

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

19(2) Application No.754/2022
In Service Appeal No.5200/2021

Asmat Ullah, Assistant & others----- (Applicants)

VERSUS

Tariq Saleem, Assistant & others----- (Respondents)

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Dated: 05/09/2023


Judge, Anti-Terrorism Court, Bannu.
(Respondent No.3) *05/09/2023*
Judge Anti-Terrorism Court
Bannu Division Bannu.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12(2) Application No.754/2022
In Service Appeal No.5200/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7356

Dated 05/09/23

Asmat Ullah, Assistant & others------(Applicants)

VERSUS

Tariq Saleem, Assistant & others------(Respondents)

Respectfully Sheweth,

The respondent No.3 submits the following reply:-

(i). That the petitioners have got no cause of action against the respondent No.3.

(ii). That respondent No.1 was the employee of Anti-Terrorism Court, Bannu establishment as Assistant/Reader (BPS-11).

Later on upon the directions of Hon'ble High Court Peshawar he was transferred to District Courts Lakki Marwat vide order dated 21/04/2003. On 08/01/2021 the Hon'ble High Court, Peshawar transferred back the respondent No.1 to ATC, Bannu, where the said order was challenged by respondent No.1 in Service Appeal No.5200/2021 and the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar vide decision dated 25/11/2022 allowed his appeal. Thus in compliance of the order of Service Tribunal, respondent No.1 was restored on his previous position by the Hon'ble High Court, Peshawar.

(iii). That being permanently absorbed there, the post of Assistant in ATC, Bannu establishment remained vacant, therefore a DPC meeting was held on 14/06/2023 and in light of recommendation of DPC Mr. Abid Khan Senior Clerk promoted to the post of Assistant, thus at present no post of Assistant is lying vacant in ATC, Bannu establishment.

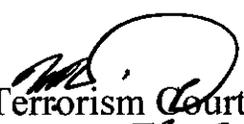
Minutes of meeting of DPC & appointment order is annexed as **Annexure R-1.**

- (iv). That no misrepresentation was made by replying respondent.
Thus the petition is not maintainable.

Facts:-

- (1) Para No.1 pertains to respondent No.1 as well as to official record.
- (2) Para No.2 pertains to official record.
- (3) Para No.3 pertains to official record.
- (4) Para No.4 pertains to official record.
- (5) Para No.5 pertains to official record. However as respondent No.1 was permanently absorbed in the establishment of District & Sessions Judge, Lakki Marwat, thus the post of Assistant in ATC, Bannu remained vacant, therefore observing all the legal & codal formalities, an employee namely Abid Khan Senior clerk was promoted to the post of Assistant on 14/06/2023. At present no post of Assistant is lying vacant in ATC, Bannu establishment.
- (6) Para No.6 is incorrect. Actual position of the case was submitted in shape of comments to the Hon'ble Service Tribunal and no misrepresentation was made by the replying respondent.
- (7) Para No.7 is incorrect.
- (8) Para No.8 is incorrect.
- (9) Para No.9 is incorrect.

It is therefore humbly prayed that the petition may be may be dismissed with cost.


Judge, Anti-Terrorism Court, Bannu.
(Respondent No.3) 05/09/2023

Judge Anti-Terrorism Court
Bannu Division Bannu.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12(2) Application No.754/2022
In Service Appeal No.5200/2021

Asmat Ullah, Assistant & others----- (Applicants)

VERSUS

Tariq Saleem, Assistant & others----- (Respondents)

AFFIDAVIT

I, representative of respondent No.3, do hereby solemnly affirm and declare that the reply of application u/s 12(2) Cr.P.C is true and to the best of my knowledge and belief and that nothing has been kept concealed from this Hon'ble Tribunal.

Deponent: No.3

Hamid Ullah Khan

Hamid Ullah Khan
Steno Grapher ATC, Bannu.



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**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEE HELD ON 14TH JUNE, 2023 IN THE OFFICE OF
THE JUDGE ANTI-TERRORISM COURT, BANNU DIVISION**

Meeting of Departmental Promotion Committee was held to consider the promotions against Posts of Assistant (BPS-16), Senior Clerk (BPS-14) and Junior Clerk (BPS-11) falling vacant in the establishment of the Judge Anti-Terrorism Court, Bannu Division.

The following attended the meeting:

Mr. Aurangzeb Khattak,
District & Sessions Judge/Judge Anti-Terrorism Court (Chairman)
Bannu Division

Mr. Amer Ali,
Additional District & Sessions Judge-I Lakki Marwat. (Member)
(Nominee of the Hon'ble PJIC, Peshawar)

Mr. Shabbir Muhammad Durrani,
Additional Sessions Judge-VI/JJC/JCPC, Bannu. (Member)
(Nominee of the Chairman of DPC, A.T.C Bannu Division)

The proceedings of meeting started with recitation from the Holy Quran.

The agenda of the meeting was to consider the promotions of One (01) post of Senior Clerk (BPS-14) to Assistant (BPS-16). One post of Junior Clerk (BPS-11) to Senior Clerk (BPS-14) and One (01) post of Class IV (Naib Qasid, Chowkidar, Sweeper, Mali) to Junior Clerk (BPS-11) on regular basis. The office of Judge Anti-Terrorism court /Chairman has already prepared working papers and communicated the same to the august Peshawar High Court, Peshawar.

PROMOTION AGAINST THE POST OF ASSISTANT (BPS-16)

One Senior Clerk (BPS-14) was considered for promotion to fill up One (01) vacant post of Assistant (BPS-16) as per working paper (**Working paper Annexure-A**). As per Anti-Terrorism Courts Staff Recruitment Rules, 2020 vide Notification No. SO(Prosecution)/HOD/1-5/2020/Vol-I Peshawar the dated 29th September, 2020, the required criteria for promotion to the post of Assistant (BPS-16) is as under: -

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Bannu

01-09-2023

- a) *Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness from amongst Senior Clerks with at least five-year service as Junior and Senior Clerks.*

After taking into account the service record of official, who was initially appointed as Chowkidar on 17.09.2002 in the establishment of Anti-Terrorism Court, Bannu Division. Later on, he was promoted to the post of Junior Clerk on 19.03.2015 and to the post of Senior Clerk on 14.03.2020. Hence the combined service of the official as Junior Clerk as well as Senior Clerk is Eight (08) years. Hence the official qualifies the requisite experience. The Committee unanimously recommended the official named below for promotion against the vacant post of **Assistant (BPS-16)** on the basis of seniority-cum-fitness.

S.No	Name of Official	Current Post held	Promoted To
1	Abid Khan	Senior Clerk (BPS-14)	Assistant (BPS-16)

PROMOTION AGAINST THE POST OF SENIOR CLERK (BPS-14)

One Junior Clerk (BPS-11) was considered for promotion to fill up One (01) vacant post of Senior Clerk (BPS-14) as per working paper. (**Working paper Annexure-B**). As per Anti-Terrorism Courts Staff Recruitment Rules, 2020 vide Notification No. SO(Prosecution)/HOD/1-5/2020/Vol-I Peshawar the dated 29th September, 2020, the required criteria for promotion to the post of Senior Clerk (BPS-14) is as under: -

"By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerks (BPS-11) with at least two years' service as such:"

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After taking into account the service record of official as per working paper, the Committee unanimously recommended the official named below for promotion against the vacant post of **Senior Clerk (BPS-14)** on the basis of seniority-cum-fitness.

S.No	Name of Official	Current Post held	Promoted To
1	Mati Ur Rehman	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)

PROMOTION AGAINST THE POST OF JUNIOR CLERK (BPS-11)

Two officials including Sweeper & Chowkidar (BPS-03) were considered for promotion to fill up One (01) vacant post of Junior Clerk (BPS-11) as per working paper. (**Working paper Annexure-C**). As per Anti-Terrorism Courts Staff Recruitment Rules, 2020 vide Notification No. SO(Prosecution)/HOD/1-5/2020/Vol-I Peshawar the dated 29th September, 2020, the required criteria for promotion to the post of Junior Clerk (BPS-11) is as under: -

- (a) Fourth percent (40%) by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasids, Chowkidars and Sweepers including holders of other equivalent posts, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board, with two year service as such;

Note: For the purpose of promotion, there shall be maintained a common seniority list of Naib Qasids, Chowkidars, Sweepers etc. with reference to the dates of their acquiring the FA/F.Sc qualification. Provided that-

- (i) If two or more officials have acquired the FA/F.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;
- (ii) 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. Provided further that the condition of FA/F.Sc or its equivalent qualification from a recognized Board, as laid down at clause (a) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Naib Qasid, Chowkidar and sweeper including holders of other equivalent posts for promotion to the post of Junior Clerk (BPS-11)

Judge Anti-Terrorism Court
Bannu Division Bannu.

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As per compliance of PHC letter No. 19657-19706/DSC-DPC/ADMN: dated 09.12.2017 and keeping in view their seniority cum fitness, as mentioned in working paper Annexure-C, and to sift competent from incompetent, a test was conducted in order to assess seniority cum fitness of the candidates. As a result of test, Mr. Ihsan Ullah Khan at Serial No. 01 of the Working Paper Annexure-C, was recommended for promotion to the post of Junior Clerk (BPS-11).

S.No	Name of Official	Current Post held	Promoted To
1	Ihsan Ullah Khan	Sweeper (BPS-03)	Junior Clerk (BPS-11)

The meeting ended with a vote of thanks to and from the Chair.



Mr. Amer Ali

Addl: District & Sessions Judge, Lakki Marwat
(Nominee of Hon'ble PHC, Peshawar)



Mr. Shabbir Muhammad Durrani,

Addl: District & Sessions Judge-VI, Bannu
(Nominee of the Judge A.T.C. Bannu Division)

(Aurangzeb Khattak)

District & Sessions Judge/Judge Anti-Terrorism Court, Bannu Division.

(Chairman)

Judge Anti-Terrorism Court
Bannu Division Bannu.

Endst: No. 202-05 Judge A.T.C

Dated Bannu the: 14/06/2023

Copies forwarded for information to the:

1. The Worthy Registrar, Hon'ble Peshawar High Court, Peshawar.
2. All Members of the Committee.
3. Office File.

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Examiner Anti-Terrorism Court

Bannu

01-09-2023

(Aurangzeb Khattak)

District & Sessions Judge/Judge Anti-Terrorism Court
Bannu Division. (Chairman)

Judge Anti-Terrorism Court
Bannu Division Bannu.

OFFICE OF THE ANTI-TERRORISM COURT BANNU DIVISION

No. 206-11 Judge A.T.C

Dated Bannu the 14/06/2023

PH 0928-9270200

Fax: 0928-662111

Email: antiterrorismcourtbannu@gmail.com

OFFICE ORDER

Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 14.06.2023, vide Endst No: 202-05/ Judge A.T.C Dated Bannu the 14/06/2023, the following official is hereby promoted on **Regular Basis** to the post mentioned against his name, with immediate effect. He shall be on probation for a period of one year, extendable up to two years as per law, if needed.

S.#	Name and Designation	Remarks
1	Mr. Abid Khan, Senior Clerk (BPS-14)	Promoted to the post of Assistant (BPS-16)

(Aurangzeb Khattak)

District & Session Judge/Judge A.T.C
Bannu Division.

Judge Anti-Terrorism Court
Bannu Division Bannu.

No & Date Even:-

Copies Forwarded to:-

1. The Worthy Registrar, Hon'ble Peshawar High Court, Peshawar.
2. The District Accounts Officer, Bannu.
3. Personal file of the official concerned.
4. The Official concerned.
5. Office Copy.

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Examiner Anti-Terrorism Court
Bannu

01-09-2023

(Aurangzeb Khattak)

District & Session Judge/Judge A.T.C
Bannu Division.

Judge Anti-Terrorism Court
Bannu Division Bannu.

OFFICE OF THE ANTI-TERRORISM COURT BANNU DIVISION

No. 2012-17 Judge A.T.C

Dated Bannu the 14/06/2023

PH 0928-9270200
Fax: 0928-662111
Email: antiterrorismcourtbannu@gmail.com

OFFICE ORDER

Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 14.06.2023, vide Endst No. 202-05/ Judge A.T.C Dated Bannu the 14/06/2023, the following official is hereby promoted on **Regular Basis** to the post mentioned against his name, with immediate effect. He shall be on probation for a period of one year, extendable up to two years as per law, if needed.

S.#	Name and Designation	Remarks
1	Mr. Mati Ur Rehman, Junior Clerk (BPS-11)	Promoted to the post of Senior Clerk (BPS-14)

(Aurangzeb Khattak)

District & Session Judge/Judge A.T.C
Bannu Division.

No & Date Even:-

Judge Anti-Terrorism Court
Bannu Division Bannu.

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3. Personal file of the official concerned.
4. The Official concerned.
5. Office Copy.

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Examiner Anti-Terrorism Court
Bannu

01-09-2023

(Aurangzeb Khattak)

District & Session Judge/Judge A.T.C
Bannu Division.

Judge Anti-Terrorism Court
Bannu Division Bannu.