was further promoted to the post of Private Secretary (BPS-17) on 26-04-2019 and the post of Senior Scale Stenographer (BPS-16) is lying vacant after a lapse of more than two years.

Since one Junior Scale Stenographer Mr. Nasir-ud-Din of this office has already promoted as per allocated quota amongst the Junior Scale Stenographers/ Computer Operators and File has already been processed on the request of the applicants for promotion on the vacant post of Senior Scale Stenographer as per prevailing quota / policy amongst the Computers Operators and forwarded to the Additional Deputy Commissioner (Finance & Planning), Haripur for comments and returned to worthy Deputy Commissioner, Haripur after doing the needful for further necessary action.

Now we the Computers Operators of this office request your honor to kindly convened meeting of Departmental Promotion Committee and promote amongst the Computers operators on the vacant post of Senior Scale Stenographer (BPS-16) as per {60%:40%} quota earmarked for the Computers operators as the Junior Scale Stenographer had already been availed the quota of 60:40%.

We will be very thankful to you for this act of justice and kindness.

Yours Obediently

Dated: 12.10.2021

- 1. - Saad Khan C.O.
- 2. Afzal Ahmed C.O.
- 3. Usman Akhtar CO.

11/5
13-10-21

12/10/21

10/9/20
13/10/2021

Office of D.C. Haripur
Date: 10/9/20

AE
MCU
13/10

Attested
19/12/23

P. (17)

P. (17)

ANNX. (C)

To,

The Deputy Commissioner,
Haripur.

Subject:

REQUEST FOR PROMOTION OF COMPUTER OPERATORS TO THE
POST OF SENIOR SCALE STENOGRAPHER IN DEPUTY
COMMISSIONER'S OFFICE HARIPUR.

Benign Sir,

It is very humbly stated that an application was submitted to the worthy Deputy Commissioner, Haripur on 13.10.2021 by the Computer Operator of DC Office Haripur stating therein that kindly convened meeting of Departmental Promotion committee and promote amongst Computer Operators on the vacant post of Senior Scale Stenographer (BPS-16) as per {60%:40%} quota earmarked for the Computer Operators as the Junior Scale Stenographer had already been availed the quota of 60:40% by promoting Mr. Nasir ud Din Junior Scale Stenographer (BPS-14) on the post of Senior Scale Stenographer (BPS-16) on 24.04.2017 amongst the Junior Scale Stenographers/COs on the basis of (60%:40%) quota as per seniority list.

Later on, he was promoted on the post of Private Secretary (BPS-17) on 26.04.2019 and the post of Senior Scale Stenographer (BPS-16) is lying vacant after a lapse of 03 Years.

Since, the Junior Scale Stenographer Mr. Nasir ud Din of this office has, already promoted as per allocated quota amongst the Junior Scale Stenographers/Computer Operators and file has already been processed on the request of the applicant for promotion on the vacant post of Senior Scale Stenographer as per prevailing quota / policy amongst Computer Operators.

It is therefore, requested to kindly consider the case on merit and promote amongst Computer Operators on the vacant post of Senior Scale Stenographer (BPS-16) as per {60%:40%} quota earmarked for the Computer Operators as the Junior Scale Stenographer had already been availed the quota of 60:40%.

I shall be thankful to your good honor for this act of justice and kindness.

Yours obediently,

118
21-02-23
Saad Khan

Computer Operator DC Office, Haripur.
Dated: 01.02.2023

19/1/23

WORKING PAPER

It is submitted that one post of Senior Scale Stenographer has been vacant due to the regular promotion of Mr. Nasir-ul-Din, SSS to the post of Private Secretary (BPS-17).

The post of Senior Scale Stenographer (BPS-16) is required to be filled in through promotion according to the method/policy of recruitment promulgated by Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar vide Notification NO. 2074/Estt:1/II/135/SSRC dated: 23.01.2015 (F/A) which is re-produced as under:-

"Sixty percent by promotion on the basis of seniority-cum-fitness, from amongst the Stenographer with at least five years service as such in the offices of respective Deputy Commissioners and Political Agents and 40 percent by promotion on the basis of seniority-cum-fitness from amongst the Computer Operators with at least five years service as such in the offices of respective Deputy Commissioners and Political Agents"

The following panel of Jr. Scale Stenographer and Computer Operator according to their Seniority List is hereby placed before DS / PC for consideration and approval:

Computer Operators:

S#	Name of Official	Designation	Place of Posting	Date of appointment on regular basis	Remarks
1.	Mr. Saad Khan	Computer Operator	Finance Wing	21.05.2003	His name has already included in the seniority list issued by Finance Department, Peshawar.
2.	Muhammad Afzaal	Computer Operator	P&D Wing	21.05.2003	Initially, he was appointed by Secretary Finance Department, Peshawar. After issuance of seniority list of Computer Operators by FD Peshawar during last year, he had objected this seniority list with plea that his name should also be included as his appointment order was issued by Secretary FD Peshawar.
3.	Mr. Azhar Iqbal	Computer Operator	DC Office	21.02.2004	BOR Peshawar through a notification merged this CO seniority in Assistant category which is still in service tribunal having disputed matter.

Jr. Scale Stenographer:

S#	Name of Official	Designation	Place of Posting	Date of appointment on regular basis	Remarks
1.	Mr. Ajmal Khan	Jr. Scale Stenographer	DC Office	19.06.2006	-
2.	Mr. Samiullah Khan	Jr. Scale Stenographer	Finance Wing	26.06.2007	-
3.	Mr. Wajahat Ali Khan	Jr. Scale Stenographer	DC Office	19.07.2012	-

According to the aforesaid criteria of 60:40 percent, ratio for promotion is calculated as 2:2 (2 for Jr. Scale Stenographer and 2 for Computer Operators). Out of promotion ratio, the post of Jr. Scale Stenographer has already availed 1 promotion and 1 promotion is behind left while 1 promotion of Computer Operators is fully left over.

Jr. Scale Stenographers may be avail their whole promotion share firstly as Second turn and then as and when post will be found vacant Computer Operators shall avail their promotions-quota in next turn (2:1).

According to the seniority list of Jr. Scale Stenographer (BPS-14) upto December 2022, Mr. Ajmal Khan, JSS is most senior amongst other two JSSs (F/B).

The Seniority List of Jr. Scale Stenographers and Computer Operators and Synopsis alongwith original ACRs, Non-Involvement Certificates, of J. Scale Stenographer are placed before the DPS/C (placed on F/C, D & E) for further consideration for promotion against the vacant post of S. Scale Stenographer (BPs-16).



Deputy Commissioner,
Haripur.



**OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR.**

No. Recruitment-1(1)/OS-AE/DC(H) 852-55


Dated: 02/02/2023

OFFICE ORDER:

Based on the recommendation of Department Selection / Promotion Committee held on 01.02.2023, the following official of the Deputy Commissioner Office, Haripur is hereby promoted against the vacant post of Sr. Scale Stenographer (BPS-16) on regular basis, with immediate effect:

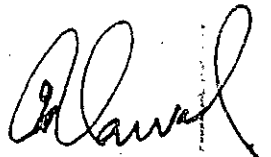
NAME OF OFFICIAL WITH PRESENT DESIGNATION	PROMOTED AS
Mr. Ajmal Khan, Jr. Scale Stenographer (BPS-14)	Sr. Scale Stenographer (BPS-16)

In term of Rules 6(3) of Civil Servants Act, 1973 and Rule 15(1) of Appointment, Promotion and Transfer Rules 1989, they will be on probation for a period of one year extendable for another year.


Deputy Commissioner,
Haripur.

Copy to the:

1. Additional Deputy Commissioner (General), Haripur.
2. District Accounts Officer, Haripur.
3. District Nazir (Local).
4. Officials concerned.


Deputy Commissioner,
Haripur.

Accepted
19/5/23

P (20)

To

The Commissioner,
Hazara Division.

Amal - F

SUBJECT: APEAL AGAINST THE PROMOTION FOR THE POST OF SENIOR SCALE STENOGRAPHER (BPS-16) AMONGS JUNIOR SCALE STENOGRAPHER (BPS-14) & COMPUTER OPERATOR (BPS-16).

R/Sir,

It is humbly stated that an application was submitted to the worthy Deputy Commissioner Haripur, dated 01-02-2022 (copy attached), before Departmental Promotion Committee (DPC) which was held in Deputy Commissioner Office Haripur, dated 01-02-2023 under the chairmanship of the Deputy Commissioner Haripur. In the meeting it was decided / recommended that the junior scale stenographer is again promoted on the subject post instead of computer operator which is against the allocated promotion quota (60%:40%) amongst senior scale stenographer and computer operator respectively although the junior scale stenographer have already avail their 60% quota and promoted against the vacant post in the DPC held in april, 2017. Now , again in the DPC meeting Junior scale stenographer is promoted and notification issued vide office order No. Recruitment-1(1)/OS-AE/DC(H)852-55 dated: 02/02/2023. (copy attached).

It is therefore requested that kindly consider the case on merit and promote the person who have right for this promotion.

I shall be thankful to your good honor for this act of justice and kindness.

Signature
09-01-23

SAAD KHAN
Computer Operator
DC Office Haripur.

Cc:

1. Senior Member Board of Revenue, Peshawar.
2. PS to Deputy Commissioner Haripur.

R
3/1/2023

ANNEX



**BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD**

W.P. No. 442 A/2023

Saad Khan, Computer Operator, DC
Office (F&P) wing Hairpur.....**Petitioner**

VERSUS

1. The, Secretary to Government of Khyber Pakhtunkhwa Board of Revenue, Revenue & Estate Department KPK Peshawar.
2. The, Commissioner Hazara Division, Abbottabad.
3. The, Deputy Commissioner, Hairpur.
4. Mr. Ajmal Khan, Sr. Scale Stenographer (BPS-16), Deputy Commissioner Office, Hairpur..... **Respondents**

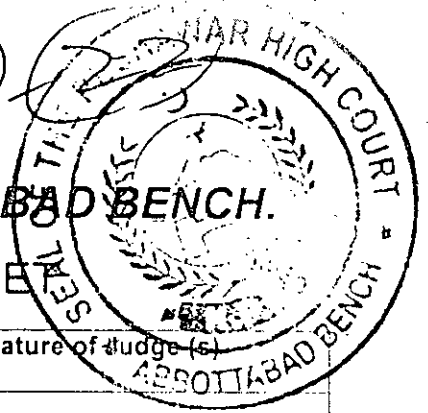
WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AGAINST THE IMPUGNED
PROMOTION ORDER NO. 852-55 DATED
02.02.2023 OF RESPONDENT No. 04 ISSUED BY
RESPONDENT NO. 03 WHEREBY LEGAL RIGHT
OF THE PETITIONER TO PROMOTION HAS BEEN
VIOLATED.

FILED TODAY
C.D. REGISTRAR
P.H.C. ABBOTTABAD BENCH
22/5/23

Certified to be True Copy
EXAMINER
22/MAY 2023
Peshawar High Court and Bench
Authorized Under Section 10 of Ordinance

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
02.05.2023	<p><u>W.P.No.442-A/2023.</u></p> <p>Present: Mr. Abdul Saboor Khan, Advocate for petitioner.</p> <p>***</p> <p><u>KAMRAN HAYAT MIANKHEL, J.-</u> After arguing the case at great length, learned counsel for petitioner stated that he does not press this petition anymore with permission to approach the proper forum.</p> <p>In view of the above, this writ petition is dismissed as withdrawn. However, the petitioner would be at liberty to approach the proper forum, if so desired.</p> <p>Announced 02.05.2023</p> <p><i>[Signature]</i> JUDGE</p> <p><i>[Signature]</i> JUDGE</p>

Certified to be True Copy
EXAMINER
22 MAY 2023
Peshawar High Court and Bench
Authorized Under Sec. 15 and Ordns.

1-2

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

(Signature)

REVISION OF JUNIOR SCALE STENOGRAPHER (BS-14) AND COMPUTER OPERATOR (BS-12) TO THE POST OF SENIOR SCALE STENOGRAPHER (BPS - 16) IN COMMISSIONER, OFFICE HAZARA DIVISION

On the basis of provision of Notification No.2033/Estt./II/35/SSRC dated 23/01/2015

method of promotion has been prescribed for the post of Senior Scale Stenographer

(Annexure - A)

- a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with atleast five years service as such in the Office of Commissioners concerned; and
- b) Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned.

According to working paper attached with Commissioner Hazara Division, dated letter No 25-Estt/7616-17, dated: 7.6.2016 (Annexure-B), there are total two (02) posts of Senior Scale Stenographer (BPS-16) in Commissioner office Hazara Division. Both the posts are lying vacant. One post fall vacant due to retirement of Mr. Muhammad Senior Scale Stenographer, while the other post fall vacant due to promotion of to the post of Private Secretary on acting charge basis at (Annexure-C & D). The detail of under -

Numbered post.	Existing working strength.	Vacancy
		02

The posts are required to be filled in by way of promotion under the provision of (Appointment, Promotion and Transfer) Rules - 1989. A panel of Junior Scale Stenographer and three Computer Operators in order of seniority is given below -

Seniority position	Date of appointment as JSS and Computer Operator	Whether or not 5 years length of service as JSS and Computer Operator	Whether or not already appointed as an ACB	Present place of posting
1 st	16.11.2010	Yes	No	Commissioner's office Hazara

Pr (24-A)

BETTER COPY!

1	Mr. Muhammad Faisal Junior Scale Stenographer (BPS-14)	2 nd	21-05-2012	NO	NO	Commissioner's Officer Hazara
2	Mr. Awais Qureshi Computer Operator (BPS-12)	1 st	08-10-2011	NO	NO	Commissioner's Officer Hazara
3	Mrs Farha Naz Computer Operator (BPS-12)	2 nd	10-10-2011	NO	NO	Commissioner's Officer Hazara
4	Miss Faiza Abbasi Computer Operator (BPS-12)	3 rd	16-12-2011	NO	NO	Commissioner's Officer Hazara

It is certified that

1. The officials have not completed the prescribed in length of qualifying servi experience as required under the service recruitment les except S. No .1.
2. Neither disciplinary Departmental proceedings Criminal Anti-Corruption cases are pending against the officials nor any penalty posed upon them.
3. They are regular members of the service cadre and presently wording respective service cadre.
4. Synopsis of ACRs duly attested in respect of the recommended (except at S. No. 5 in the panel above) is placed on Board.

The Departmental Promotion Committee is requested to determine the suitability of Ford Scale Stenographer (BPS-14) on regular basis and one Computer Operator (BS-12) for appointment to the post of Senior Scale Stenographer (BPS-16) on acting charge basis please.

Assistant Secretary

ANNEXURE - F

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF REVENUE
REVENUE, ESTATE DEPARTMENT

Received the 21/09/2016

NOTIFICATION.

No.Estt:II/DS/Assistance. _____ On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographers and Computer Operator are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No	Name & Designation	Office	Promoted
1.	Mr. Amin ul Haq Junior Scale Stenographer (BS-14)	Commissioner, Office Hazara Division.	Senior Scale Stenographer (BS-16).
2.	Mr. Awaiz Qureshi Computer Operator (BS-16)	Commissioner, Office Hazara Division.	Senior Scale Stenographer (BS-16) (Acting charge basis).

On promotion, they will be on probation for period of one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Act 1973 read with rule 15 of Khyber Pakhtunkhwa Civil Servants, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989.

ATTESTED

By order of
Senior Member

Certified to be true copy

No.Estt:II/DS/Assistance. 23112-15

Copy forwarded to the:-

1. Commissioners, Hazara Divisions Abbottabad.
2. District Accounts Officer, Abbottabad.
3. Officials Concerned.
4. Office order file.

Hikhar Ahmed Khan
Advocate
Kutchery, Charsadda
District Abbottabad

Secretary-I

To

The Deputy Commissioner
Haripur.

Through Proper Channel

P (26)
No. ADC (F&P) H-174

Date: 08-02-23

Amir (19)

SUBJECT: PROVISION OF WORKING PAPER & MINUTES OF DPC MEETIN HELD ON 01-02-2023.

R/Sir,

With due respect it is submitted that Departmental promotion committee (DPC) meeting was held on the 01/02/2023, wherein several promotion cases were approved. I was also a candidate for the post Senior Scale Stenographer (BPS-16) but was not considered.

It is therefore, requested that working paper and minutes of the meeting may please be provide please.

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07-02-23
Saad Khan
Computer operator,
DC office (F&P) wing Haripur.

Office of The Additional Deputy Commissioner:
Finance & Planning wing Haripur
Dispatch No. 174
Date: 08-02-23

وکالت نامہ

کورٹ فیس - قیمت

بعدالت جناب *KPK Service Tribunal, Rawalpindi*

منجانب *حکومت گلگت و بلتستان*

دعویٰ یا جرم *Service Tribunal* باعث تحریر آئیکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی اور جوابدہی مقام *KPK Service Tribunal*

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داخستہ صاحب مثل کروہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹالشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

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مورخہ

Accepted

(Appellant) منجانب