

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM 12(2) CPC No. 22/ /2023

IN

Service Appeal No. 148 /2019

Decided on 14.04.2022

Babar Hayat Petitioner

VERSUS

The Commissioners KPK and others.....Respondents

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Respondent No.1
(Ihsanullah)

Through

Khaled Rahman
Advocate,
Supreme Court of Pakistan

&

Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: ____/08/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM 12(2) CPC No. 221 /2023
 IN
 Service Appeal No. 148 /2019
 Decided on 14.04.2022

Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 Date: 23/8/2023

Babar Hayat Petitioner

VERSUS

The Commissioners KPK and others.....Respondents

REPLY ON BEHALF OF RESPONDENT NO.1 (IHSANULLAH).

Respectfully Sheweth,

Brief Facts:

1. **That** on 25.03.2009 (*Annex:-A*) two posts of Junior Scale Stenographers (BPS-12) were advertised by Respondent No.3. Respondents No.1 & 2 applied for the same. They went through the selection process and upon the recommendation of the Departmental Promotion Committee they were appointed as such vide orders dated 29.06.2009 (*Annex:-B*).
2. **That** Respondents No.1 & 2 thereafter started serving the Department. In 2014, Final Seniority List (*Annex:-C*) of the Junior Scale Stenographers as stood on 31.12.2014 of Mardan Division was issued whereby Respondent No.1&2 were shown at Serial No.8&9 whereas the Petitioner name is not reflected in the same Seniority List because he was appointed as Junior Scale Stenographer (BPS-14) on 17.07.2014 in the Office of Deputy Commissioner, Swabi and has not yet completed one year service.
3. **That** Respondent No.1 later on came to know that Respondent No.2 was placed senior to him in the Seniority List *ibid*, on the ground that he was older in age although the Respondent No.1 was qualified and had better performance in the selection process than Respondent No.2.
4. **That** vide Notifications dated 23.01.2015 (*Annex:-D*), separate Service Rules for the employees of Deputy Commissioners and Commissioners were formulated under Rule-3(2) of the Khyber Pakhtunkhwa Civil

Servants (Appointment, Promotion and Transfer) Rules, 1989. Under the new Rules separate Service Structures were provided to the both set of employees of the offices of the Deputy Commissioners and Commissioners.

5. **That** after bifurcation of the cadres, the Seniority List of Junior Scale Stenographers, office of the Commissioner Mardan Division was issued as stood on 31.12.2013 (*Annex:-E*) wherein the names of Respondent No.1 & 2 are duly mentioned; however, Respondent No.2 was placed above the name of the Respondent No.1 on the basis of which Respondent No.2 was promoted to the post of Senior Scale Stenographer (BPS-16) on regular basis vide Notification dated 22.12.2015 (*Annex:-F*).
6. **That** the Respondent No.1 also preferred Representation (*Annex:-G*) for promotion as the post of Private Secretary was lying vacant, therefore, the Respondent No.1 made request for promotion of Respondent No.2 for the post of Private Secretary and for his promotion to the post of Senior Scale Stenographer (BPS-16). The request of the Respondent No.1 was forwarded to Respondent No.4 vide letter dated 19.10.2017 (*Annex:-H*) which was considered and vide letter dated 07.11.2017 (*Annex:-I*) the Working Paper alongwith supporting documents were requisitioned from the Respondent No.3. Consequently, on the recommendation of the Departmental Promotion Committee, Respondent No.2 was promoted as Private Secretary (BPS-17) (Acting charge basis) vide Notification dated 08.05.2018 (*Annex:-J*) and Respondent No.1 was promoted as Senior Scale Stenographer (BPS-16) on Acting Charge basis vide Notification dated 19.04.2018 (*Annex:-K*).
7. **That** in the meanwhile, the decision was delivered by Respondent No.3 in a departmental appeal filed by one Mr. Sajjad Ahmad against the order of Deputy Commissioner, Swabi, wherein the Deputy Commissioner Swabi had allowed seniority to the Petitioner on the basis of his merit position in the merit list and seniority of Mr. Sajjad Ahmad on the basis of his age factor was set aside (relevant documents (*Annex:-L*)).
8. **That** consequently Respondent No.1 also made a request on 26.10.2018 (*Annex:-M*) for providing the merit list so as to ascertain his merit position as he believed that his merit position was better than Respondent No.2 but still Respondent No.2 was placed senior to him on account of his age factor and accordingly Merit List (*Annex:-N*) was provided wherein Respondent No.1 came to know that he was at the top of Merit List and therefore should

have been senior to Respondent No.2. Accordingly, Departmental Representation was preferred to Respondent No.4 on 06.11.2018 (*Annex:-O*) through proper channel for his grant of seniority and promotion which was processed and comments were called from the Respondent No.3 who submitted the same vide letter dated 14.12.2018 (*Annex:-P*), however, the appeal was dismissed vide impugned appellate order dated 21.12.2018 (*Annex:-Q*) communicated on 02.01.2019.

9. **That** thereafter, Respondent No.1 filed Service Appeal No.148/2019 (*Annexure-B, Page-9 of the Petition*) which was allowed vide order dated 14.04.2022 (*Annexure-H, Page-22 of the Petition*).
10. **That** it is an admitted position that Respondent No.1 was appointed as Junior Scale Stenographer (BPS-14) in the office of the Commissioner, Mardan Division on 30.09.2009 whereas Petitioner was appointed as Junior Scale Stenographer (BPS-14) in the office of the Deputy Commissioner, Swabi much later than Respondent No.1 vide order dated 17.07.2014. Thus not only Petitioner is far more junior to Respondent No.1 but also he belongs to different cadre of Deputy Commissioner office.
11. **That** as held by the Tribunal the Petitioner was promoted to the post of Senior Scale Stenographer (BPS-16) on acting charge basis on 19.04.2018 whereas he was entitled for regular promotion inas much as he had completed the required 5 years service much before, therefore, his acting charge promotion was regularized and his promotion was antedated to the same date. Needless to mention that Respondent No.1 was promoted to the post of Senior Scale Stenographer (BPS-16) on 30.06.2021 (*Annex;-R*).

Preliminary objections.

- I. **That** Petitioner has neither cause of action nor for that matter locus standi to file the instant petition.
- II. **That** the petitioner is estopped by his own conduct to file the instant petition, hence the same is liable to be dismissed.
- III. **That** material facts and documents have been concealed by the Petitioner while filing the instant petition and therefore, the petition is not maintainable

on the ground of concealment of facts.


- IV. **That** Petitioner is also bad in law inas much as no violation of the provisions contained in Section-12(2) CPC. Thus the petition is liable to be dismissed summarily.

Reply to Facts:


1. Needs no reply.
2. Misconceived. The Petitioner was neither necessary nor proper party in the case, therefore, he was not arrayed as such in the panel of Respondents. Petitioner has claimed his right which was available to him under the law. Reliance is placed on **2006 SCMR 1630**.
3. Correct. Final Seniority List as stood on 31.12.2022 (*Annex;-S*) has been issued to this effect wherein correct dates of promotions of the Petitioner and Respondent No.1 has been reflected.
4. Misconceived. As already explained Respondent No.1 was appointed as Junior Scale Stenographer (BPS-14) in the office of the Commissioner Mardan Division on 30.06.2009. He was promoted as Senior Scale Stenographer (BPS-16) on acting charge basis on 19.04.2018 whereas he had completed the required length of service on 30.06.2014, therefore was rightly antedated in his promotion. On the other hand Petitioner was appointed in the office of the Deputy Commissioner, Swabi as Junior Scale Stenographer (BPS-14) on 17.07.2014 and was promoted to the post of Senior Scale Stenographer (BPS-16) on 03.01.2019 as he had not completed the requisite 05 years service. On completion of the required length of service he was regularized on 13.09.2019.
5. Incorrect. Respondent No.1 has been regularly promoted on 30.06.2021 and has subsequently been antedated to 19.04.2018 vide office order dated 02.01.2023 (*Annex;-T*).
- 6&7. Incorrect hence vehemently denied.

8. Misconceived. The Petitioner was neither necessary nor proper party, therefore, was rightly not made party in the case.


It is, therefore, humbly prayed that on acceptance of this reply, the Application of Petitioner may graciously be dismissed with costs.


Respondent No.1
(Ihsanullah)

Through


Khaled Rahman
Advocate,
Supreme Court of Pakistan

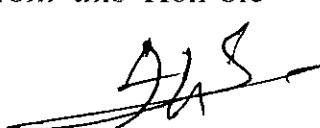
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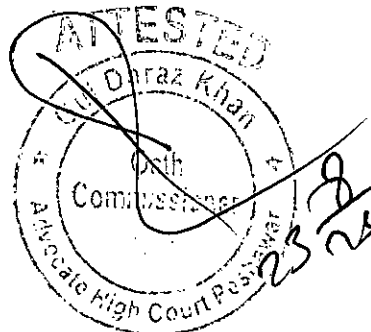

Muhammad Ghazanfar Ali
Advocate, High Court

Dated: 23/08/2023

Counter Affidavit

I, Ihsanullah (Respondent No.1), Senior Scale Stenographer, Office of the Commissioner, Mardan Division, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent



It is further stated on oath that in this Appeal the answering respondents have neither been placed ex parte nor their defense has been struck off/cast

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM 12(2) CPC No. _____/2023

IN

Service Appeal No. 148 /2019

Decided on 14.04.2022

Babar Hayat Petitioner

VERSUS

The Commissioners KPK and others.....Respondents

REPLY ON BEHALF OF RESPONDENT NO.1 (IHSANULLAH) IN RESPONSE TO THE APPLICATION FOR INTERIM RELIEF.

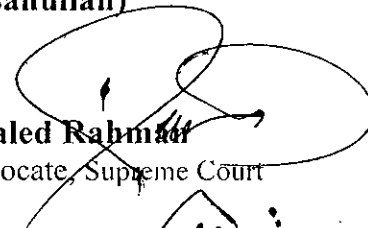
Respectfully Sheweth:

1. Needs no reply.
2. The grounds agitated in the body of the main C.M are not sustainable and do not constitute a valid ground for the grant of interim relief.
3. That the Petitioner has neither good case nor has got a cause of action to file the application. Moreover, balance of convenience also tilts in favour of Respondents.
4. Incorrect. The Petition will never become infructuous nor there is any likelihood of irreparable loss to the Petitioner in the case the interim relief is not granted.
5. Needs no reply.


It is, therefore, humbly prayed that on acceptance of this reply, the Application of Petitioner may graciously be dismissed with costs.


Respondent No.1
(Ihsanullah)

Through

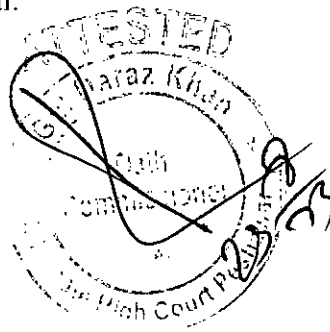

Khaled Rahmat
Advocate, Supreme Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

Dated: 23/08/2023**Counter Affidavit**

I, Ihsanullah (Respondent No.1), Senior Scale Stenographer, Office of the Commissioner, Mardan Division, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

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B

OFFICE OF THE COMMISSIONER MARDAN DIVISION, MARDAN.

ORDER

Consequent upon the recommendation of the Selection Committee Mr. Mohammad Ibrahim s/o Farhad Khan r/o Mohallah Sadullah Khan Koroona Redi Gul Bari Cham Mardan is offered employment against the temporary post of Junior Scale Stenographer (BPS-12) in Commissioner's office on the following terms and conditions:

- 1- His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
- 2- His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances shall be forfeited to the government.
- 3- He will be governed by such rules and regulations as may be issued from time to time by the government.
- 4- He will remain on probation for a period of one year extendable to another year in terms of Section -6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
- 5- The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
- 6- He shall be bound to accept his adjustment/absorption on any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

-sd-

Commissioner Mardan Division,
Mardan.

No.02/01/EA/ACR/ 1312-14

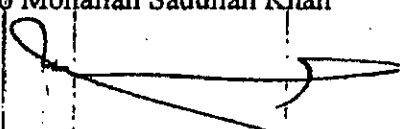
Dated Mardan the 29/06/2009

Copy forwarded to:-

- 1- District Accounts Officer Mardan.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Mr. Mohammad Ibrahim s/o Farhad Khan r/o Mohallah Sadullah Khan Koroona Redi Gul Bari Cham Mardan

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Assistant to Commissioner (Rev.),
for Commissioner Mardan Division,
Mardan.

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OFFICE OF THE COMMISSIONER MARDAN DIVISION, MARDAN.

ORDER

Consequent upon the recommendation of the Selection Committee Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay Tehsil & P.O. Takht Bhai District Mardan is offered employment against the temporary post of Junior Scale Stenographer (BPS-12) in Commissioner's office on the following terms and conditions:

1. His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will remain on probation for a period of one year extendable to another year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his adjustment/absorption on any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

-sd-

Commissioner Mardan Division,
Mardan.

No.02/01/EA/ACR/1303-05 Dated Mardan the 29/06/2009.

Copy forwarded to:-

- 1- District Accounts Officer Mardan.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay Tehsil & P.O. Takht Bhai District Mardan.

Assistant to Commissioner (Rev.),
for Commissioner Mardan Division,
Mardan.

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ATTESTED

FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER (BPS-14) OF MARDAN DIVISION AS
STOOD ON 31-12-2014

S. NO	Name of Official	Qualification	Date of Birth	Date of first Appointment	Date of Appointment to the present post	Date of Adjustment	Place of Posting	Remarks
1-	Mr. Sabz Ali Khan	BA	19-04-1957	28-08-1988	03-09-1988	Continued in service and adjusted in DCO Office on 30-07-2001 vide letter No 326-30/12/DCO	DCO Office, Swabi	With reference to the E & A Deptt: Khyber Pakhtunkhwa letter No SOR-V(E&AD)1-4/2008 dated 11-02-2013
2-	Mr. Jan Nabi	BA	30-12-1958	28-08-1988	05-09-1988	-do-	-do-	
3-	Mr. Jahanzeb	FA	01-05-1964	26-01-1983	26-01-1983	Adjusted in DCO Mardan on 01-08-2001 vide letter No 1055-57/DCO (M)	EDO (F & P), MDN	
4-	Mr. Bahadar Khan	MA	05-01-1963	20-04-1982	20-04-1982	-do-	DCO Office Mdn	
5-	Mr. Ihsan Ullah	FA	20-11-1959	18-12-1980	01-04-1994	08-12-2001	-do-	
6-	Mr. Habib Ur Rahman	MA	09-04-1967	09-08-1987	09-08-1987	09-10-2002	-do-	
7-	Mr. Fazal Nowaz	Matric	27-03-1964	18-01-1992	19-05-2003		DO (R&E) Office Mardan	
8-	Mr. Muhammad Ibrahim	BA*	01-04-1979	30-06-2009	30-06-2009		Commissioner Office Mdn	
9-	Mr. Ihsan Ullah-2	MA	02-03-1984	30-06-2009	30-06-2009		-do-	

Danfawar
Assistant to Commissioner (Rev)
Mardan Division Mardan

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Departments

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Commissioner (Rev)

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

Peshawar Dated the 23/01/2015

NOTIFICATION

No. 2074/Est/III/135/SSRC. In pursuance of provisions contained in sub-rule (2) of rule 3 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	2	3	4	5
1.	Superintendent (BPS-17)	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) of the district concerned with atleast five years service in the offices of respective Deputy Commissioner and Political Agents.

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2.	Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree, from a recognized university; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and (iii) Knowledge of computer using MS Word, MS Excel.	20 to 32 years	(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 (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: Provided that if no suitable person is available for promotion then by initial recruitment.
3.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 30 years	(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 (b) twenty five percent by initial recruitment from amongst the candidates of the district concerned.
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 <u>Note: Preference will be given Hafiz-e-Quran.</u>	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

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				<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 (BPS-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.	18-32 years	By initial recruitment from amongst the candidates of the district concerned.
14.	Khadim (BPS-4)	Literate. <u>Note:</u> 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 ecper/ 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

ATTACHED

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION
Peshawar, dated 23/01/2015

11/135/SSRC/2033.

In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Servants (Recruitment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Finance Department and the Administration Department, hereby lays down the method of recruitment, qualifications and other conditions applicable to post born in the cadre of Commissioners Specified in Column 2 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the appendix.

AMENDMENTS

Appendix:-

Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
Superintendent (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
Accounts Officer (BPS-16).			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

ATTACHED

Grade of post with	prescribed qualification	Age	Method of recruitment
(BPS-16).	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the Offices of Commissioner of Division concerned; and (b) twenty five percent by initial recruitment.
Senior Scale Stenographer (BPS - 16)	(i). At least Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst Stenographers with atleast five years service as such in the offices 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 Commissioners concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
3. Stenographer (BPS - 14)	(i). At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
Senior Clerk (BPS-14).		.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such.
6A Head Vernacular Clerk / Head Clerk (BPS-14).		.....	(c) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

17

8/18

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
7.	Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology (BCS/BIT four years), from a recognized university; or 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.	18-28 Years.	By initial recruitment.
"SA	Caretaker (BPS-11).	At least second class Bachelor Degree or equivalent qualification from recognized university along with Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8.	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 - 30	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 Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. <u>Note:</u> For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment: 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: 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 possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9.	Driver BPS - 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 - 32 years	By initial recruitment.

ATTESTED

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
10A	Cook / Waiter (BPS-4).	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
10B	Qasid			
10.	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with two years service as such."; and By initial recruitment.

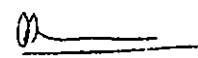
Sd/-
 SECRETARY TO GOVERNMENT
 REVENUE AND ESTATE DEPARTMENT

ATTESTER

61-

Copy for varied for information and necessary action to the:-

- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- Secretary Khyber Pakhtunkhwa Law Department.
- Registrar Peshawar High Court.
- Commissioner General Khyber Pakhtunkhwa.
- All Commissioners / Political Agents in Khyber Pakhtunkhwa.
- Deputy Commissioner, Peshawar District.
- Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
- Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the printer for record.



DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

ATTESTED

SENIORIT
COMMISISONER C

JUNIOR SCALE STENOGRAPHER (BPS-14)
MARDAN DIVISION, MARDAN AS STOOD ON 31-12-2015

S #	Name of Officer	Qualification	Date of birth	Date of 1 st appointment	Date of promotion to the present post	Remarks
01-	Mr. Muhammad Ibrahim	B.A	01-04-1979	30-06-2009	30-06-2009	
02-	Mr. Ihsan Ullah	M.A	02-03-1984	30-06-2009	30-06-2009	

Sami Farid
Assistant to Commissioner (Rev)/GA,
Mardan Division, Mardan.

~~ATTESTED~~

E
2/12

21
Amir F

22 Annex F

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22/12/2015

NOTIFICATION

No. Estt/HDPS/_____ On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographer (BS-14) and Computer Operators (BS-12) of the offices mentioned against their names are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No.	Name and Designation	Office	Promoted
1	Mr. Iftikhar Ali Junior Scale Stenographer	Commissioner Office, Malakand	Senior Scale Stenographer (BS-16)
2	Mr. Muhammad Ibrahim Junior Scale Stenographer	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16) ✓
3	Mr. Naveed Ali Khan Computer Operator	Commissioner Office Banru	Senior Scale Stenographer (BS-16)
4	Mr. Muhammad Ishtiaq Computer Operator	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16) ✓

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

Sd/-
Senior Member

Und. No. Estt/HDPS/ 28593-97

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officials concerned.
5. Office Order File.



2-1 ATTESTED
 5/1/16
 Secretary-I

F

-23

Amir G

To

The worthy Commissioner
Mardan Division Mardan.

Subject: REQUEST FOR PROMOTION/PRESENTATION

R/Sir,

With due respect it is stated that I have been appointed as Junior Scale Stenographer on 30th June, 2009 and working as PS to Commissioner in PS Branch. The Board of Revenue held DPC meeting regarding promotion of Junior Scale steno to the post of Senior Scale Steno (copy enclosed) wherein Muhammad Ishtiaq (Computer Operator) and Muhammad Ibrahim (J.S. Stenographer) were recommended and promoted (Copy of Order enclosed as Annexure "A").

It is pertinent to mention that the post of PS to Commissioner is lying vacant since 2014 after retirement of Samin Jan (Ex-PS) (copy enclosed as Annexure 'B'), Now both officials are likely to complete two years service and they would be eligible for further promotion to the post of PS on acting charge basis in light of APT Rules 1989, Khyber Pakhtunkhwa.

It is therefore requested/prayed that the case for promotion of senior Scale Stenographer to the post of PS & Junior Scale Steno to the post of Senior scale Stenographer may be forwarded to Board of Revenue, Khyber Pakhtunkhwa, for further process please.

I shall be very thankful to you.

Dated: 18.10.2017

Yours Obediently

Ihsanullah (J.S.S)

18/10/17

Heel
Brixxx
Chul
18/10

Discussed
Put up DPA
for approval to SMBR

19/10

ATTESTED

[Signature]

F

G



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>

Address: Opposite Town Hall,
Near College Chowk Mardan

Phone: 0937-9230572-73

Fax: 0937-9230578

Email: commissionermrd@yahoo.com

No. 946 /ACR/EA/2-10

Dated Mardan the 19/10/2017

To,

The Senior Member
Board of Revenue, Revenue & Estate Department
Khyber Pakhtunkhwa Peshawar.

Subject: Request for Promotion/Presentation.

I am directed to refer to the subject noted above and to enclose herewith a copy of application of Mr. Ihsanullah (Junior Scale Stenographer) of this office on the subject noted above and to state that the post of Private Secretary to Commissioner Mardan Division is lying vacant since 2014 after the retirement of Ex-PS Mr. Samin Jan.

Currently two Senior Scale Stenographers (Mr. Ishtiaq and Mr. Muhammad Ibrahim) and one Junior Scale Stenographer (Mr. Ihsanullah) are performing their duties in this office. The Senior Scale Stenographers were promoted on 22/12/2015 and their eligibility period will be completed for further promotion for the post of Private Secretary on acting charge basis on 22/12/2017.

It is therefore requested that the post of PS to Commissioner be filled through promotion from the two Senior Scale Stenographers of this office. Similarly Junior Scale Stenographer be promoted to Senior Scale Stenographer on acting charge basis.


Assistant to Commissioner (Rev/GA)
Mardan Division Mardan

Copy forwarded to:

1- PS to Commissioner Mardan Division Mardan.


ATTESTED

ATTESTED

H

25 Am 1

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

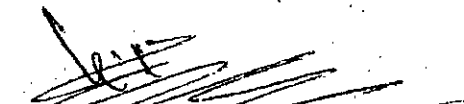
No. Estt:II/ DPC/Mardan/ 24355
Peshawar dated the 07/11/2017

To

The Commissioner,
Mardan Division, Mardan.

SUBJECT: REQUEST FOR PROMOTION/ PRESENTATION.

I am directed to refer to your letter No.946/ACR/EA/2-10, dated 19.10.2017, on the subject and to request you to forward working paper complete in all respect alongwith supporting documents for promotion of Senior Scale Stenographer (BS-16) to the post of post of Private Secretary on acting charge basis to enable this department to place the case before Departmental Promotion Committee for consideration please.


Assistant Secretary (Estt)



ATTESTED



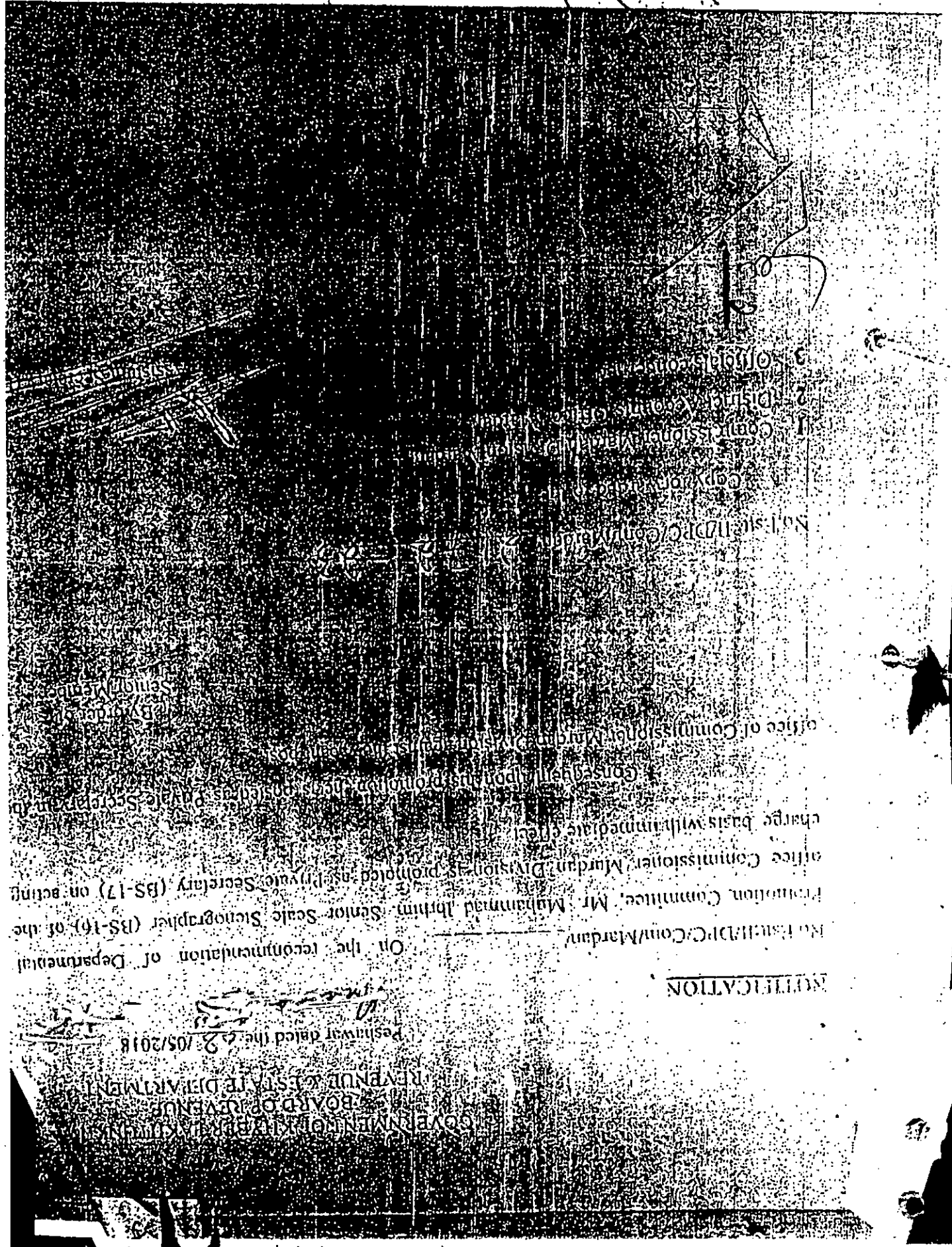


ATTESTED

I

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85778
10-5-18



NOTIFICATION

On the recommendation of Departmental Promotion Committee, Mr. Muhammad Iqbal Senior Scale Stenographer (BS-16) of the office Commissioner, Mardan Division is proposed as Private Secretary (BS-17) on acting charge basis with immediate effect. The appointment is proposed as Private Secretary to the office of Commissioner, Mardan Division. Mr. Muhammad Iqbal is a regular employee of the Government of Punjab, Mardan Division.

Reshrwat dated the 2/05/2018

GOVERNMENT OF PUNJAB
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

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"Fox 5"

27 Anar K

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 19/04/2018

NOTIFICATION


No. Estt:II/Promotion of JSS to SSS/_____ On the recommendation of Departmental Promotion Committee, Mr. Ihsan Ullah Junior Scale Stenographer office of the Commissioner, Mardan Division is appointed as Senior Scale Stenographer (BS-16) on Acting Charge Basis with immediate effect.

By order of
Senior Member

End: No. Estt:II/Promotion of JSS to SSS/ 18906-8

Copy forwarded to the:-

- ✓ 1. Commissioner, Mardan Division, Mardan
- 2. District Accounts Officer, Mardan.
- 3. Official concerned.


Assistant Secretary (Estt.)

ATTESTED

Estt:II-2-2
1374

30 Apr 2018 10:21 AM PT

COPIES

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28

Amir L

The Worthy Commissioner,
Mardan Division, Mardan.

Subject: APPEAL REGARDING TENTATIVE SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER (BPS-14)

Respected Sir,

It is stated that the undersigned is serving as a Junior Scale Stenographer BPS-14 in the office of Deputy Commissioner Swabi from 17/07/2014 and the undersigned submitted an application/objection to Deputy Commissioner Office Swabi against the Tentative Seniority List of Junior Scale Stenographer BPS-14, vide office order No. 3327/DCS/17-EA dated: 05-07-2018 (F-A), under Section 17(04) of Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) Rules 1989, provided that "if the dated of regular appointment of two or more civil servant in the lower post is the same, the civil servant older in age, shall be treated senior" (F-B).

The office of Deputy Commissioner Swabi rejected my application vide letter no. 3953/DCS/16-EA dated 20/08/2018(F-C), in light of Section 17(1)(a) of Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) Rules 1989, due to the merit List (F-D), the undersigned was at Serial No. 02 however, the merit list contains only Pass and Fail candidates without any clarification of score/marks of Written Test/Interview.

It is therefore requested to kindly look into the matter and resolve the issue as per law and Justice and oblige to the undersign please.

Your Obedient

(Signature)
(Sajjad Ahmad)

Junior Scale Stenographer,
Deputy Commissioner Office
Swabi

Speak

Secy

24/8/18
Commissioner
Mardan Division

24-08-2018



ATTESTED



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>
Address: Opposite Town Hall,
Near College Chowk Mardan
Phone: 0937-9230572-73
Fax: 0937-9230578
Email: commissionermrmd@yahoo.com

29

OFFICE ORDER

Reference to application received from Mr. Sajjad Ahmad, Junior Scale Stenographer, (PBS-14), Deputy Commissioner Swabi against tentative seniority list of Junior Scale Stenographer issued by DC, Swabi. The said Tentative Seniority list has been prepared in light of Departmental Selection Committee Merit List at time of Selection of Junior Scale Stenographer at Deputy Commissioner Office Swabi according to Section 17(1)(a) Civil Servant, Appointment, Promotion and Transfer Rules 1989 Khyber Pakhtunkhwa Peshawar. Hence the decision of Deputy Commissioner Swabi is accepted. Your appeal holds no grounds and hence, filed in light of Para 17(1)(a) of Civil Servant APT Rules 1989.

No 2605 /Sec/EA/2-1

Copy forwarded to:

- 1- Deputy Commissioner Swabi.
- 2- PS to Commissioner Mardan Division.
- 3- Official concerned.

Commissioner
Mardan Division Mardan
Dated Mardan the 19/11/2018

Secretary to Commissioner
Mardan Division Mardan

ATTACHED

30 Annex M

(Handwritten mark)



The Worthy Commissioner,
Mardan Division Mardan.

Subject: PROVISION OF RECORD UNDER RIGHT TO INFORMATION ACT-2013

Sir,

With reverence it is stated that the following documents are required for my personal record under RTI Act-2013:

1. Photo copy of Minutes of DSC meeting held in June, 2009 for Junior Scale Stenographer posts appointment.
2. Photo copy of Final Merit list for junior scale stenographer appointment. i.e. June, 2009.
3. Higher Education details of Mr. Ibrahim during selection time / merit list presently working as PS in commissioner Office, Mardan Division.
4. All Seniority Lists for Junior Scale Stenographer of Commissioner office Mardan Division issued from time to time.

It is therefore, requested to issue directions to PIO to provide photo copies of above documents please.

Dated: 26.10.2018

Yours obediently

(Handwritten signature)

Ihsanullah

26/10/18

SIS Stenographer BPS-16

Allowed

Secy

(Handwritten signature)

Information received on 29-10-2018

ATTESTED

ATTESTED

M

31

Page No. 30

114

(A)

ATTESTED

Jr. Scale Stenographers BPS-12

Intermediate Short Hand Typing Speed: 80/40 Per Minute

S.No	A.No	Name of App.	Father Name	Domil	Qualification			Higher Qualification (6,8,10)	Experience (4,7,10)	Test (20)	Interview (65)	Total (100)	Remarks
					Matric	EA/FSc	2nd/3rd						
1	52	Ihsanullah	Habib ur Rehman	Mardan	18	18	18	6		6	5	58	T.S. 40 S.H. 80
2	31	M. Ibrahim	Fahad Khan	-do-	18	18	18	6		8	4	54	T.S. 40 S.H. 80
3	36	Raheem Dad	Haji Afzal Khan	-do-	18	18	18	6		0	0	42	T.S. 45 S.H. 90
4	2	Shah Fahad	Gul Nabi	-do-	18	18	18			3	2	41	T.S. 40 S.H. 80
5	29	Fayaz Ali	Hamayun Khan	-do-	18	18	18			A	A	36	M.S. Office + T.S.
6	54	Johar Iqbal	Jehan Gul	-do-	18	18	18			A	A	36	T.S. 35+M.S. Office
7	63	Nasir Khan	Abdul Ghafoor	-do-	18	18	18	12	6			36	T.S. 35+M.S. Office
8	58	M. Taimoor	Muhammad Inam	-do-	18	18	18	12		2	3	35	T.S. 40 S.H. 80
9	40	Shahid Akbar	Akbar Zada	-do-	12	12	12	12		4	3	31	M.S. Office + S.H.
10	6	Wajid Ali	Abdul Aziz	-do-	12	12	12	12		0	1	25	T.S. 40 S.H. 80

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ATTESTED

2

- 32 Annex 0 (3)

The Worthy Senior Member Board of
Revenue & Estate Department,
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel
Subject: DEPARTMENTAL APPEAL UNDER KHYBER PAKHTUNKHWA, CIVIL
SERVANT APPEAL RULES 1986

R/Sir,

1. It is most humbly submitted that the appellant applied alongwith other fellow candidates including Mr. Muhammad Ibrahim for the post of Junior Scale Stenographer in Commissioner office Mardan Division Mardan and after test and interview, the appellant and Mr. Ibrahim were selected for the post of Junior Scale Stenographer in the same batch on 29.06.2009 on the basis of merit. (Copy of merit list as Annex-A). In pursuance of the selection process, appellant and Mr. Muhammad Ibrahim were appointed as Junior Scale Steno BPS-12. (Copy of appoint order as Annex-B).
2. After the lapse of sometime two posts of Senior Scale Stenographers (BS-16) fell vacant in the promotion quota in commissioner Office, Mardan Division and according to service Rules governing the post, these posts were to be filled from Junior Scale Stenos/Computer Operators of commissioner Office Mardan (Copy of Service rules as Annex-C). Therefore joint seniority lists was prepared and on the basis of seniority and fitness, Mr. Muhammad Ibrahim was promoted to the post of Senior Scale Stenographer (BS-16) on recommendations of Departmental Promotion committee. (Copy of Seniority List dated 31.12.2014 and promotion order dated 22.12.2015 as Annex-D & E).
3. Then on the superannuation of Mr. Samin Jan PS to Commissioner Mardan Division the post of PS to Commissioner Mardan Division fell vacant and on 08.05.2018, Mr. Muhammad Ibrahim who had by that time about two years experience was therefore promoted not on regular basis but on acting charge basis. (Copy of Seniority list dated 31.12.2015 and promotion order as Annex-F & G). Thus Mr. Muhammad Ibrahim vacated the post of Senior Scale Stenographer (BS-16) due to his promotion on acting charge basis to the post of PS to Commissioner (BS-17) on 08.05.2018.
4. It came into knowledge of the appellant on 29.10.2018 that in the initial recruitment on the basis of test and interview held on 25.06.2009, the appellant had obtained 58 marks out of 100 and Mr. Muhammad Ibrahim had obtain 54 marks out of 100 as per merit list prepared by the competent Authority as Annexed -A above. Even, otherwise, at that time, due to higher Education qualification of MA of the appellant, Mr. Muhammad Ibrahim could not have obtained higher merit position. however, in violation of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules 1989, Rule-

6/11/18
SECRET
ATTESTED

(17)



33 Anna P
OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

No. 1368 /SEC/EA/2-1

dated: 14 /12/2018

To

The Assistant Secretary (Estt), Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER KHYBER-PAKHTUNKHWA CIVIL SERVANTS APPEAL RULES 1986

Memo:

I am directed to refer to your office letter No. Estt/II/DRC/Mardan/39095 dated 12.12.2018 on the subject noted above and to state that the appellant and Mr. Muhammad Ibrahim both were appointed as junior scale stenographers as result of selection process on 29.06.2009. It is worth mentioning here that joint seniority list of Junior Scale Stenographers of Commissioner and DCO offices of Mardan Division were issued on 31.12.2010. (Copy of joint seniority list as Annexed "A").

Then amendments in Service Rules vide notification of Government of Khyber Pakhtunkhwa, Board of Revenue & Estate Department, Peshawar Estt/II/135/SSRC/2033, dated 23.01.2015 were issued whereby the seniority of junior scale stenographers in commissioner offices were separated from DC Offices and later on seniority list of Junior scale stenographer of commissioner offices were issued from time to time till December, 2015. (Copy of Seniority List as Annexed "B") wherein Mr. Muhammad Ibrahim was placed senior to appellant. The seniority of junior scale stenographers was never objected to till date.

Now the appellant has brought to the notice the fact that according to Khyber Pakhtunkhwa Appointment, Promotion and Transfer Rules, 1989, Rule 17 Sub Rule (I) in case of appointment of a Civil Servant in initial recruitment, the seniority of selectees of the same batch shall be on the basis of merit. According to the merit list of the Junior Scale Stenographers Mr. Ihsanullah got total 58 marks out of 100 while Mr. Muhammad Ibrahim got 54 out of 100 marks.

Normally the seniority list of the selectee is based upon merit which is determined by the marks obtained in the initial recruitment, therefore the present appeal may be considered on the general criteria of merit as done in Public Service Commission as well as other recruitment process.

M. A. V.
Secretary to Commissioner,
Mardan Division, Mardan.

C.C:

1. PS to Commissioner Mardan Division, Mardan

ATTESTED

ATTESTED

P

34 Annex Q



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT

No. Estt. (Seniority) List. 186
Dated Peshawar the 02/01/2019

[Handwritten signature]

To

The Commissioner,
Mardan Division Mardan.

SUBJECT: DEPARTMENTAL APPEAL

I am directed to refer your letter No. 1368/SEC/EA/2-1 dated 07/03/2018 and to enclose copy of order dated 21.12.2018 passed by Senior Member Board of Revenue for your information please.

Assistant Secretary (I SO)

Secy

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~~ATTACHED~~

~~ATTACHED~~

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BEFORE THE SENIOR MEMBER BOARD OF REVENUE
KHYBER PAKHTUNKHWA

Ihsanullah Appellant

Versus

Muhammad Ibrahim Respondents

ORDER

The instant Departmental Appeal filed by Mr. Ihsanullah Senior Scale Stenographer, office of the Commissioner Mardan Division, against the seniority of Mr. Ibrahim Junior Scale Stenographer now promoted as Private Secretary BS-17.

Facts of the case are that the appellant as well as Mr. Muhammad Ibrahim was appointed as Junior Scale Stenographer on 30.06.2009 in the office of Commissioner Mardan. In the seniority list of Junior Scale Stenographer, the appellant was placed junior to Muhammad Ibrahim Junior Scale Stenographer, the appellant filed the instant appeal on 06.11.2013 after a lapse of 08 years against the seniority list of Mr. Muhammad Ibrahim Private Secretary BS-17.

Perusal of available records and comments obtained from Commissioner Mardan, the appellant was appointed in the year 2009, but he has never challenged the seniority of Muhammad Ibrahim uptill 2017. Beside, the respondent Muhammad Ibrahim was promoted as Senior Scale Stenographer on 22.12.2015 while the present appellant remained acquiescent for more than two years. Seniority list has been issued from time to time which has never been assailed by present petitioner/appellant. The present appellant is relying on screening test marks which are not the sole determinant in selection.

Keeping in view the above, the instant Departmental Appeal is badly time barred and having no legal ground, hence dismissed.

Announced
21.12.2018

M. Fakhre Alam
Fakhre Alam
Senior Member

ATTESTED

ATTESTED



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/CommissionerMardanDivision>
Address: Opposite Town Hall,
Near College Chowk Mardan

Phone: 0937-9230572-73
Fax: 0937-9230578
Email: commissionermd@yahoo.com

Notification:

On the recommendation of Departmental Promotion Committee, meeting dated 28/06/2021, Mr. Ihsan Ullah Senior Scale Stenographer (on Acting Charge Basis/BPS-16) of this office is hereby promoted to the post of Senior Scale Stenographer (BPS-16) on regular basis, with immediate effect:-

On promotion the official concerned will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989).

By Order of
Commissioner
Mardan Division Mardan
Dated Mardan the 30/06/2021

No 966 /Sec/EA/DPC
Copy forwarded to:-

- 1- Deputy Commissioner Mardan & Swabi
- 2- District Comptroller of Accounts Mardan.
- 3- Assistant Secretary (Estt) Board of Revenue & Estate Department Khyber Pakhtunkhwa.
- 4- PS to Commissioner Mardan Division Mardan.
- 5- Official Concerned.
- 6- Finance Branch of this office.

Secretary to Commissioner
Mardan Division Mardan

ATTESTED



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>
Address: Opposite Town Hall, Near College Chowk Mardan
Phone: 0937-9230572-73
Fax: 0937-9230578
Email: commissionermrd@yahoo.com

Subject: **Final Seniority List of Senior Scale Stenographer (BPS-16) of this Office and the Offices of Deputy Commissioner Mardan and Swabi, as Stood on 31/12/2022.**

Consequent upon Tentative Joint Seniority List of Senior Scale Stenographer (BPS-16) of this office and the offices of Deputy Commissioner Mardan & Swabi vide letter no. 289/Sec/EA/2-19 dated 23/02/2023 is hereby considered as final

S/N	Name	Qualification	Date of Birth	Date of 1st Appointment	Date of Promotion to the Present Post	Remarks
01	Ihsan Ullah	MA	02/03/1984	30/06/2009	19/04/2018	As per court order Dated 14/04/2022 of service Tribunal Khyber Pakhtunkhwa
02	Babar Hayat	MA	25/03/1986	17/07/2014	13/09/2019	Do

NO 418/Sec/EA

Dated = 27/3/2023

Secretary to Commissioner
Mardan Division Mardan

Copy forwarded to:

1- PS to Commissioner Mardan Division Mardan.

ATTES

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OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>
Address: Opposite Town Hall,
Near College Chowk Mardan Phone: 0937-9230572-73
Fax: 0937-9230578

OFFICE ORDER:

In pursuance of letter of the office of Assistant Secretary (Estt) Board of Revenue, Revenue & Estate Department Government of Khyber Pakhtunkhwa vide No. Estt:II/SA/148/19/Ihsanullah/42 dated 02/01/2023, Judgment of the Khyber Pakhtunkhwa Service Tribunal passed on 14th April, 2022 and with the approval of competent authority, the promotion order dated 19th April, 2018 in respect of Mr. Ihsan Ullah (Senior Scale Stenographer, BPS-16) is conditionally/provisionally regularized from the date of his promotion till the outcome of pending CPLA in August, Supreme Court of Pakistan.

By order of
Commissioner
Mardan Division Mardan

No: 09 /Sec/EA/2-1

Dated Mardan the: 02 January, 2023

Copy forwarded to:-

- 1- Assistant Secretary (Estt) Board of Revenue, Revenue & Estate Department Government of Khyber Pakhtunkhwa w/r his office letter no. noted above.
- 2- Account Officer, Commissioner Office Mardan for further necessary action.
- 3- PS to Commissioner Mardan Division.
- 4- Court Assistant, Commissioner Office Mardan for court record.
- 5- Official Concerned.


Secretary to Commissioner
Mardan Division Mardan

ATTESTED

WAKALAT NAMA

IN THE COURT OF

KP 57 Peshawar

Barbar Hayat

Appellant(s)/Petitioner(s)

VERSUS

Huseenullah et al

Respondent(s)

I/We Respondents = 1 do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court & **Mr. Muhammad Ghazanfar Ali**, Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

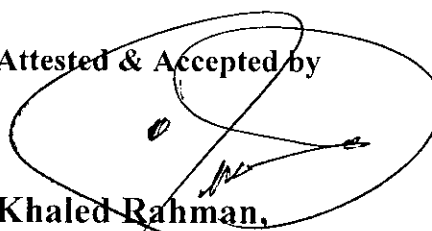
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.


AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.


In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khaled Rahman,
Advocate,
Supreme Court of Pakistan


Signature of Executants

&


Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458