


# FORM OF ORDER SHEET

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

**Appeal No.** 1301/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2023	<p>The appeal of Mr. Muhammad Haroon resubmitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>14-06-2023</b></p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Haroon Junior Clerk District Court Khyber, received today i.e on 31.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of tentative seniority list mention in the memo of appeal is not attached with the appeal.
- 2- Copy of final seniority list which show the seniority position of the appellant is not attached with the appeal.
- 3- Annexure-C of the appeal is incomplete be completed.
- 4- Annexure-4 of the appeal is illegible which be replaced by legible/better one.
- 5- Annexures of the appeal are unattested.
- 6- Paper used in printing of grounds of appeal is low standard which is not acceptable.

No. 1563 /S.T,


Dt. 01/06 /2023.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv.  
High Court Peshawar.

Respected Sir:-

All necessary  
objection are removed, while the  
is no need to amend a tentative  
Seniority list nor the tentative  
Seniority list are impugned.

  
Javed Iqbal Gulbela

**BEFORE THE HONBLE SERVICES TRIBUNAL KPK, PESHAWAR.**

S.A No 1301 /2023

**Muhamad Haroon**

**Versus**

**Registrar PHC**

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Appellant

Through

Javed Iqbal Gumbela

ASC

Date: 31/05/2023

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

S.APPEAL No. 1301 /2023

1. Muhammad Haroon (Junior Clerk, BPS-11) at District Courts Khyber.

**Versus**

1. The Registrar, Peshawar High Court, Peshawar.
2. District and session Judge at District Courts Khyber.
3. Hamayun khan (Junior Clerk, BPS-11) at District Courts, Khyber.
4. Muhammad Arif (Junior Clerk, BPS-11) at District Courts, Khyber.
5. Shah Saud (Junior Clerk, BPS-11) at District Courts, Khyber.

**Appeal U/S 4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974  
Against The Final impugned Seniority List of Junior Clerk (BPS-11) vide  
letter no.337/DSJ 08-04-2023 Maintained by the Learned District and  
Session judge, District Khyber Whereby The Appellant was declared junior  
in the impugned seniority list, and his Departmental Appeal of the  
appellant was regretted in a Classical and a Whimsical Manner.**

**Respectfully Sheweth:-**

1. That the appellant is a law abiding citizen of Islamic republic of Pakistan, hail from a respectable family and now serving as junior clerk (BPS-11) since 05-03-2020
2. That after going through the mandatorily required criteria and after being envisaged with the ordeals and inquisitions of selection process the appellant scored highest in merit list and then the appellant recommended on dated 23-12-2019 and finally appointed as junior clerk (BPS-11) in the prestigious respondent department on dated 05-03-2020.
3. That after being inducted into service & coming onto the strength of respondent department, the appellant has ever remained a hardworking, dutiful & devoted fellow, who never left any stone unturned in performance of his duties and because of the same there is no soot or sootage of any sort on his career.
4. That in respect of promotions to the post of senior clerk the respondent No.02 issued a tentative seniority list of junior clerks(BPS-11), wherein the appellant was placed 04 of the said list.
5. That thereafter the appellant being highly aggrieved from the said list maintained by respondent No.02 moved appeal before competent form

2)

but unfortunately the same was regretted because of list is not final yet. (Departmental appeal and regretted order is annexed as annexure "A & B)

6. That after some days finally the respondent No.02 issued a final seniority list of junior clerks (BPS-11) whereby again the appellant was placed at serial No.04, hence the appellant preferred a second departmental appeal but deuce fate of the appellant prevailed and the same was turndown without any cogent reason. (Copy of impugned final Seniority list, Departmental appeal and order of the respondent department is annexed as annexure "C ,D & E"
7. That interestingly far away juniors from the appellant was also placed seniors at seniority list which is against the prevailing rules mentioned in judicial Esta code 2021. (Copy of relevant rules are annexed as annexure "F")
8. That now frustrated from every angle the appellant approaches to this Hon'ble tribunal for acknowledgment, recognition and enforcement of his basic rights, upon the following grounds inter alia

**GROUND:-**

- A. That from every angle the appellant has a right to is entitled to be placed at Serial No – 02 of the final seniority list.
- B. That the appellant has not been dealt with in accordance with law and equity and by doing so the appellant has been deprived of his valuable rights of promotion at his due place.
- C. That the appellant has been serving in respondent department with great zeal and zest and persistent efforts and no adverse remarks whatsoever has been recorded in his all career.
- D. That the respondent department recommended the appellant along with other colleagues on dated 23-12-2019 and were accordingly issued appointment orders. Now the appellant has topped the merit and as per law bin vogue is entitled to be placed at his due place in Seniority List as well, but in order to appease the blue eyed one the appellant has been deprived of his due placement in the Seniority List.
- E. That interestingly the appellant along with other colleagues were recommended on dated 23-12-2019, while the respondent department mistakenly issued different date of appointment of those recommended

3)

candidate who were initially recommended on same date, meaning thereby the appellant appointed on 05-03-2020 while other colleagues were appointed on 04-03-2020, which is against prevailing law and rules.  
**(Copy of recommendation is annexed as Annexure "G")**

- F. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in a particular manner not otherwise.
- G. That any other ground not raised here may very graciously be extended in favor of the appellants.

It is therefore most humbly prayed that on acceptance of the instant service appeal, the appellant may very graciously be placed at his due place in the seniority list at serial No.02 as per recommendation/merit list at District judiciary Khyber.

Any other relief not specifically for asked may also graciously be extended in favor of the appellant in circumstances of the case.

**Dated :31-05-2023**

**Through**

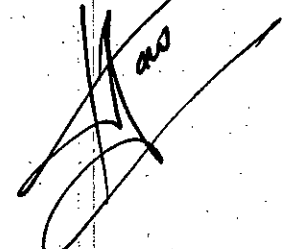
**Appellant**

**Javed iqbal gulbela**

**Asst**

**Namza Durrani**

**Advocate**



4  
**BEFORE THE HONBLE SERVICES TRIBUNAL, KPK, PESHAWAR.**

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

**Muhammad Haroon**

**Versus**

**The Registrar PHC & others**

**AFFIDAVIT**

I Asif samad *Appellant*, do hereby solemnly affirm and declare that all the contents of the **accompanied service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

**DEPONENT**

**CNIC:**

**IDENTIFIED BY:**

**JAVED IQBAL GULBELA**

**Advocate Supreme Court of**

**Pakistan**



4(A)

**BEFORE THE HONBLE SERVICES TRIBUNAL, KPK, PESHAWAR.**

**S.A /2023**

**Muhammad Haroon**

**Versus**

**The Registrar PHC & others**

**ADDRESSES OF THE PARTIES**

**APPELLANT:-**

Muhammad Haroon at jamrod bazar, jamrod bazar District Courts  
Khyber.

**RESPONDENTS**

1. The Registrar, Peshawar High Court, Peshawar.
2. District and session Judge at District Courts Khyber.
3. Hamayun khan (Junior Clerk, BPS-11) at District courts, Khyber
4. Muhammad Arif (Junior Clerk, BPS-11) at District Courts, Khyber
5. Shah Saud (Junior Clerk, BPS-11) at District Courts, Khyber



Annex "A"

(5)

TO

Honorable,  
The District & Session Judge,  
Khyber

**SUBJECT: - OBJECTIONS REGARDING SENIORITY LIST**

Respected Sir,

In response to the seniority list circulated vide No.14-76, dated 10.01.2023, I beg to submit my objection on the seniority list ibid for your honour kind perusal and sympathetic consideration; as under, please.

1. That the applicant is working under your kind administrative control in the capacity of Junior clerk / Mohair and presently posted in the court of learned Senior Civil Judge, Khyber at Jamrud.
2. That earlier a seniority list was issued from your good-office vide No. 1302-1352, dated 17/12.2022 and in its response, the applicant had submitted his objections (copy enclosed), however, till date no order has been passed / communicated to the applicant.
3. That in addition, it is further submitted that the seniority of the officials shall be made in accordance with the appointment order and the candidates shall be placed in the appointment order as per the merit assigned to them at the time of their selection i.e. the person top in the merit list shall be on top of appointment order. However, in the seniority lists; so issued; the applicant has not been placed as per merit assigned to the aspirant at the time of his selection.
4. It is, therefore, humbly requested that on acceptance of this request/ appeal, the applicant may kindly be placed at Sr.2 in the seniority list and obliged.

Dated:12.01.2023

*Received.*  
*H. ibid*  
*13.01.2023*

Yours obediently,

Muhammad Haroon S/O Adam Khan

Junior Clerk / Mohairir

*Haroon*  
*12-1-2023*

Annex "B" (6)

Subject: OBJECTION REGARDING SECOND TENTATIVE SENIORITY LIST

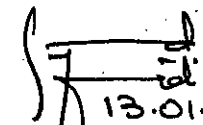
Worthy Sir,

It is humbly submitted that Mr. Muhammad Haroon (Junior Clerk) has objected to his seniority position in the second tentative seniority list. His name appears at serial no. 4 in the said seniority list.

He maintains that his actual position in the seniority list is **second** in his cadre, keeping in view the seniority rules and the merit assigned in the appointment order.

Submitted for your kind perusal and orders, please.

Dated: 13.01.2023

  
13.01.2023  
(Sadd Afridi)

English Clerk/Assistant,  
Sessions Court, Khyber.


WDSJ

| Seen. Perused.

The applicant and officials at SNO  
~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ & the tentative S. list  
have been appointed on same date.  
So far no common Seniority list &  
the staff has been maintained. The  
tentative S. list has been maintained  
as per SSC + date of birth. No record  
could be traced that the appointment  
order is in terms of highest score.

After considering the application,  
the official is further to the one  
objected against, hence regretted

WDSJ  
13.1.2023

Sent reply to the  
official. 

13/1/2023

Annex C

(7)

Sr. No.	Name	Academic Qualification	Date of acquiring SSC	Date of Birth	Date of 1st entry in District Judiciary on regular basis	Date of regular promotion	Post Held	Date of Appointment in Present Position	Remarks
<b>Record Lifter and Daftari (BPS-04)</b>									
1	Zahid Shah	Matric	20.06.2000	20.09.1983	26.07.2019	13.11.2021	Daftari ( BPS-04)	13.11.2021	Promoted from Naib Qasid
2	Muhammad Tahir	Matric	March, 2007	04.04.1987	26.07.2019	13.11.2021	Record Lifter (BPS-04)	13.11.2021	Promoted from Naib Qasid
3	Zohaib Hassan	D.Com	16.07.2007	15.12.1987	26.07.2019	13.11.2021	Record Lifter (BPS-04)	13.11.2021	Promoted from Naib Qasid
4	Mehrab Jan	Middle	N/A	01.01.1986	26.07.2019	13.11.2021	Daftari ( BPS-04)	13.11.2021	Promoted from Naib Qasid
<b>Class-IV (BPS-03)</b>									
1	Shera Khan	Matric	18.04.1996	03.11.1977	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
2	Amanullah	BA	Oct, 2000	20.10.1983	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
3	Said Khan	MA	25.06.2003	05.02.1986	03.08.2019		Maali (BPS-03)	03.08.2019	
4	Zakir Khan	Matric	02.11.2004	25.06.1988	03.08.2019		Chowkidar (BPS-03)	03.08.2019	
5	Umair Khalil	Intermediate	Oct, 2007	15.02.1991	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
6	Sajid Ullah	Intermediate	18.12.2007	15.03.1990	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
7	Zakir Khan	D.Com	16.06.2009	01.08.1993	03.08.2019		Sweeper (BPS-03)	03.08.2019	
8	Muhammad Amin	Matric	15.06.2011	17.11.1991	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
9	Zeeshan Khan	Intermediate	15.06.2011	21.05.1994	26.07.2019		Chowkidar (BPS-03)	26.07.2019	
10	Khan Alam	Intermediate	15.06.2011	06.11.1995	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
11	Fayaz Gul	BA	11.07.2011	03.02.1995	26.07.2019		Maali (BPS-03)	26.07.2019	
12	Yaseen Khan	BA	16.06.2013	12.01.1997	03.08.2019		Sweeper (BPS-03)	03.08.2019	
13	Asif	Intermediate	16.06.2013	20.01.1998	26.07.2019		Sweeper (BPS-03)	26.07.2019	
14	Abid Khan	Intermediate	16.06.2013	20.01.1998	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
15	Muhammad Arif	Intermediate	March, 2015	01.05.1998	26.07.2019		Sweeper (BPS-03)	26.07.2019	
16	Zafran	Matric	20.06.2015	09.04.1998	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
17	Ahmad Ali	BA	20.06.2015	03.02.1999	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
18	Bait Ullah	Matric	28.12.2017	02.04.1991	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
19	Muhammad Riaz	Matric	06.07.2017	01.01.1995	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
20	Shams Ul Akbar	Matric	17.09.2021	15.01.1982	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
21	Azmat	Middle	17.09.2021	01.01.1997	26.07.2019		Naib Qasid (BPS-03)	26.07.2019	
22	Laila	Middle	N/A	01.07.1980	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	
23	Khalid	Middle	N/A	01.01.1986	03.08.2019		Chowkidar (BPS-03)	03.08.2019	
24	Saif Ullah	Middle	N/A	01.01.1991	03.08.2019		Chowkidar (BPS-03)	03.08.2019	
25	Shoukat Khan	Middle	N/A	01.01.1992	26.07.2019		Chowkidar (BPS-03)	26.07.2019	
26	Wajid	Middle	N/A	01.01.1993	03.08.2019		Water Carrier (BPS-03)	03.08.2019	
27		Middle	N/A	15.05.1994	03.08.2019		Naib Qasid (BPS-03)	03.08.2019	

  
 Hidayat Ullah Khan  
 DISTRICT & SESSIONS JUDGE  
 KHYBER



☎ 091-5820748

✉ dsjkhyber@gmail.com

7A  
OFFICE OF THE  
DISTRICT AND SESSIONS JUDGE KHYBER  
KHYBER PAKHTUNKHWA

No.: 337/DSJ

Dated Khyber the 8<sup>th</sup> of March 2023.

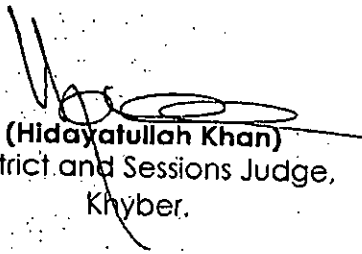
To

The Para Judicial Staff,  
Sessions Courts,  
Khyber.

Subject: CIRCULATION OF FINAL SENIORITY LIST


Memo;

Find enclosed herewith the Final Seniority list for your information.

  
(Hidayatullah Khan)  
District and Sessions Judge,  
Khyber.

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC #5317)

Sessions' Establishment Tentative Seniority List, District Judiciary, Khyber.									
Sr. No.	Name	Academic Qualification	Date of acquiring SSC	Date of Birth	Date of 1st entry in District Judiciary on regular basis	Date of regular promotion	Post Held	Date of Appointment in Present Position	Remarks
<b>Budget and Account Assistant (BPS-16)</b>									
1	Muhammad Juniad Afridi	BBA (Hons), MBA	15.06.2011	19.09.1994	29.02.2020		Budget and Account Assistant (BPS-16)	29.02.2020	
<b>Assistant (BPS-16)</b>									
1	Ateequllah	BBA (Hons)	16.06.2013	16.07.1997	29.02.2020		Assistant (BPS-16)	29.02.2020	
2	Saad Afridi	BBA (Hons), MBA	01.08.2009	15.01.1995	28.05.2022		Assistant (BPS-16)	28.05.2022	
<b>Computer Operator (BPS-16)</b>									
1	Khalid Shah	MSc (CS)	25.06.2003	29.05.1986	29.02.2020		Computer Operator (BPS-16)	29.02.2020	
2	Tanveer Ahmad	MSc (CS)	25.06.2003	12.03.1987	29.02.2020		Computer Operator (BPS-16)	29.02.2020	
3	Irfan Ullah	BSc (Hons)	April, 2007	15.02.1991	29.02.2020		Computer Operator (BPS-16)	29.02.2020	
4	Muhammad Waseem	MSc (CS)	16.06.2010	03.04.1994	28.05.2022		Computer Operator (BPS-16)	28.05.2022	
<b>Senior Scale Stenographer (BPS-16)</b>									
1	Muhammad Zeeshan	BA	21.06.2016	01.09.2000	31.05.2022		Senior Scale Stenographer (BPS-16)	31.05.2022	
<b>Senior Clerk (BPS-14)</b>									
1	Muhammad Sahid Khan	BA	04.12.2009	05.01.1991	02.08.2019	13.11.2021	Senior Clerk (BPS-14)	13.11.2021	Promoted from Junior Clerk
2	Muhammad Danish (MSc)	MSc	15.06.2011	01.03.1996	02.08.2019	13.11.2021	Senior Clerk (BPS-14)	13.11.2021	Promoted from Junior Clerk
<b>Stenotypist (BPS-14)</b>									
1	Arshad Ali	MA	15.07.2008	11.01.1991	04.03.2020		Stenotypist (BPS-14)	04.03.2020	
2	Sajid Khan	BA	21.06.2016	07.03.2000	04.03.2020		Stenotypist (BPS-14)	04.03.2020	
3	Ihsan Ullah	BA	21.06.2016	05.05.2000	04.03.2020		Stenotypist (BPS-14)	04.03.2020	
4	Juniad Jamshaid	FA	20.06.2015	06.01.1999	25.11.2020		Stenotypist (BPS-14)	25.11.2020	
5	Ashfaq Ahmad	MA	March, 2011	05.05.1994	31.05.2022		Stenotypist (BPS-14)	31.05.2022	

  
 DISTRICT & SESSIONS JUDGE  
 KHYBER

7B

(8) Annex "D"

**BEFORE THE WORTHY DISTRICT & SESSIONS JUDGE, KHYBER**

Through Proper Channel:

=====  
**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED FINAL SENIORITY LIST  
OF Junior Clerk (BPS-11) EMPLOYEES OF DISTRICT JUDICIARY KHYBER  
CIRCULATED VIDE Letter NO. 337/DSJ DATED 08-04-2023.**  
=====

**PRAYER:**

By allowing this appeal and setting aside the impugned final seniority list of Junior Clerk (BPS-11) Employees of District Judiciary Khyber circulated vide letter No. 337/DSJ dated 08-04-2023 and placing the appellatant at serial No. 02 of the impugned seniority list.

=====

Muhammad Haroon, Junior Clerk, In the Court of Senior Civil Judge, Khyber, and the appellatant submits most respectfully the following for your kind consideration and favor of acceptance.

**RESPECTFULLY SHEWETH**

1. Being qualified and eligible, the appellatant was selected and appointed as Junior Clerk (BPS-11) at District Judiciary Khyber on 05-03-2020. Since his appointment, he has been serving the department honestly and diligently to the utmost satisfaction of his superiors.
2. That the appellatant assumed the charge of his duties on ~~05-03-2020~~ and the entries in respect of the same has been duly incorporated in his monthly salary statement accordingly.
3. That a tentative seniority list of Junior Clerk was issued by the office of D&SJ Khyber on 08-04-2023, wherein the appellatant was placed at serial No. 4 of the said list.

The said promotion the appellatant was required to be placed on the 2<sup>nd</sup> of the seniority list of Junior Clerk employees of BPS-11 at District Courts Khyber.

4. That 03 Officials namely, Hamayun Khan, Muhammad Arif and Shah Saud who were appointed on 04-03-2020 and 05-03-2020 were placed above the appellatant without plausible explanation and sound reasoning.

It was quite shocking that the worthy authority issued the impugned final seniority list vide letter dated 08-04-2023 wherein the appellatant was further relegated to serial No. 04 and Three (03) employees who are junior to him and were selected and appointed in the subsequent batch were placed above him.

5. It is worth mentioning that Advertisements for the selection of Junior Clerk (bps-11) employees were circulated in the daily newspapers on 29-11-2019 and the appellatant along with other candidates was recommended for the job/post on 19-12-2019 the appointment order was issued on 04-03-2020 and 05-03-2020 respectively, wherein there was a Departmental Mistake in appointment order, as to why not the date of appointment should be corrected, i.e. 04-03-2020 like other candidates recommended on same date.

(9)


6. That the appellant was selected and appointed in view of his application made in pursuance of first advertisement and selection made on 19-12-2019. The appellant was lawfully required to be placed senior to the employees selected in the subsequent batch as per recommendation list displayed on official website and notice board. This principle was however ignored and Officials of subsequent batch were illegally & arbitrarily placed senior to Appellant.
7. That the as per Judicial EstaCode 2021 (KPK Laws Act, 2011) gave a proper guideline for fixation of seniority and promotion of Junior Clerk employees to the next higher scale.

The analogy that employees selected in the batch would rank senior to that of those appointed and selected in the batch was duly adopted by Judicial EstaCode 2021 (KPK Laws Act, 2011) and circulated by the departmental selection committee District Judiciary Khyber. (Copy Enclosed A & B)

8. It is quite clear from the Judicial EstaCode 2021 (KPK Laws Act, 2011) and rules regulating the matter regarding seniority, that where the Officials in the common seniority list have been appointed in batch, with varying date of acquisition of SSC and Date of Birth, the Officials appointed in the batch would rank senior, **irrespective of their date of acquisition of SSC and Date of Birth.**
9. Any design harmful to the appellant's service interest cannot be imposed arbitrarily, in violation of the appellant's vested rights of service. The appellant did deserve to be treated equitably fairly and in a just manner without losing the benefit of his prior selection and seniority based on his more than 03 years of continuous and sincere service.
10. Thus the impugned omission in the impugned seniority list of Junior Clerk Employees of District Khyber as it stood on 08-04-2023 is not only arbitrary but also discriminatory against the principles of equity, law, justice, and propriety, calling for interference by the worthy authority.

In view of the above, it is requested that by allowing this appeal the impugned final seniority list of Junior Clerk (BPS-11) Employees of District Judiciary Khyber circulated vide No. 337/DSJ dated 08-04-2023 may kindly be set aside and the appellant may be placed at serial No. 02 of the impugned seniority list as per merit/recommendation list.

Dated. 10<sup>th</sup> April, 2023

  
Appellant  
(Muhammad Haroon)  
Junior Clerk, Court of Senior Civil  
Judge Khyber.

(10) Annex "E"

ORDERS  
11-5-2023 Departmental appeal

Received and considered.

After considering the record it is found that the official after considering the record date of birth, acquisition of SSC and Inter se seniority amongst his batch mates has been correctly placed in the seniority list, hence his appeal is turned down.

Hidayat Ullah Khan  
DISTRICT & SESSIONS JUDGE  
KHYBER



Annex 'F' (11)

(3) In case no specific order of extension of probation period under sub-rule (2), is issued on the expiry of one year within two months, the probation shall stand automatically terminates

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period

16. **Confirmation:-** After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section(3) of Section 6 of the [Khyber Pakhtunkhwa] Civil Servants Act, 1973.

**PART-VI  
SENIORITY**

17. **Seniority:-** (1) The seniority inter se of civil servants<sup>2</sup> (appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment in accordance with the order of merit assigned by the Commission, (or as the case may be, the Department Selection Committee,) provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

1 Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011  
 2 Substituted by Notification No. SOR-(S&GAD)4-1/80, dated 17.5.1989  
 3 Inserted by Notification No. SOR(S&GAD)4-1/80(V.II), dated 4.2.1996

BETTER COPY NO. (12)

**MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION  
COMMITTEE DISTRICT JUDICIARY KHYBER DATED 19/12/2019**

Consequent upon advertisement dated 29-11-2019, the Subject meeting for recruitment process against the vacant posts of Junior Clerk pertaining to establishment of Sessions Division Khyber held on 14.17 & 19 Dec, 2019 in Federal Judicial Complex, Phase VII. Hayatabad, Peshawar. It was attended by the following

1. **Mr. Shahid Khan** **Chairman**  
*District & Sessions Judge, Khyber*
2. **Mr. Asif Rashid** **Member**  
*Additional District & Sessions Judge Khyber  
(Nominee of District & Sessions Judge, Khyber)*
3. **Mr. Zaeem Ahmad,** **Member**  
*Director HR&W PHC  
(Nominee of Peshawar High Court, Peshawar)*

Applications received were duly scrutinized keeping in view the eligibility standards, such as, prescribed qualification, domicile, permanent residence, age & experience of the candidates. During the recruitment process the committee took into consideration the age relaxation anomalies in the light of THE [Khyber Pukhtunkhwa] INITIAL APPOINTMENT TO CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT RULES, 2008)

Details of the vacant positions are as under;

S.NO	Name of Posts	Sanctioned Strength	No of vacant position	Quota			Appointment on the basis of Quota
				Female @ 10%	Disable @ 2%	Minority @ 5%	
01	IC	18	9	1	Nil	Nil	Nil
02	Assistant	5	1		Nil		Nil
03	B &A, Astd:	1	1		Nil		Nil
04	Comp Opt	5	5		Nil		Nil
05	Steno typist	6	6		Nil		Nil
06	Stenographer	5	1		Nil		Nil

**Junior Clerk (BPS-11):**

Out of 09 vacant positions, 01 was required to be filled through female quota. It is pertinent to mention that 02 applications against female quota were received. One of them did not appear for the test while the other one could not qualify the eligibility test. With regard to general seats 866 applications were received and after scrutiny were found eligible who underwent screening test.

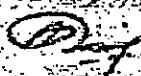
qualified and were further subjected to skill typing test being part of eligibility criteria. 08 remained successful and they were subjected to written test. 05 candidates qualified for the next stage and were accordingly interviewed. The committee keeping in view the performance of the following candidates in their written, oral, skill tests and their general suitability for the post, recommended them for appointment against the subject vacancies.

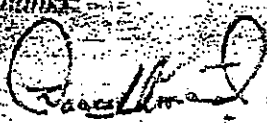
S. No	Name	Father's Name
1	Asif Rashid	Abdul Samad
2	Muhammad Usman	Adnan Khan
3	Shah Saud	Muhammad Younas
4	Hannayun	Ishtiaq Shah
5	Muhammad Arif	Ali Khan


As far as the remaining 04 positions are concerned, the competent authority shall re-advertise the same at the earliest.

The committee, under special directions of the chair, handed over entire record of the recruitments to Kashif Khan, Superintendent, Sessions Court, Khyber, for completion, compilation & preservation of the entire record until further orders.

The meeting ended with a vote of thanks.


  
**(MR. ASIF RASHID)**  
 Member of the Sessions  
 Judge, Khyber Pakhtunkhwa

  
**(MR. ZAEEM AHMAD)**  
 Director JIR & PIR Member  
 (Committee of the Peshawar High Court)

  
**MR. SHAHID KHAN**  
 District & Sessions Judge, Khyber  
 (Chairman)

Encl: No. 641-644 DS-I, Khyber Dated Khyber the 23/12/2019  
 Copy forwarded for information to:

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2. The C.M.J., Peshawar High Court, Peshawar.
3. All the members of the Committee.
4. The Office Copy.

  
**(SHAHID KHAN)**  
 District & Sessions Judge, Khyber

**BETTER COPY NO. (13)**

qualified and were further subjected to skill/typing test being part of eligibility criteria. 08 remained successful and they were subjected to written test. 05 candidates qualified for the next stage and were accordingly interviewed. The committee keeping in view the performance of the following candidates in their written, oral, skill tests and their general suitability for the post, recommended them for appointment against the subject vacancies

<b>S.No</b>	<b>Name</b>	<b>Father's name</b>
1	Asif Samad	Abdul Samad
2	Muhammad Haroon	Adam Khum
3	Shah Saud	Muhammad Younas
4	Hamayun	Iqbal Shah
5	Muhammad Arif	Alif Khan

As far as, the remaining 4 positions are concerned, the competent authority shall re-advertise the same at the earliest.

The committee, under special directions of the chair, handed over entire record of the recruitments to Kashif Khan, Superintendent, Sessions Court, Khyber, for completion, compilation & preservation of the entire record until further orders.

The meeting ended with a vote of thanks

**(MR. ASIF RASHID)**

*Nominee of the Sessions  
Judge, Khyber/Member*

**(MR. ZAEEM AHMAD)**

*Director HR& W PHC/Member  
(Nominee of the Peshawar High Court)*

**MR. SHAHID KHAN**

*District & Sessions Judge, Khyber  
(Chairman)*

**Endst: No. 641-644 /DSJ, Khyber Dated Khyber the 23/12/2019.**

***Copy forwarded for information to:***

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2. The MIT, Peshawar High Court, Peshawar.
3. All the members of the Committee.
4. The Office Copy

**(SHAHID KHAN)**

*District & Session's Judge. Khyber*

## وکالت نامہ

بعدالت: Hon'ble Services Tribunal, Peshawar

کچھ سالوں بنام حکومت و سب سے

منجانب ایڈووکیٹ دعویٰ کرسٹینا

تاریخ 31-05-2023

بابت حریز آنکھ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی  
بمقام ایڈووکیٹ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزیریہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیروٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل 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 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 31-05-2023 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Alloesht and  
Accepted by  
31-05-2023

محمد ہادی اویں