


16.01.2023

Counsel for the appellant present. Naseerud Din Sha.

learned Assistant Advocate General for the respondents present.

Miss Fareeha Paul, learned Member (Executive) is on leave today, therefore, case is adjourned to 25.04.2023 for arguments before the D.B.


(Rozina Rehma)
Member (J)

25th April, 2023

25th April has been declared as public holiday on account of Eid-UI-Fitr, therefore, the case is adjourned. To come up for the same on 07.07.2023.


Reader

7th July, 2023

1. Appellant in person present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

2. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 31.10.2023 before D.B. P.P given to the parties.



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

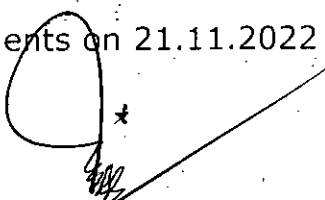
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Peshawar

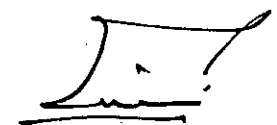
SCANNED
KPST
Peshawar

21.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment being not prepared for arguments. Adjourned. To come up for arguments on 21.11.2022 before the D.B.

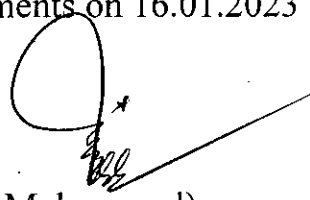

(Mian Muhammad)
Member (Executive)

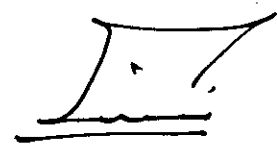

(Salah-Ud-Din)
Member (Judicial)

21.11.2022

Clerk of learned counsel for the appellant present. Mr. Waqar Ahmad, ASI alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 16.01.2023 before the D.B.


(Mian Muhammad)
Member (E)

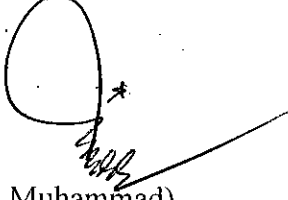

(Salah-Ud-Din)
Member (J)

SCANNED
KPBT
Peshawar

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Abdul Mateen Superintendent for respondents No. 1 & 2 present.


Written reply/comments on behalf of respondents No. 1 & 2 submitted which is placed on file. Written reply/comments on behalf of respondent No. 3 not submitted therefore notice be issued to respondent No. 3 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 29.06.2022 before S.B.


(Mian Muhammad)

29.06.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.


Written reply/comments on behalf of respondent No. 1 and 2 already submitted. Today counsel for the appellant submitted application for deletion of respondent No. 3 from the panel of respondents being unnecessary party. Application allowed. The name of respondent No. 3 deleted from the panel of respondents. To come up for rejoinder/arguments on 22.08.2022 before D.B.



(Fareeha Paul)
Member (E)

22.08.2022

Appellant in person present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

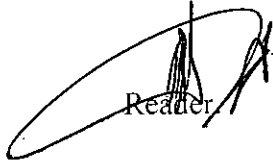
Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 21.09.2022 before the D.B.


(Rozina Rehman)
Member(J)


(Salah-Ud-Din)
Member(J)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 23.05.2022 for the same as before.


Reader

23th May, 2022

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

On 20.10.2022 Mr. Mian Muhammd, Member (Executive) while admitting this appeal, had directed the appellant to deposit security and process fee within 10 days and notices were issued to the respondents for submission of written reply/comments within 10 days after the receipt of notices. It was further observed that office should submit compliance report and the matter was fixed for 21.02.2022 before D.B. There was nothing on the file to show that notices were issued to the respondents and reply was received. Mr. Abdul Mateen, Superintendent, present and seeks time file reply. To come up for filing of the written reply/comments on 31.05.2022 before S.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

(A)

Mian Abdur Rehman 7357/2021

20.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 04.08.2021, whereby departmental appeal of the appellant as well as termination from service order dated 22.06.2018 were declared as valid, hence, the instant service appeal has been submitted on 25.08.2021. It was further argued that the appellant was appointed as Process Server (BS-05) after due process of selection. He was served with a show cause notice dated 14.06.2018 to which the appellant submitted his reply on 22.06.2018. However, his services were terminated vide impugned order of respondent No.1 dated 22.06.2018 on the ground that he was not eligible to be appointed against 25% quota reserved for the retired Class-IV employees sons. His departmental appeal dated 12.07.2018 was rejected on 27.07.2018. The appellant, thereafter instituted writ petition No. 6275-P/2018 and the Hon'able Peshawar High Court, Peshawar remanded back the case to respondent-department vide judgement dated 09.06.2021. However, final order was passed by respondent No.2 vide order dated 04.08.2021 and the earlier impugned order dated 22.06.2018 was kept intact. Hence, the instant service appeal before the Service Tribunal was filed on 25.08.2021.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.02.2022 before the D.B.

Appellant Deposited
Security Process Fee
03/11/22



(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7357 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2021	<p>The appeal of Mr. Mian Abdul Rehman resubmitted today by Mr Syed Shahid Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on- <u>20/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Mian Abdul Rehman, District Nowshera presented today i.e. on 25.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 2- Annexures A of the appeal are illegible which may be replaced by legible/better one.
- 3- Memorandum of the appeal may be got signed by the appellant.

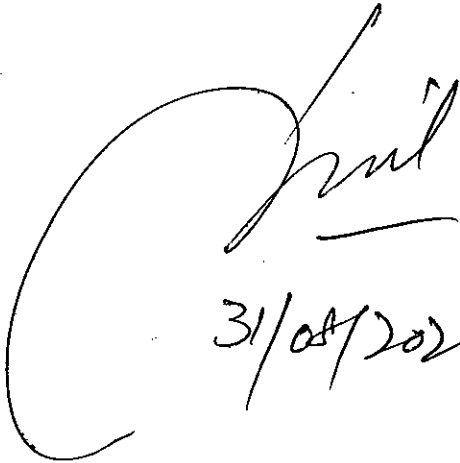
No. 1684 /S.T,

Dt. 26/08 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Syed Shahid Shah Adv, Pesh.

Resubmitted after removal of observation no, 1
and 3 while response to observation No, 2 it is
submitted that the said annex document has
no vital status because that has an admitted
status.


31/08/2021

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

میں عبدالرحمن کے سب سے پہلے کی درخواست

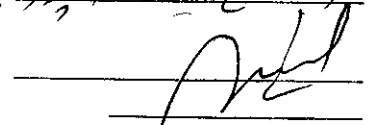
S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>میں عبدالرحمن کے سب سے پہلے کی درخواست</u>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?		
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

میں عبدالرحمن کے سب سے پہلے کی درخواست

Signature:



Dated:

25/8/2021

Before the Khyber Pukhtun khawa Service Tribunal Peshawar

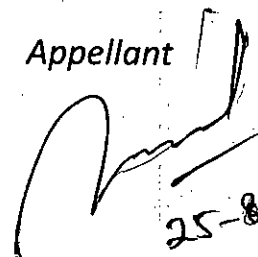
Abdul Rehman Versus Senior Civil Judge Nowshera.

INDEX

S.No	Despcrition of Documents	Annexure	Page #
1	Memo of Petition		1-3
3	Affidavit		4
4	Copy of appointment order with documents	A	5-17
5	Copy of show cause notice, reply and termination order.	B	18-20A
6	Copy of departmental appeal and order	C	21-25
7	Copy of writ petition and order thereof	D	26-36
8	Copy of another petition and impugned order	E	37-43
9	Wakalatnama		44

Appellant

Through



25-8-2021

S. Shahid Shah Advocate

03469140337

1

Before the Khyberpukhtunkhawa Service Tribunal Peshawar

Service Appeal No, 7357

Mian Abdul Rehman S/O Mian Abdul Waseh R/O Mohallah Miangan Taru Jabba Tehsil Pabbi District Nowshera.

(Appellant)

Khyber Pakhtukhwa Service Tribunal

Diary No. 7487

Dated 25-8-2021

Versus

1. Senior Civil Judge Nowshera.
2. District Judge Nowshera.
3. District Account Officer Nowshera.

(Respondents)

Appeal under section 4 of The Khyber Pukhtunkhawa Service Tribunal Act 1974 against the impugned orders dated 04/08/2021 thereby respondent No, 2 has dismissed the departmental Appeal of the appellant as well as termination from service order dated 22/06/2018 issued by respondent No,1.

Filed to day
Registrar

Re-submitted to -day
and filed.

Respectfully sheweth,
Registrar
31/8/2021

1. That appellant was inducted as an employee in the capacity of process server BPS -5 in the respondents Department after due process of selection i.e. conducting of written and oral test.(copies of advertisement , test papers and appointment letter is annexed as annexure A).
2. That to the utter bewilderment of the appellant on 14/06/2018 respondent No,1 served a show cause notice to the appellant which was duly replied by the appellant.(Copy of the show cause and reply is annexed as annexure B)

(2)

3. That despite the comprehensive reply of the appellant the respondent No, terminated the service of the appellant through impugned order dated 22/06/2018.(copy of termination from service is annexed as annexure B)
4. That appellant filed a departmental appeal before the respondent No,2 against the order of the respondent 1 on 12/07/2018 but the same was refused vide order dated 13/10/2018.(Copy of appeal and order thereof is annexed as annexure C)
5. That appellant invoked the jurisdiction of the Peshawar High Court Peshawar under article 199 of the constitution of Islamic Republic of Pakistan 1973 on certain legal ground which was disposed of with certain direction.(Copy of the Writ Petition and order thereof is annexed as annexure D)
6. That petitioner submitted an application along with order of the August Peshawar High court to the respondent No,2 but the same was also turned down through impugned order dated 04/08/2021.(Copies of application and impugned order is annexed as annexure E)
7. That appellant aggrieved of the impugned order on 04/08/2021 and order dated 22/06/2018 filed this appeal on the following grounds.

Grounds:

- A) That respondent No 2 has dismissed the departmental appeal without giving any heed to its merits.
- B) That the impugned order is the result of surmise and conjecture which is clear violation of the rules.

(3)

C) That impugned order is based on malafide of the respondents as appellant qualified the written test and secure 23 marks out of 25 so among the topper and if was placed with candidates of open merit appellant was at par with other selected candidates but at first petitioner was placed in the employee son quota and then terminated from service without acknowledging the test results.

D) That impugned order is unlawful as appellant points were not considered as there are other incumbents having the same status were never treated with identical yard stick so the order is discriminative and against the equity.

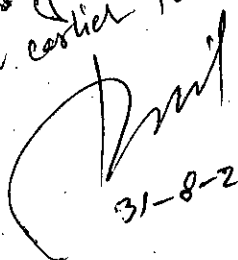
E) That while issuing the order policy was violated and rules were transgressed because only upon alleged rule of non- class four employee son appellant was deprived.

F) That the impugned order is void ab initio and not maintainable in the eyes of law.

It is therefore humbly prayed that on acceptance of this appeal the impugned orders dated 22/06/2018 and order dated 04/08/2021 may graciously be set aside and the appellant be reinstated on the post with full back benefit.

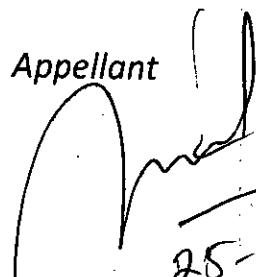
Certificate

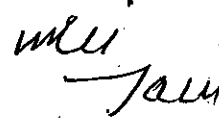
certify that no such appeal has filed by the appellant earlier to this appeal.


31-8-2021

Through

Appellant





25-8-2021

S.SHAHID SHAH.ADVOCATE

4

Before the Khyber Pukhtun khawa Service Tribunal Peshawar

Abdul Rehman..... (Appellant)

Versus

Senior Civil Judge Nowshera and others..... (Respondents)

Affidavit

I, Abdul Rehamn S/O Abdul Waseh do hereby solemnly affirm and declare on oath that the content of the accompanying appeal are true to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Deponent

Meli Jaw

Identified By

S. Shahid Shah Advocate

03150150707
17201-0877313-9



13
 [Signature]
 1/15/2018

Item No.	Description	Quantity	Unit	Rate	Total
01	Computer 1	1	PC	1000	1000
02	Printer	1	Printer	500	500
03	Scanner	1	Scanner	300	300
04	Software	1	License	200	200
05	Hardware	1	Unit	150	150
06	Peripherals	1	Set	100	100
07	Services	1	Month	50	50
08	Training	1	Course	100	100
09	Consulting	1	Hour	50	50
10	Travel	1	Day	100	100
11	Accommodation	1	Day	100	100
12	Food	1	Day	50	50
13	Transportation	1	Day	50	50
14	Communication	1	Month	50	50
15	Security	1	Month	50	50
16	Maintenance	1	Month	50	50
17	Insurance	1	Month	50	50
18	Legal	1	Hour	100	100
19	Accounting	1	Hour	50	50
20	Marketing	1	Hour	50	50
21	Human Resources	1	Hour	50	50
22	Operations	1	Hour	50	50
23	Finance	1	Hour	50	50
24	IT	1	Hour	50	50
25	Other	1	Hour	50	50

1/15/2018

500

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1500

2000

2500

3000

3500

4000

4500

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5500

6000

6500

7000

7500

8000

8500

9000

9500

10000

5
 [Signature]

نام امیدوار عامر زین (6) ولایت چان محمد خان

پرچہ نمبر آٹھ Process Server وقت - 45 منٹ

نوٹ - حصہ اول کے ہر سوال کے 3 نمبر ہیں جبکہ حصہ دوم کے ہر سوال کا 1 نمبر ہے

حصہ اول

20 + 03 = 23/25

1 پاکستان تک وجود میں آیا ؟
A 23 مارچ 1947 B 14 اگست 1947 C 15 اگست 1947

2 پاکستان کا کل رقبہ کتنا ہے ؟
A 7,96,095 مربع کلومیٹر B 8,96,095 مربع کلومیٹر C 6,06,095 مربع کلومیٹر

3 پاکستان کا قومی جانور کونسا ہے ؟
A مارخور B رتیلو C شیر

4 پاکستان کا سب سے لمبا دریا کونسا ہے ؟
A دریائے سندھ B دریائے گاماں C دریائے راوی

5 پاکستان کا کونسا صوبہ رقبہ کے لحاظ سے بڑا ہے ؟
A فیضخٹونخواہ B پنجاب C بلوچستان D سندھ

6 پاکستان کا پہلا دار الحکومت کونسا تھا ؟
A لاہور B کراچی C اسلام آباد

7 پاکستان کا موجودہ وزیر اعظم کون ہے ؟
A نواز شریف B عمران خان C پرویز مشرف D شہباز شریف

8 اسلام کا اصل کتنے ارکان ہیں ؟
A 4 B 6 C 5

9 قرآن میں کتنے سورتیں ہیں ؟
A 140 B 114 C 30

10 قرآن کا دل کس سورہ کو کہا جاتا ہے ؟
A سورہ یاسین B سورہ الرحمن C سورہ اخلاص

Attested
[Signature]

ATTESTED
JUN 2018

Examiner Copying Agency
Branch D.S.J. Nowshera

24

(7)

حصہ دوم

1. انڈیا کا منہ شمال کی طرف ہوتا ہے دائیں اور بائیں کونسی سمت ہوتی ہے ؟

جواب دائیں مشرق، بائیں مغرب

2. وہ کونسا جانور ہے جو نہ اندک دیتا ہے اور نہ بچہ اور اسکا وزن ایک من سے زیادہ ہوتا ہے ؟

جواب کوئی جانور

3. تین برابر سالانہ پانی بالٹیاں تیل، پانی اور دودھ سے لبا لب بھری ہیں۔ بتائے کون سے باٹھی زیادہ بھاری ہوگی ؟

جواب تمام بالٹیوں کا وزن برابر ہوگا۔

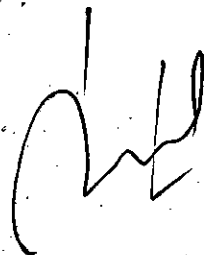
4. گیارہ ہزار گیارہ سو گیارہ کو ہندسوں میں لکھیں ؟

جواب (A) 11,111 (B) 12,111 (C) 13001 (D) ان میں سے کوئی نہیں

5. ایک من لوہے اور ایک من روٹی کو 500 فٹ کی بلندی سے ایک ساتھ گرائیں تو ان میں سے کونسی پہلے زمین پر پہنچے گی ؟

جواب (A) لوہا (B) روٹی (C) برابر

Attested



ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

45
سوال کا نمبر
24/25

نام امیدوار بلال احمد ولدیت طارق الدین

(8)

Process Server پر کاپی برائے وقت - 45 منٹ

نوٹ - حقہ اول کے سوال کے 3 نمبر ہیں۔ جبکہ حقہ دوئم کے سوال کے 1 نمبر ہے

24/25

حقہ اول

- 1 پاکستان تک وجود میں آیا ؟
✓ (A) 23 مارچ 1947ء (B) 14 اگست 1947ء (C) 15 اگست 1947ء
- 2 پاکستان کا مل رقبہ کتنا ہے ؟
✓ (A) 7,96,095 مربع کلومیٹر (B) 8,96,095 مربع کلومیٹر (C) 60,695 مربع کلومیٹر
- 3 پاکستان کا قومی جانور کونسا ہے ؟
✓ (A) مارخور (B) رتھ (C) شیر
- 4 پاکستان کا سب سے لمبا دریا کونسا ہے ؟
✓ (A) دریائے سندھ (B) دریائے گانگ (C) دریائے راوی
- 5 پاکستان کا کونسا صوبہ رقبہ کے لحاظ سے بڑا ہے ؟
✓ (A) فیضخٹونخواہ (B) پنجاب (C) بلوچستان (D) سندھ
- 6 پاکستان کا پہلا دار حکومت کونسا تھا ؟
✓ (A) لاہور (B) کراچی (C) اسلام آباد
- 7 پاکستان کا موجودہ وزیر اعظم کون ہے ؟
✓ (A) نواز شریف (B) عمران خان (C) پرویز مشرف (D) شہباز شریف
- 8 اسلام کے کل کتنے ارکان ہیں ؟
✓ (A) 4 (B) 6 (C) 5
- 9 قرآن میں کل کتنے سورتیں ہیں ؟
✓ (A) 140 (B) 114 (C) 30
- 10 قرآن کا دل کس سورہ کو کہا جاتا ہے ؟
✓ (A) سورہ یاسین (B) سورہ رخص
(C) سورہ اخلاص

ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2010

Attested by
[Signature]

(9)

حصہ دوم

① اتر آپ کا منہ شمال کی طرف ہو تو آپ کے دائیں اور بائیں کونسی
سخت پونگی ؟

سخت اور جھڑکا

جواب ✓

③ وہ کونسا جانور ہے جو نہ اندھے دیکھا ہے اور نہ چم اور نہ اسکا
وزن ایک من سے زیادہ ہوتا ہے ؟

بکری

جواب ✓

③ تین برابر سائز کی بالٹیاں تیل، پانی اور دودھ سے لبا لب بھری
ہیں۔ نتائج کون سے بائیں زیادہ بھاری ہوگی ؟

دودھ

جواب ✓

④ تیارہ ہزار تیارہ سو تیارہ کو تیارہ میں لکھیں ؟

جواب (A) 11,111 (B) 12,111 (C) 13,001 (D) ان میں سے کوئی نہیں

⑤ آئین میں لوہے اور آئین میں روٹی کو 500 فٹ کی بلندی سے
ایک ساتھ گرائیں تو ان میں سے کونسی پہلے زمین پر پہنچے گی ؟

جواب (A) لوہا (B) روٹی (C) برابر

ATTESTED

Attested

للہ

Examiner Copying Agency
Branch D.S.J. Nowshera
20 JUN 2015

نام عبدالرزاق نور عالم خان (دہلی) نرس علی شاہ

پہلے پیمانے پر امتحان سرور (Process Server) (10)

فصل نمبر 25 (10) وقت 45 منٹ

1- 4291270-17201-17201
(نوٹ) حصہ اول کے میں سوالوں کے 2 نمبر ہیں۔ حصہ دوم کے میں سوالوں کے 2 نمبر ہیں۔

حصہ اول

1. پاکستان اسلام کے قائل کتنے اور کون ہیں۔ (A) 4، (B) 6، (C) 5

2. قرآن میں قائل کتنے سورس ہیں۔ (A) 114، (B) 119، (C) 120

3. قرآن کا دل کس سورس کو کہتے ہیں، (A) سوزنا لینا، (B) سوزنا لینا، (C) سوزنا لینا

4. پاکستان کا قومی جانور کون سا ہے۔ (A) مارگور، (B) ریگلی، (C) شیر

5. پاکستان کا قائل رقبہ کتنا ہے۔ (A) 7,96,095 مربع کلومیٹر

(B) 8,96,095 مربع کلومیٹر، (C) 60,6959 مربع کلومیٹر

6. پاکستان کا صوبہ سے لگتا دور، کون سا ہے۔ (A) دریا، (B) گاما

(C) دریا، (D) دریا

7. پاکستان کب وجود میں آیا۔ (A) 23 مارچ 1947، (B) 14 اگست 1947، (C) 14 اگست 1947

8. پاکستان کا قومی ماہی کون سا ہے۔ (A) بونیا، (B) سندھ، (C) پیما، (D) سندھ

9. پاکستان کا پہلا دار الخلافہ کون سا تھا۔ (A) کوئٹہ، (B) اسلام آباد، (C) راولپنڈی

10. پاکستان کا موجودہ وزیر اعظم کون ہے۔ (A) نواز شریف، (B) عمران خان، (C) یوسف رضا، (D) شامہ خان

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Examiner Copying Agency
Branch D.S.J. Nowshera
20 JUN 2018

26

Total	RATE PER H.
480000	
150000	

(11)

حصہ درج
 سٹ: اگر آپ کا فنڈ متبادل کی طرف سے بڑا ہے تو اسے دیکھیں، کون کون سی
 صورتیں ہوں گی ✓
 جواب: مشرفی - ص 10

سٹ: گیارہ نمبر گیارہ سو گیارہ کو نمبروں میں لکھیں
 جواب: 19 11, 11 13 12, 11 14 13001 (11 کوئی نہیں)

سٹ: ایک دن لو پیس اور ایک من 11 کو 500 فنڈ کی بلندی
 سے ایک ساڑھے تیراٹھ۔ تو ان میں سے کونسی پہلے من میں لکھی جائے گی ✓
 جواب: 13 اور 14

سٹ: وہ کونسا جائز ہے۔ چونکہ اندر کے دماغی اور نہ بیچ اور
 اس کا وزن ایک من سے زیادہ ہوتا ہے ✓
 جواب: مشرفی

سٹ: زمین برابر مائٹرز کی جائیداد نہیں، چاہی اور درود
 سے لکاب معبر ہیں۔ جائیداد کون سی بالائی زیادہ
 ہے، گیارہ سو گیارہ ✓
 جواب: زمین کا پورا پورا پتہ

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Examiner Copying Agency
 Branch D.S.J. Nowshera
 20 JUN 2018

Attested
 1
 [Signature]

حکم ایڈووکیٹ جنرل (ایم ای) آفیس میں
پروسیجر نمبر کے تحت ایڈمنسٹریٹو سروس (Process Server)
دفعہ 45 ص 25

(نوٹ) یہ درج ذیل کے سوال کے جواب ہیں۔ یہ درج ذیل کے سوال کا
جواب ہے۔

حصہ اول

- 1. ایڈووکیٹ کے مکمل مکلفیت کے ارکان ہیں۔ (A) 4 - (B) 6 (C) 5
- 2. قمران میں مکمل مکلفیت سروس نہیں ہیں۔ (A) 140 (B) 114 (C) 120
- 3. قمران کا دل کس صورت کو کہتے ہیں۔ (A) سوزنا سینگ (B) سوزنا سینگ (C) سوزنا سینگ
- 4. پاکستان کا قومی جانور کون سا ہے۔ (A) گاما چوہ (B) بلیو (C) شیر
- 5. پاکستان کا مکمل رقبہ کتنا ہے۔ (A) 7,96,095 مربع کلومیٹر
- 6. پاکستان کا مکمل رقبہ کتنا ہے۔ (A) 7,96,095 مربع کلومیٹر (B) 60,6959 مربع کلومیٹر
- 7. پاکستان کا سب سے لمبا دریا کون سا ہے۔ (A) دریاہ گاما
- 8. دریاہ سندھ (C) دریاہ رادی
- 9. پاکستان کی وجود میں آتا۔ (A) 23 مارچ 1947 - (B) 14 اگست 1947
- 10. پاکستان کا کون سا صوبہ رقبہ کے لحاظ سے بڑا ہے۔ (A) پنجاب (B) سندھ (C) خیبر پختون خواہ
- 11. پاکستان کا پہلا دار الحکومت کون سا تھا۔ (A) لاہور (B) اسلام آباد (C) راج
- 12. پاکستان کا موجودہ وزیر اعظم کون ہے۔ (A) نواز شریف (B) عمران خان
- 13. پاکستان کا موجودہ وزیر اعظم کون ہے۔ (A) نواز شریف (B) عمران خان
- 14. پاکستان کا پہلا وزیر اعظم کون ہے۔ (A) نواز شریف (B) عمران خان

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Examiner Copying Agency
Branch D.S.J. Nowshera
20 JUN 2018

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27

(13)

حصہ دوام

سزا: اگر آپ جاننے شمار کا طرف سے لڑا آپ نے دانش ماسٹرس کون کس
✓ صحت مندرجہ ہے

جواب: East - West

سزا: شمار، شمار، شمار، شمار، شمار، شمار، شمار، شمار، شمار، شمار

جواب: 1A, 11, 111, 13, 12, 111, 11, 13001 (D), کوئی نہیں

سزا: ایک من لوہے اور ایک من دہلی کو 500 من کی بلندی
✓ سے ایک مساوی ٹر اسٹریٹ۔ لڑا ان میں سے کوئی پہلے زمین پر پہنچے گا

جواب: 1A, کوئی 1B, 11, 111, 13, 12, 111, 11, 13001

سزا: وہ کوشا جالور سے۔ چونکہ اندر سے دیکھا ہے اور نہ بیچے اور

✓ اس کا وزن ایک من سے زیادہ ہوتا ہے

جواب: 1A, 11, 111, 13, 12, 111, 11, 13001

سزا: زمین پر ہر ماہر کے ماسٹرس کی جائیداد نہیں، پانی اور دودھ

✓ سے حساب معبر ہیں۔ ماسٹرس کون سے جائیداد زیادہ

جواب: معبر

ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera
20 JUN 2018

Attested

Attested

No. 7584

Date of Application 20.6.2018

Name of Applicant عبدالرحمن

Words _____

Fee _____

Urgent Fee _____

Sign of Copyist _____

Date of Preparation 20 JUN 2018

Sign of Examiner _____

Date of Delivery 20 JUN 2018

(14)

حصہ دوم

سزا: اگر آپ جاننے کے لئے اس کے خلاف سزا دیا جائے گا اور اسے بائیس کون سے
✓ میں سے منتخب کریں

جواب: East - West

سزا: گناہ، نیراد، گناہ، سو گناہ، تو نہیں ہوں میں لکھیں

جواب: 19 ✓ 11, 111 (13) 12, 111 (14) 13001 (15) کوئی نہیں

سزا: ایک من لہجہ اور ایک من ادنیٰ کو 500 فنٹ کی بلغمی
✓ سے ایک ساؤتھ ٹرانس۔ لہذا ان میں سے کوئی ایک نہیں لکھیں


جواب: 15 ✓ 13 اور 14 ✓ 14


سزا: وہ کوشا جلازمہ ہے۔ چونکہ اندر کے رہنے والے اور نہ بیچے اور
✓ اس کا وزن ایک من سے زیادہ ہوتا ہے

جواب: 7

سزا: تین ہیرے ماسٹر کی باتوں میں، پانی اور (درد) سے
✓ سے لہجہ معبر ہیں۔ بائیس کون سے بائیس زیادہ
مبارک ہوگی

ATTESTED


Examiner Copying Agency
Branch D.S.J. Nowshera
20 JUN 2018

Attested
1


No. 7584


Date of Application: 20.6.2018

Name of Applicant: عبدالرحمن

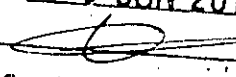
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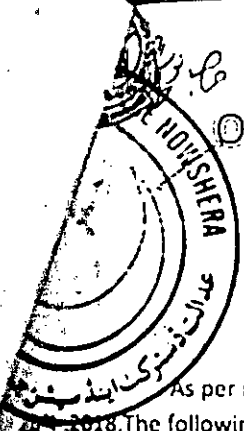
Date of Preparation: 20 JUN 2018

Sign of Examiner: 

Date of Delivery: 20 JUN 2018

15

معدومہ نقل آفیس آرڈر نمبر 63-71 / 30 / 18
OFFICE OF THE SENIOR CIVIL JUDGE, NOWSHERA.




معدومہ نقل دروایت
معدومہ نقل آفیس آرڈر نمبر 63-71 / 30 / 18
28-4-2018
معدومہ نقولات برسر امیدواران

As per recommendations of the Departmental selection committee made in its meeting held on 28-4-2018, The following persons are appointed on retired employee son quota 25 % in light of Govt Notification NO.SOR-1(S&GAD)4-1/80(Vol-III) dated 23-5-2000 against the available vacant posts.

S.N	Name	Father name & Address.	Appointed as
1.	Mian Abdur Rehman	Mian Abdul Wasea Khan r/o villiage Taro jabba The & Distt .Nowshera.	Process server BPS-05 against vacant Post.
2.	Assadullah shah	Syed Safdar Shah r/o Khandar Akberpura Teh & Distt: Nowshera	Naib Qasid BPS-03 against vacant Post.

TERMS AND CONDITIONS.

1. These appointments are made against vacant posts.
2. These appointments are subject to medical fitness, character verification from two notable of the area .
3. These appointments shall be governed by services and Policy prescribed by worthy Peshawar High Court, Peshawar made from time to time as well as by the efficiency and disciplinary laws and rules and on the completion of period of probation, which shall however be liable to termination without assigning any reason thereto.
4. The appointee shall report to this office within seven days, failing which the order shall be deemed as withdrawn.


(Muhammad Asim)
Senior Civil Judge,
Nowshera.


NO. 63-71 B&A/SCJ/NSR Dated 30 / 04 2018.

Senior Civil Judge/JM
with powers u/s 30 Cr. P.C
Nowshera

Copy forwarded for information to the:-

1. Worthy Registrar, Peshawar High Court, Peshawar.
2. Member Inspection team, Peshawar High Court, Peshawar.
3. District & Sessions Judge, Nowshera.
4. District Account Officer, Nowshera.
5. Medical Superintendent, DHQ Hospital, Nowshera.
6. Officials concerned for compliance.
7. Office Copy.


ATTESTED


Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

Attested




(Muhammad Asim)
Senior Civil Judge,
Nowshera.
Senior Civil Judge/JM
with powers u/s 30 Cr. P.C
Nowshera

15

16

LIST OF RETIRED EMPLOYEE
DISTRICT COURTS NOWSHERA

S.No	NAME OF RETIRED EMPLOYEE	DESIGNATION	DOMICILE	RETIREMENT DATE	APPOINTMENT ALREADY MADE ON QUOTA
1	CIULAM AKI	READER/ASSISTANT	NOWSHERA		ABID ALI PROCESS SERVER (SON)
2	SYED BADSHAH	STENOGRAPHER	SWABI	31-3-2012	
3	IMTIAZ AHMED	CIVIL NAZIR	NOWSHERA	2-11-2014	Muhammad Shoaib Serving as Process server
4	MIAN ABDUL WA	READER/ASSISTANT	NOWSHERA	7-1-2017	
5	HAJI SHAMOON	SENIOR CLERK	NOWSHERA	6-11-2016	
6	MUSAFAR	NAIB QASID	PESHAWAR	13-7-2016	
7	AMIN SHAH	NAIB QASID	PESHAWAR	31-12-2016	
8	ARSHED KHAN	JUNIOR CLERK	PESHAWAR	31-12-2017	
9	HIDAYAT UR REH	PROCESS SERVER	MARDAN	30-11-2017	
10	SAFDAR SHAH	BAILIFF	NOWSHERA	23-1-2018	

ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

[Signature]
Senior Civil Judge,
Senior Nowshera
with power: 1930 Cr. P.C.
Nowshera

16

Handwritten notes in Urdu script on the left margin.

(17)

Government of Khyber Pakhtunkhwa
District Accounts Office Nowshera
Monthly Salary Statement (May-2018)



Personal Information of Mr MIAN ABDUR REHMAN d/w/s of MIAN ABDUL WASEH

Control Number: 00886743

CNIC: 1720108773139

NTN:

Date of Birth: 26.01.1998

Entry into Govt. Service: 30.04.2018

Length of Service: 00 Years 01 Months 003 Days

Employment Category: Active Permanent

Designation: PROCESS SERVER

80003620-GOVERNMENT OF KHYBER PAKH

DDO Code: NR4013-S.CIVIL JUDGE NSR

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance:

890.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 05

Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	10,260.00	1000	House Rent Allowance	1,002.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1584	Judicial Allowance	2,800.00	1874	Utility Allowance 2007	2,100.00
2211	Adhoc Relief All 2016 10%	859.00	2224	Adhoc Relief All 2017 10%	1,026.00

Deductions - General

Wage type		Amount	Wage type		Amount
3005	GPF Subscription - Rs 890	-890.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-450.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till May-2018: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 21,479.00 Deductions: (Rs.): -1,940.00 Net Pay: (Rs.): 19,539.00

Payee Name: MIAN ABDUR REHMAN

Account Number:

Bank Details: , ,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: NOWSHERA

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email:

ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

18
2DA

18

B

No. 956 /SCJ, NSR

Dated: 14.06.2018

To,

Mian Abdur Rehman (Process Server) son of
Mian Abdul Wasi resident of
Village Taru Jabba, District Nowshera.

Subject: NOTICE OF RE-CALLING APPOINTMENT ORDER.

Whereas, you have been appointed as Process Server in BPS-05 vide office order No.63-71 E& A/SCJ, NSR dated 30.04.2018 on the basis of retired employee son quota. As per rules/policy vide letters No.6298-9114/Admn, dated Peshawar, 05th April, 2010, & No.9662-9706/Admn, Dated Peshawar, 28th May, 2010, of Hon'ble Peshawar High Court, Peshawar, only Class-IV retired employee son can be entitled for appointment on the basis of 25% Quota reserved, however, your father has been retired in BPS-16, hence, you were not eligible for the said post.

Therefore, you are directed to submit your written reply before 22nd June, 2018 as to why your appointment order should not be recalled. In case of failure, ex parte order will be passed in accordance with Rules.

Yours sincerely,

M. Asim
(Muhammad Asim),
Senior Civil Judge,
Nowshera.

Attested

[Handwritten signature]

ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

23

To:

The Senior Civil Judge,
Nowshera.

Subject:

NOTICE OF RECALLING APPOINTMENT ORDER.

In reference to letter vide No.956/SCJ/NSR dated 14.06.2018

WRITTEN REPLY ON BEHALF OF APPOINTEE NAMELY MIAN
ABDUR REHMAN

Respected Sir,

In response to the subject notice; the undersigned/appointee
submit, the following written reply;

1. In view of advertisement for the posts of Process Servers/Naib Qasid in District Judiciary of Nowshera published in Daily Newspaper 14.03.2017, the undersigned submitted his application before your goodself. And, to follow the precedent in past for appointment on Son Quota, the undersigned, referred his father as service details and time of retirement etc.
2. That, the undersigned participated in the written examination and obtained the maximum marks in the test. Following the result etc., the undersigned was appointed an one of the post of Process Server and after medical examination, the undersigned assumed the charge as Process Server and has been performing his duty for the last two months.
3. That in the past, the Son's Quota appointments were made in district judiciary with regard to the employee who were retired on the posts of Readers/Assistant, Steno Grapher, Civil Nazir etc. keeping in view the said appointments in past period, the undersigned applied for the same.
4. That none of said appointees have been issued any notice for recalling their appointment so for, thus it is the discrimination, being adopted in the case of undersigned.

Attested
[Signature]
ATTESTED

Examiner Copying Agency
Branch D.S.J. Nowshera

20 JUN 2018

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B/ (20)

5. If the undersigned would have been informed about non entitlement of son, quota he would have betterly prepared himself for written examination, so that his appointment would have been made on merit. So, infact this was an official act, which permitted undersigned to apply for one of the post on sons' quota.

Under the law, no one shall be prejudiced by an act of court or its official, therefore, the notice in question is without any lawful and factual justification.

6. So, for the referred rules are concerned, again it was the duty of appointing authority to have notice of such alleged applicable rules, and in accordance with that, scrutinized the application of applicants and in time action for the same could have been made, accordingly. It is an established principal of law, that judges are supposed to have laws on the sleeves of their robes, in view of such fact too, there is no fault on the part of undersigned.

In view of above it is therefore most humbly requested that the notice-in-question may kindly be withdrawn and the undersigned may kindly be allowed to discharge his duty accordingly.

Attested

Dated: 22.06.2018

The undersigned/Appointee,



Mian Abdur Rehman
s/o Mian Abdul Wasia
R/O Taru Jabba Nowshera.

ATTESTED
Examiner Copying Agency
Branch D/S. J. Nowshera
20 JUN 2018

12

OFFICE OF SENIOR CIVIL JUDGE, NOWSHERA.

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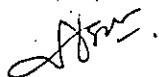
B

OFFICE ORDER

Dated: 22.06.2018

In order to rectify irregularity in appointments against prescribed quota, it is, hereby, ordained that Mian Abdur Rahman son of Mian Abdul Wasae Khan resident of village Taru Jabba, District Nowshera was appointed as Process Server (BPS-05) against 25% Retired Employee sons quota vide office order bearing No.63-71-B&A/SCJ/NSR dated 30.04.2018. However, it has come to the notice of undersigned that father of the appointee was retired in BPS-16 as Assistant/Reader, therefore, he was not eligible candidate to be appointed against the Retired Employee sons quota as the same is reserved only for Class-IV Retired employees sons vide letters No.6258-9414/Admin, dated Peshawar, 05th April, 2010, & No.9662-9706/Admin, Dated Peshawar, 28th May, 2010, of Hon'ble Peshawar High Court, Peshawar. Resultantly, notice of recalling of his appointment order was served upon Mian Abdur Rahman (Process Server) on 14.06.2018. Today, he submitted his reply, which is not satisfactory.

Therefore, in light of the aforementioned legal position, the appointment of Mian Abdur Rahman as Process Server (BPS-05) was wrongly made, thus, appointment order No.63-71-B&A/SCJ/NSR dated 30.04.2018 is hereby recalled/revoked to the extent of Mian Abdur Rahman (Process Server). Consequently, the services of Mian Abdur Rahman (Process Server) are, hereby, terminated with immediate effect.


(Muhammad Asim),
Senior Civil Judge,
Nowshera.

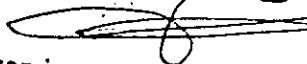
Dated: 22.06.2018

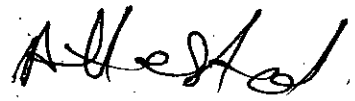
No. 976-81/SCJ, NSR

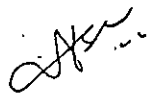
Copy forwarded for information to:

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The learned Member Inspection Team, Peshawar High Court, Peshawar.
3. The learned District & Sessions Judge, Nowshera.
4. The District Accounts Officer, Nowshera.
- ✓ 5. Official concerned by name.

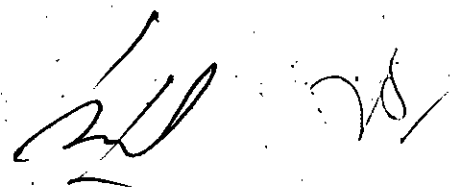
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Branch D.S.J. Nowshera




(Muhammad Asim),
Senior Civil Judge,
Nowshera.

20 JUN 2018



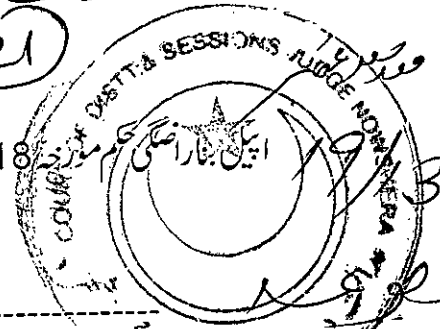
اللہ خان گڈالہ اور اس کے
ٹ اینڈ سیشن جج صاحب نوشہرہ

نقل از عدالت
بخدمت جج

(21)

26-07-2018 جسکی رو سے سینیئر سول جج صاحب نوشہرہ نے من اپیلانٹ کو نوکری

سے برخاست کیا ہے۔



منسوخ فرمایا جا کر من اپیلانٹ کی نوکری بطور پراسس سرور جاری کرنے کا حکم صادر فرمایا جائے۔
16/7/18

جناب عالی! اپیل حسب ذیل غرض ہے۔

1- یہ کہ اخبار اشتہار روز نامہ پاکستان کے مورخہ 14-03-2018 کے اشتہار کے ذریعہ سے من اپیلانٹ کو پراسس سرور کی نوکری کیلئے فارم پر کرنے کے بعد جمع کیا اور تحریری ٹیسٹ میں حصہ لیا، جو کہ من اپیلانٹ نے باقاعدہ طور پر پاس کیا اور بذریعہ آفس آرڈر نمبر NSR/SCJ/NSR 63-71 B & A مورخہ 30-04-2018 کو من اپیلانٹ نے میڈیکل کروا کر Joining کی۔

2- یہ کہ ما بعد من اپیلانٹ کی سرورس بک تیار ہوئی اور من اپیلانٹ نے تنخواہ بھی وصول کی۔

3- یہ کہ اس دوران من مسائل نے انتہائی خوش اسلوبی اور ایمانداری سے اپنی نوکری جاری رکھی۔ (تقولات لف ہے)۔

4- یہ کہ بذریعہ آفس آرڈر نمبر NSR-SCJ-965 مورخہ 14-06-2018 نوٹس بجھوایا گیا، اور من اپیلانٹ نے جسکا تحریری طور پر جواب بھی جمع کیا ہے۔ (نقل لف ہے)۔

5- یہ کہ ما بعد من اپیلانٹ کو بذریعہ آرڈر متذکرہ بالا نوکری کرنے سے روک دیا گیا۔ جو کہ سپریم کورٹ آف پاکستان کے فیصلہ جات کے برعکس صادر شدہ ہے۔

6- یہ کہ حکم از سینیئر سول جج صاحب نوشہرہ خلاف قانون و واقعات ہے، اور اعلیٰ عدلیہ کے نظائر کے برعکس صادر شدہ ہے، بدیں وجہ قابل منسوخ ہے۔ بمطابق نظائر اعلیٰ عدلیہ اگر کسی ملازم کی بھرتی غلط بھی ہوئی ہو لیکن تمام قانونی تقاضے پورے کیے گئے ہوں تو اسکو نوکری سے برخاست نہیں کیا جاسکتا۔ کیونکہ بوقت بھرتی تمام دستاویزات درخواست، بیکرٹی، تحریری ٹیسٹ انٹرویو کے بعد مسائل کو بھرتی کیا گیا اس دوران مسائل نے ادارہ ہذا سے کسی قسم کی معلومات نہ چھپائی تھی اور نہ ہی کوئی بگس دستاویزات جمع کی تھی۔

7- یہ کہ حکم متذکرہ بالا برعکس قوانین ہے، بدیں وجہ قابل منسوخ ہے۔

لہذا بذریعہ اپیل ہذا استدعا کی جاتی ہے کہ من اپیلانٹ کے برخاستگی آرڈر کو منسوخ فرمایا جا کر من اپیلانٹ کو اپنی نوکری جاری رکھنے کا حکم صادر فرمایا جائے۔

العارض:-

Mansoor

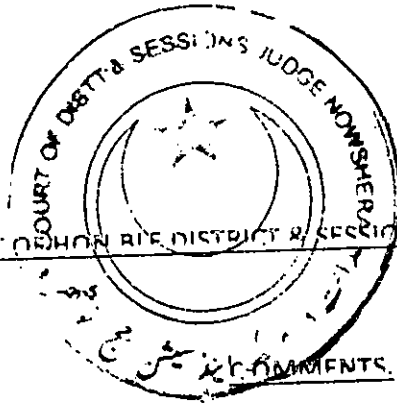
Talib

عبدالرحمن (پراسس سرور)

مورخہ:- 12/07/2018

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12 AUG 2021
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Branch: D.S.J. Faisalabad

(22)



BEFORE THE COURT OF DISTRICT & SESSIONS JUDGE NOWSHERA

D-2
D.S.J. msk
28.7.18

Respect sir,

In compliance of your good self-orders, para wise comments are as under for your kind consideration, please.
Nasrullah Khan G...
District & Session...
Nowshera

1. No comments.
2. After appointment, service book of the appellant was prepared and the appellant received one month salary.
3. Yes he served only for a month
4. Correct.
5. In reply to this para, it is submitted that initially upon the recommendations of the departmental selection committee, the appellant was appointed against 25 % quota reserved for retired employee son but letter on it has come to the notice of the undersigned that vide against Peshawar High court letter NO.6294-9414 /Admin dated 5-4-2010 & NO.9662-9706/Admin dated 28-5-2010, the same quota reserved only for class IV employees while the father of the applicant namely Mian Abdul Wasea was retired from District Judiciary in RPS-A, therefore the applicant was not a feasible candidate to be considered for appointment, hence vide office order date 27-6-2018, the same irregularity was rectified and his appointment order was recalled.
6. The same as given in detail in para 05.

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Branch, D.S.J. Nowshera
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7. The orders of the undersigned dated 22-6-2018 to the extent of recalling appointment order of the applicant is in accordance with law, rules formulated by the competent authority.

Therefore, it is humbly requested that the petition of the applicant may please be rejected

Your s Sincerely

Dated. 27-7-2018

Asim
Muhammad Asim ,
Senior Civil Judge,
Nowshera.

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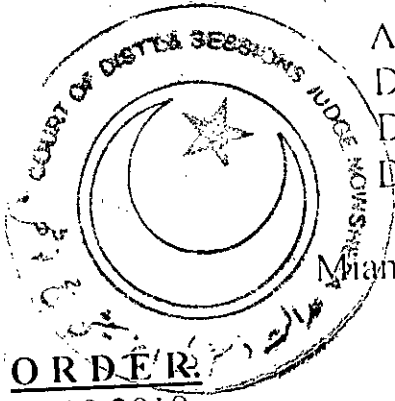
Examination Control Agency
Branch. D.S. Nowshera

12 AUG 2021

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(24)

IN THE COURT OF NASRULLAH KHAN
GANDAPUR, DISTRICT & SESSIONS JUDGE,
NOWSHERA.



Appeal No.....19/13
Date of institution.....16.7.2018 ✓
Date of hearing.....29.9.2018.
Date of decision.....13.10.2018. ✓

Mian Abdur Rahman...vs...SCJ, Nowshera.

ORDERS
13.10.2018.

Appellant present.

Mian Abdur Rahman, appellant herein, through this appeal assailed order of learned Senior Civil Judge, Nowshera, bearing No. 976-81/SCJ-NSR dated 22.6.2018, whereby his appointment order as Process Server was recalled.

Arguments heard and record perused.

Admittedly appellant was appointed as Class-IV on 25% quota reserved for class-IV retired employees' children while father of appellant Mian Abdul Wasih was retired as Assistant BPS-16.

The Hon'ble Peshawar High Court, Peshawar in its Notification No.6298-9414/Admn: dated 5th April 2010 and Notification No.9662-9706/Admn: dated 28th May 2010,


Nasrullah Khan Gandapur
District & Sessions Judge
Nowshera

13.10.18

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Branch. D.S. Nowshera

12 AUG 2021

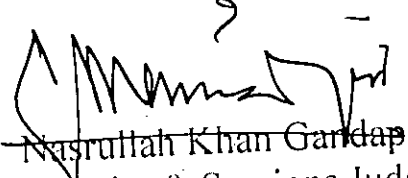
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followed by letter No.11952-12015 dated 21.7.2017 ordered said quota to be reserved for Class-IV retired employees' children only. The appellant was served with show cause notice when it was found that his appointment was made against above said quota. As he was not son of retired class-IV employee, so was not to be appointed for quota reserved for children of said employees.

Keeping in view the above, the instant appeal has no substance in it. Hence, dismissed. File to record room.

Announced.
13.10.2018


Nasrullah Khan Gandapur,
District & Sessions Judge,
Nowshera.

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Branch. D.S.J. Nowshera

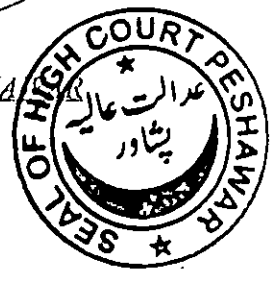
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Date of Application
Name of Applicant
Address
Fee
Urgent Fee
Sign of Copyist
Date of Preparation
Sign of Examiner
Date of Delivery

26/1

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No _____ / 2018

Mian Abdul Rahman s/o Mian Abdul Wasch Khan
R/o Mohallah Miangan, Taru Jabba,
Tehsil Pabbi District Nowshera.....Petitioner

VERSUS

- 1) Senior Civil Judge, Nowshera
- 2) District and Sessions Judge, Nowshera.
- 3) Registrar Peshawar High Court, Peshawar.
- 4) Member Inspection Team, Peshawar High Court, Peshawar.
- 5) District Accounts Officer, Nowshera..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

- 1) That petitioner is law abiding citizen of Pakistan and domiciled at District Nowshera, KPK. (Copy of domicile is Annexure "A").
- 2) That the respondent No.1 had advertised the post in Daily Pakistan on -14.03.2018 and the petitioner for the said post of Process Server (PPS-5) as eligible candidate and participated in written test and successfully passed the same. (Copy of newspaper cutting is Annexure "B")
- 3) That petitioner was appointed as Process Server in the respondent-Department vide office order No.63-71 B & A/SCJ/NSR dated 30.04.2018 after medical checkup. (Copy of the office order is Annexure "C").

Attested
[Signature]

Attested
EXAMINER
Peshawar High Court

[Signature]

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- 4) That after appointment the petitioner performed his duty to the satisfaction of his superiors with dedication and received salary for the Month of May, 2018. (Copy of pay slip is Annexure "D").
- 5) That in the meanwhile an office order No.956-SCJ/ NSR dated 14.06.2018 was served upon the petitioner which was accordingly replied. (Copies of office order and reply are Annexure "E and F").
- 6) That in light of the above mentioned order dated 14.06.2018 the petitioner's services were terminated, which is illegal and against the law and facts.
- 7) That petitioner filed an appeal before District and Sessions Judge, Newshera on 12.07.2018 and the same was dismissed on 13.10.2018. (Copy of appeal along with order are Annexure "G and H").
- 8) That petitioner is aggrieved from the said illegal order and having no other alternate and efficacious remedy, approaches this hon'ble court and filing the instant constitutional petition, inter alia, on the following grounds:

GROUND'S:

- A) Because the impugned order dated 13.10.2018 is illegal, against law, fact and material available on the record of the case.
- B) Because the respondents are bent upon appointing their blue-eyed on the said post as visible from their conduct.
- C) Because the malice of the respondents is further apparent as the services of the petitioner were terminated just after one month without any legal justification.
- D) Because when petitioner is already satisfactorily performing his duties, his services were terminated with immediate effect, is totally inconceivable and against the natural justice.

Attested
[Signature]

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EXAMINER
Peshawar High Court

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- E) Because petitioner has not committed any offence and without any show cause notice, charge sheet, statement of allegation, inquiry and even without personal hearing, which is deemed to be enshrined in every statute whether specifically provided or not. So, solely on this ground, the impugned order is liable to be struck down and the petitioner ought to continue his service as Process Server in BPS-5.
- F) Because the petitioner is being discriminated and he is being treated against the law and thus deprived of equal protection of law, which is mandated by Articles 4 and 25 of the constitution of Pakistan, 1973.
- G) Because the impugned order is lacking reasons which is mandatory as per Section 24-A of the General Clause Act as well as 3rd Maxim/ Principle of Natural Justice i.e. speaking order which means that the order should speak by itself or it should be a well-reasoned order, which is necessary for judicial scrutiny as the judicial authority can easily come to know whether the order is arbitrary, whimsical, oppressive, one sided or just order.
- H) Because the impugned order is arbitrary, whimsical, oppressive, one sided and non-sustainable in the eye of law.
- I) Because petitioner is innocent and has not committed any offence.
- J) Because punishment is too harsh.
- K) Because any other ground may be adduced during the course of arguments, with the kind permission of this hon'ble court.

It is, therefore, humbly prayed that on acceptance of this writ petition the impugned order dated 13.10.2018 may please be declared as illegal, unlawful, without lawful authority and ineffective upon the rights of petitioner and petitioner may please be permitted to continue his services.

Attested
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EXAMINER
Peshawar High Court

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INTERIM RELIEF:

In the meanwhile by way of interim relief, respondents may kindly be directed not to advertise new advertisement and not to make appoint on the said post till decision of writ petition.

Petitioner
Through *H. Ali*
Hafiz Nawab Ali
Advocate High Court

CERTIFICATE:

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Law books as per need.

H. Ali
Advocate

Att. Khalid
[Signature]

[Signature]
CERTIFIED TO BE TRUE COPY
M.A.J.
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 177 of
The Constitution of Pakistan
12 JUN 2021

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No _____ / 2018

Mian Abdul RahmanPetitioner

VERSUS

Senior Civil Judge, Nowshera and others.....Respondents

AFFIDAVIT

I, Mian Abdul Rahman s/o Mian Abdul Waseh Khan R/o Mohallah Miangan, Taru Jabba, Tehsil Pabbi District Nowshera (petitioner) do hereby affirm and declare on oath that the contents of accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Identified by:

Hafiz Nawab Ali

Hafiz Nawab Ali
Advocate High Court

Mian Jam

Deponent
CNIC No.17201-0877313-9
Cell: 0315-0150707

No. 15039

Certified that the above deponent has made the following affirmation before me on this 22th day of Nov 18 at Nowshera s/o Mian Abdul Waseh Khan who was Present

Who is present: Hafiz Nawab Ali

Signature of Magistrate
District Nowshera

Attested
[Signature]

[Signature]
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 175 of
The Constitution of Pakistan 1973
12 JUN 2018

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M.No. _____/2021
In
Writ petition No.6275/2018

Mian Abdur RehmanPetitioner
Versus
Senior Civil Judge Nowshera & others.....Respondents

APPLICATION ON BEHALF OF THE
PETITIONER FOR PERMISSION TO PLACE ON
FILE CERTAIN NECESSARY ADDITIONAL
DOCUMENTS WHICH IS NECESSARY FOR
JUST DECISION OF THE INSTANT WRIT
PETITION

Respectfully Sheweth:

1. That the captioned writ petition is pending adjudication before this Hon'ble Court which is fixed for 21.01.2021.
2. That the applicant/petitioner wants to place on file certain important additional documents which are necessary for a just and fair decision of the tilted writ petition

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Peshawar High Court

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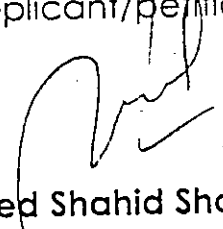
(32)

3. That the details of the said additional documents are as under

1. Copy of Office order dated 28.04.2018.
2. Copy of list of retired employee.
3. Copy of paper for Process Server

It is, therefore prayed that by accepting this application, applicant/petitioner may please be allowed to place on file additional documents which are necessary for a just and fair decision of instant writ petition.

Through Applicant/petitioner



Syed Shahid Shah
Advocate,
High Court Peshawar
Cell No.0346-9140337

Dated 20.01.2021

Attested
by

May
ATTESTED
EXAMINER
Peshawar High Court

(70)

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.No. 6275-P of 2018 with I.R. with
C.M.No.170-P/2021

Mian Abdul Rahman

Vs.

Senior Civil Judge, Nowshera
& others.



Date of hearing 09.06.2021

Petitioner (s) by Syed Shahid Shah, Advocate

Respondent (s) by Mr. Muhammad Riaz, AAG

JUDGMENT

MUHAMMAD NASIR MAHFOOZ, J:- Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner seeks the following relief:-

"It is, therefore, humbly prayed that on acceptance of this writ petition, the impugned order dated 13.10.2018 may please be declared as illegal, unlawful, without lawful authority and ineffective upon the rights of petitioner and petitioner may please be permitted to continue his services."

2. Brief facts of the case as per contents of the writ petition are that the petitioner applied for the post of process server advertised by the respondent No.1. He appeared in test and interview, after qualifying the same,

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EXAMINER
Peshawar High Court

[Signature]

he was appointed as Process Server vide office order dated 30.04.2018. On 14.06.2018, he was served with a show cause notice, for recalling of his appointment order being made under 25% retired employees son quota, which was replied accordingly. On 22.06.2018, his services were terminated. An appeal before the learned District and Sessions Judge, Nowshera was preferred, which was also dismissed on 13.10.2018. Feeling aggrieved therefrom, petitioner, having no other alternate, adequate and efficacious remedy, has filed the instant constitutional petition.

3. On behalf of the respondents, Registrar, Peshawar High Court, submitted comments and raised several legal and factual objections, besides supporting the impugned order of learned District and Sessions Judge who exercised powers as an Appellate Authority and dismissed the departmental appeal of the petitioner.

4. We have heard arguments of learned counsel for the petitioner as well as learned AAG for the respondents and have perused the documents available on the file.

5. *E. J. J.* Petitioner is alleged not to be the son of retired employee but was appointed as Process Server in BPS-5 in the said 25% quota. This is apparent from the

Attested

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 Peshawar High Court

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(35)

office order dated 28.04.2018 passed by learned Senior Civil Judge, wherein, it is specifically mentioned that the present petitioner and one Asadullah Shah were appointed as Process Server and Naib Qasid on the retired employees' son quota while keeping in view the Notification dated 23.5.2000. Afterwards, realizing the said mistake, a show cause notice was issued to the petitioner on 14.06.2018 for recalling the appointment order and finally recalled on 26.07.2018.


6. In case the appointment order of the petitioner was erroneously issued when the petitioner did not fall within the quota reserved for the retired employees then whether recalling of order would suffice or could be declared void ab initio. This aspect was not dealt with by the learned District and Sessions Judge.

7. We, without going into further merits of the case, would partially allow the instant petition with the observation that the appeal of petitioner shall be decided albeit above observation. If petitioner is still aggrieved, he may avail proper remedy as available to him under the law subject to limitation as provided by law.

C.M.No.170-P/2021

W.S.

Applicant/petitioner has filed this C.M. for placing on record some additional documents which are

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 Peshawar High Court

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duly supported by an affidavit on the ground that the same are necessary for just disposal of instant petition. In the circumstances, this C.M. is allowed.

Announced
09.06.2021

JUDGE

JUDGE

Shahid Ali, Court Secretary

(D.B.) Hon'ble Justice Musarrat Hilali
Hon'ble Mr. Justice Muhammad Nasir Mahfooz

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 177 of
The Constitution of Pakistan

12 JUN 2021

No: 37975

Date of Presentation of Application 10/6/21

No of Pages 2 + 3

Copying fee 8 + 36 = 44

Total 8 + 36 = 44

Date of Preparation of Copy 12/6/21

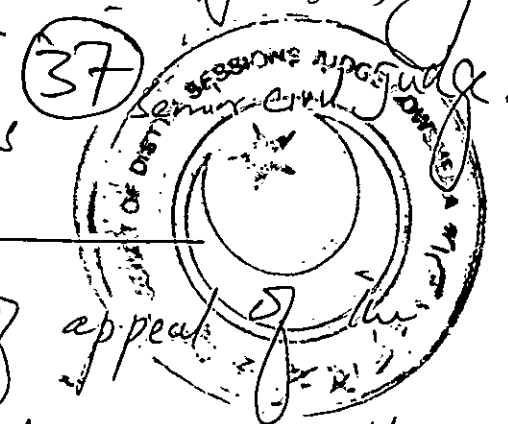
Date of Delivery of Copy 12/6/21

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Before
District Judge Nowshera
Man Abdul Rehman vs



Application for requesting of appeal of the
petitioner being decided by this honorable
Court 13-10-2018.

15/6/20

Respectfully Sheweth

1. That Captained departmental appeal was
decided by this honorable Court on 13-10-2018.

04/8/21

2. That petitioner assailed the order of this
honorable Court before Peshawar High Court
Peshawar.

3. That the honorable Court passed the
Judgement on the writ petition as
there are certain point of Law left

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to decide, hence need to revisit.

4. That petitioner valuable rights are
involved in the matter.

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12 AUG 2021

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Branch D.S. Nowshera

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It is therefore humbly prayed that the
record be regularized and an speaking
order be passed and petitioner be
reinstated in service.

Order
E III

Petitioner/Applicant 15.6.21

dt. 15/06/2021.

Mian Akbar Rehman
Maw Jais

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Examiner Copying Agency
Branch, D.S., Nowshera

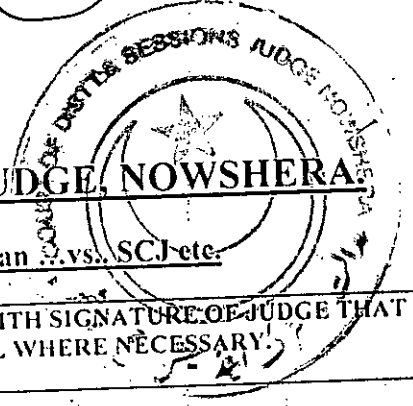
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17-2 AUG 2021

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FORM-A

FORM OF ORDER SHEET

IN THE COURT OF DISTRICT & SESSIONS JUDGE, NOWSHERA



CASE#

TITLE Mian Abdur Rehman vs. SCJ etc.

S# OF ORDER OF PROCEEDINGS	DATE OF ORDER OF PROCEEDINGS	ORDER OF OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
	15.06.2021	<p>The instant case titled above taken out from the petition box, checked and found correct. Put up before the learned Court for order, please.</p> <p style="text-align: right;"><i>Em</i> Reader, District Court, Nowshera.</p>
Order---01	15.06.2021 ✓	<p>It be checked and entered into relevant register. Record be requisitioned and notice be issued to petitioner for personal hearing for <u>13.7.21</u></p> <p style="text-align: right;"><i>Sh</i> Shahnaz Hameed Khattak District Judge, Nowshera.</p>
<u>ORDER-02</u> 13/07/2021		<p>Petitioner present in person and heard. To come up for order on <u>4.8.21</u></p> <p style="text-align: right;"><i>Sh</i> Shahnaz Hameed Khattak, Sessions Judge, Nowshera.</p>

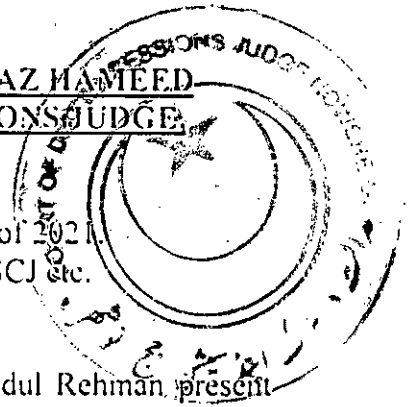
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Branch D.S.J. Nowshera

12 AUG 2021

2

IN THE COURT OF MS. SHAHNAZ HAMEED
KHATTAK, DISTRICT & SESSIONS JUDGE
NOWSHERA.



Civil Appeal No:19/13-Neem of 2021
Mian Abdur Rehman...vs...SCJ etc.

ORDER-03
04/08/2021

Petitioner/appellant, Mian Abdur Rehman, present

in person.

Petitioner/appellant, Mian Abdur Rehman son of Mian Abdul Wasch r/o Mohallah Miangan, Taru Jabba Tehsil Pabbi District Nowshera, through instant application is seeking requisitioning of his appeal decided by this court vide order dated 13.10.2018, on the grounds that the departmental appeal filed by petitioner/appellant was decided by this court vide order dated 13.10.2018 and the petitioner/appellant assailed the said impugned order before the Hon'ble Peshawar High Court, Peshawar by filing Writ Petition#6275/2018. That the Hon'ble Peshawar High Court, Peshawar passed the judgment in the said writ petition and held that there are certain points of law left to decide, hence need to revisit. That petitioner/appellant's valuable rights are involved in the matter in question, therefore, he requested that the record be requisitioned and a speaking order may be passed and petitioner/appellant be reinstated in service.

Accordingly, record was requisitioned, perusal of which reveals that father of petitioner/appellant, namely, Mian Abdul Wasch was retired as Assistant (BPS-16) of this Establishment and petitioner/appellant was appointed as Process

Handwritten signature and date: 4-8-21
SHAHNAZ HAMEED KHATTAK
District & Sessions Judge
Nowshera

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Branch, D.S.J. Nowshera

(41)

Server (BPS-5) on retired employee sons' quota 25% in the light of Govt: Notification No.SOR-1(S&GAD)4-1/80(Vol-III) dated 23.05.2000 against the available vacant posts. However later on vide office order bearing No.976-81/SCJ. NSR dated 22.06.2018 his services were terminated on the ground that his father was retired as Assistant (BPS-16), therefore, he was not eligible candidate to be appointed against the Retired Employees sons' Quota as the same is reserved only for Class-IV Retired Employees' sons in view of letters No.6298-9414/Admn: dated Peshawar, 05th April, 2010 & No.9662-9706/Admn: Dated Peshawar, 28th May, 2010 of Hon'ble Peshawar High Court, Peshawar, thus the appointment order of the petitioner/appellant as Process Server (BPS-5) was wrongly made and it was recalled/revoked to the extent of the petitioner/appellant by the learned Senior Civil Judge, Nowshera. The petitioner/appellant assailed the said order before this court by filing departmental appeal bearing No.19/13 of 2018, which was dismissed vide order dated 13.10.2018 of my learned predecessor in office. The petitioner/appellant assailed the said order by filing above mentioned Writ Petition before Hon'ble Peshawar High Court, Peshawar and the Hon'ble Peshawar High Court, Peshawar partially allowed the said Writ petition vide order dated 09.06.2021 and it is held that:-

"In case the appointment order of the petitioner was erroneously issued when the

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12 AUG 2021

4-8-21
SHAHNAZ HANEEF KHATTAK
District & Session Judge
Nowshera

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petitioner did not fall within the quota reserved for the retired employees then whether recalling of order would suffice or could be declared void ab initio. This aspect was not dealt with by the learned District and Sessions Judge.

We, without going into further merits of the case, would partially allow the instant petition with the observation that the appeal of petitioner shall be decided albeit above observation. If petitioner is still aggrieved, he may avail proper remedy as available to him under the law subject to limitation as provided by law.

In the light of above order of Hon'ble Peshawar High Court, Peshawar, the petitioner/appellant filed the present application. I have heard the petitioner/appellant personally and gone through the available record.

Perusal of the record reveals that it is an admitted position on the face of record that the present petitioner/appellant appointed against the 25% reserved quota of the retired employees sons on the post of Process Server (BPS-5). It is also admitted position on the face of record that father of the petitioner/appellant, namely, Abdul Wasch was the employee of this Department, who was retired as Assistant/Reader (BPS-16). However, as per the notification bearing No.PHC letter No.9662-9706/Admn: Dated Peshawar, 28th May 2010, which speaks as under:-

LS
Lwa
4-8-21
SPEAKER
District

S#	Nature of the Class	Initial % of Quota with date (from which Calculation is to be made)	Change in % of Quota with date (from which Calculation is to be made)	Relevant BPS

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12 AUG 2021

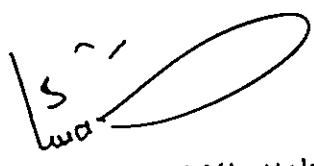
3

43

1.	Retired Employee Son	10%: 27.10.1981	25%: 23.05.2000	1-4
2.	Female	2%: 12.10.1993	10%: 25.07.2007	All
3.	Disabled	1%: 12.10.1993	2%: 19.02.1999	All
4.	Minorities	1.0%: 06.01.2009	As initial	All

Similarly, according to notification No.6298-9414/Admn: dated 05th April, 2010 and letter No.11952-12015 dated 21.07.2017, the quota reserved only for the children of Class-IV retired employees, hence in this juncture the present petitioner/appellant does not fall in the said reserved quota; thus his appointment has correctly been recalled/revoked by the learned Senior Civil Judge, Nowshera, vide order bearing No.276-81/SCJ, NSR dated 22.06.2018. Hence, the impugned order of the learned SCJ, Nowshera is valid and in accordance with law/above mentioned directives, therefore, needs no interference, stands maintained and the instant appeal is hereby dismissed. File be consigned to record room after its necessary completion and compilation.

Announced.
04.08.2021.


Shahnaz Hameed Khattak,
District & Sessions Judge,
Nowshera.




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Branch, D.S.J. Nowshera

2 AUG 2021

6

No. 10339
Date of Application 04/08/21
Name of Applicant John
Words _____
Fee _____
Urgent Fee _____
Sign of Copyist _____
Date of Preparation 2 AUG 2021
Sign of Examiner _____
Date of Delivery 2 AUG 2021

<p>تعمیرات 50 روپے</p>	<p>84747</p>	  
<p>ایڈویکٹ: سردار شاہ شاہ ایڈووکیٹ</p>		<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>
<p>بار کونسل / ایسوسی ایشن نمبر: 1197</p>		
<p>رابطہ نمبر: 03469140337</p>		

بعد ازاں جناب: سردار شاہ شاہ کی طرف سے

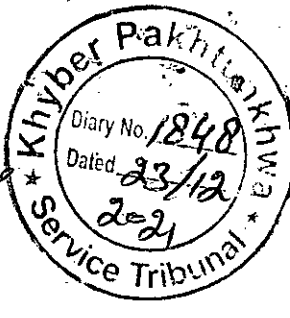
<p>مخاطب: ایڈووکیٹ</p>	<p>دعویٰ:</p>
 <p>میاں عبدالرشید شاہ</p> <p>بنام</p> <p>خیبر پختونخواہ ہائی کورٹ</p>	<p>علت نمبر:</p>
	<p>مورخہ:</p>
	<p>جرم:</p>
	<p>تھانہ:</p>
	<p>باعت تحریر آتکہ</p>

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لسٹا کے ایڈووکیٹ سردار شاہ ایڈووکیٹ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کر کے وکیل رٹائلٹ و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل گرانے اور نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل باجزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جانے کے لئے لقمہ اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 2022-8-22
 PESHAWAR BAR ASSOCIATION
 خیبر پختونخواہ ہائی کورٹ
 مقام لسٹا کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

لورڈ آف جج صاحبان جسٹس عین سید سائبر سٹریٹس



22/2/2022
اصولاً

جسٹس عین سید سائبر سٹریٹس

درخواست گزار خرمہ عین سید سائبر سٹریٹس نوٹس

جج صاحبان

Allowed

23/12/2021

گزارش ہے کہ مقدمہ عنوان بالا میں عدالت
صورتے نوٹس لے لے خرمہ عین سید سائبر سٹریٹس کا حکم
فرمایا تھا، لیکن یہ سببوں کی وجہ سے خرمہ عین
دس دن سے لیٹ ہو گیا ہے۔

لہذا آپ جج صاحبان سے گزارش ہے کہ عدالت کو
خرمہ عین سید سائبر سٹریٹس لے کرانے کی اجازت دی
جائے

عین سائبر سٹریٹس

Allowed. 23/12/2021

سید سائبر سٹریٹس سائبر سٹریٹس

23/12/2021

BEFOR THE KHYBER PAKHTUNKHWA SERVICE RTIBUNAL PESHAWAR

SERVICE APPEAL #7357 OF 2021

Mian Abdur Rehman Vs. Senior Civil Judge Nowshera etc

INDEX

s.#	Description of Documents	Annexure	Pages
1	Memo of Reply with Affidavit	1	1-3

Dated 27-58-2022


Respondent

BEFOR THE KHYBER PAKHTUNKHWA SERVICE RTIBUNAL PESHAWAR

SERVICE APPEAL #7357 OF 2021

Mian Abdur Rehman Vs. Senior Civil Judge Nowshera etc

Counter Affidavit

I Muhammad Hanif Senior Civil Judge, Admn Nowshera do hereby affirm and declare on oath that the content of this reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon,able court.

Dated 27-58-2022

Auisteel
Mh
Deponent
MIAN SIDDIQAT ULLAH SHAH 31/5/2022
Sr. Advocate
Oath Commissioner / Notary Public
High Court Peshawar

BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No7357 of 2021

Mian Abdur Rehman- versus- Senior Civil Judge Nowshera etc.

Joint para wise reply on behalf of respondents

Respectfully Sheweth,

The Para-1 is true and needs no comments.

1. **Para No 2**, Yes it is correct show cause notice was served upon the appellant which was dully replied by him. In response of show cause notice issued by the appointing authority, the respondent No -1 found his reply as unsatisfactory through his brief order which was properly served upon the appellant, bearing No- 976-81/SCJ Nowshera dated 22-6-2018.
(Copy of the office order regarding show cause notice is enclosed)
2. **Para No 3** a chance of hearing through show cause notice was given and the reply of the appellant which was declared as unsatisfactory vide court order No- 976-81/SCJ Nowshera dated 22-6-2018, therefore he was removed from service being ineligible for the post of Process Server BPS 05.
4. **Para No 4** yes it is correct the appellant submitted departmental civil appeal bearing No 19/13of 2018. The court, after getting through the available record of the case of appellant, has come to the conclusion that quota of 25% of Ex-employees son is only reserved for class-IV employees while the father of the appellant is retired from service in (BPS 16) hence the present appellant does not fall within the said reserved quota and the instant appeal is no substance.
5. **Reply of Para 5 and 6** is same as the court of Respondent No. 2 has thoroughly discussed the available record, Notifications and orders issued by the august Peshawar High court Peshawar and declared the impugned order of the Respondent in accordance with law and directives of the authorities concerned.
7. Reply of Para 7 is already explained in above replies.


REPLY OF GROUNDS

- A) The Respondent No 1 and No 2 during the process of hearing of Departmental Appeals and Presentations referred to various orders and Notification of the august Peshawar High Court which clearly indicating to follow the rules regarding the issue under discussion.
- B) Without any ambiguity and opacity 25% quota is reserved for Class IV Ex-employee,s son rules regarding the policy is already annexed on file.
- C) Though the Appellant has secured remarkable position in all the candidates applied for the post of Process Server but during the time of receiving the appointment order in which detail regarding quota was clearly mentioned. But he does not refused to place him in the Ex-employee son quota instead of merit therefore the applicant had accepted his appointment in the Ex-employee son quota.
- D) Already Discussed in C.
- E) The main aim and purpose of the Departmental Selection Committee of this District is to appoint eligible and deserving candidates on all the posts and to follow all the relevant rules and regulations and to keep a vigilant eye over all elements that may cause or deprive someone from their legal rights.
- F) No comments

Therefore, it is requested that present appeal may please be dismissed.



(Fazal Subhan)
District & Sessions Judge
Nowshera **Session Judge**
Nowshera



(Muhammad Hanif)
Senior Civil Judge Admn
with powers u/s Cr. P.C
Nowshera

E (1) - The Postage
image in the case
they are also insured
Conditions and restrictions
be found in the current
State and binding
side article

2

OFFICE OF SENIOR CIVIL JUDGE, NOWSHERA.

OFFICE ORDER
Dated: 22.06.2018

In order to rectify irregularity in appointments against prescribed quota, it is, hereby, ordained that Mian Abdur Rahman son of Mian Abdul Wasae Khan resident of village Taru Jabba, District Nowshera was appointed as Process Server (BPS-05) against 25% Retired Employee sons quota vide office order bearing No.63-71-B&A/SCJ/NSR dated 30.04.2018. However, it has come to the notice of undersigned that father of the appointee was retired in BPS-16 as Assistant/Reader, therefore, he was not eligible candidate to be appointed against the Retired Employee sons quota as the same is reserved only for Class-IV Retired employees sons vide letters No.6298-9414/Admn, dated Peshawar, 05th April, 2010, & No.9662-9236/Admn, Dated Peshawar, 28th May, 2010, of Hon'ble Peshawar High Court, Peshawar. Resultantly, notice of recalling of his appointment order was served upon Mian Abdur Rahman (Process Server) on 14.06.2018. Today, he submitted his reply, which is not satisfactory.

Therefore, in light of the aforementioned legal position, the appointment of Mian Abdur Rahman as Process Server (BPS-05) was wrongly made, thus, appointment order No.63-71-B&A/SCJ/NSR dated 30.04.2018 is hereby recalled/revoked to the extent of Mian Abdur Rahman (Process Server). Consequently, the services of Mian Abdur Rahman (Process Server) are, hereby, terminated with immediate effect.

Asim
(Muhammad Asim),
Senior Civil Judge,
Nowshera

Dated: 22.06.2018

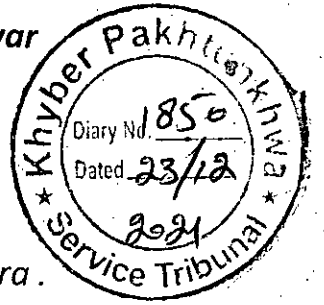
No. 976-81/SCJ, NSR

Copy forwarded for information to:

- × 1. The Worthy Registrar, Peshawar High Court, Peshawar.
- × 2. The learned Member Inspection Team, Peshawar High Court, Peshawar.
- ✓ 3. The learned District & Sessions Judge, Nowshera.
- ✓ 4. The District Accounts Officer, Nowshera.
- × 5. Official concerned by name.
- × 6. Office copy

Asim
(Muhammad Asim),
Senior Civil Judge,
Nowshera.

Before the Khyber Pakhtun khawa Service Tribunal Peshawar



Abdul Rehman.....Versus....Senior Civil Judge Nowshera .

Petition for submission of document pertaining to written test of appellant.


Respectfully sheweth,

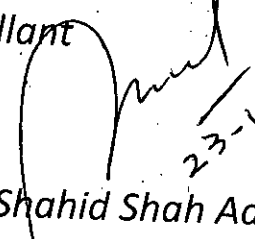
1. That captioned appeal is pending before this august court wherein next date of hearing is 22/02/2022.
2. That matter pending before this honorable court is regarding dismissal from service while appellant was well within the criteria of eligibility if placed on merit list and the document is result and paper attempted by the appellant.

It is therefore humbly prayed that on acceptance of this petition permission be granted so the document be placed on file.

Put up to the court with relevant appeal.

Rao dw


23/12/21.

Appellant
Through 
23-12-2021
Syed Shahid Shah Advocate

ولایت میان عبدالواحد خان

17201-0877313-9

Process Server

وقت - 45 منٹ

نام امیدوار حیدر علی رحمانی
رول نمبر

نوٹ - حصہ اول کے سوال کے 2 نمبر ہیں جبکہ حصہ دوم کے سوال کے 1 نمبر ہیں

حصہ اول

9

22
25

- 1 پاکستان تب وجود میں آیا ؟
(A) 23 مارچ 1947ء (B) 14 اگست 1947ء (C) 15 اگست 1947ء
- 2 پاکستان کا کل رقبہ کتنا ہے ؟
(A) 7,96,095 مربع کلومیٹر (B) 8,96,095 مربع کلومیٹر (C) 60,6095 مربع کلومیٹر
- 3 پاکستان کا قومی جانور کونسا ہے ؟
(A) ہمار خور (B) رتھ (C) شیر
- 4 پاکستان کا سب سے لمبا دریا کونسا ہے ؟
(A) دریائے سندھ (B) دریائے گاہل (C) دریائے راوی
- 5 پاکستان کا کونسا صوبہ رقبہ کے لحاظ سے بڑا ہے ؟
(A) فیصلخونخواہ (B) پنجاب (C) بلوچستان (D) سندھ
- 6 پاکستان کا پہلا دارالحکومت کونسا تھا ؟
(A) لاہور (B) کراچی (C) اسلام آباد
- 7 پاکستان کا موجودہ وزیر اعظم کون ہے ؟
(A) نواز شریف (B) عمران خان (C) پرویز مشرف (D) شہباز خان
- 8 اسلام کا کل کتبے ارکان ہیں ؟
(A) 4 (B) 6 (C) 5
- 9 قرآن میں کُل کتنے سورتیں ہیں ؟
(A) 140 (B) 114 (C) 30
- 10 قرآن کا دل کس سورہ کو کہا جاتا ہے ؟
(A) سورہ یاسین (B) سورہ برحق (C) سورہ اخلاص

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Branch D.S.J. Nowshera

20 JUN 2010

17

حصہ دوم

① اتر آپ کا منہ شمال کی طرف ہو تو آپ کے دائیں اور بائیں کونسی
سخت ہوگی ؟

جواب دائیں اور بائیں ✓

③ وہ کونسا جانور ہے جو نہ اندازے دیتا ہے اور نہ چم اور نہ پیم اور اسکا
وزن این من سے زیادہ ہوتا ہے ؟

جواب کوئی نہیں ✗

③ تین برابر سالنہ می بالٹیاں تیل ، پانی اور دودھ سے لبا لب بھری
ہیں . بتائے کون سی باٹنی زیادہ بھاری ہوگی ؟

جواب پانی والا ✗

④ تیارہ تیارہ سو تیارہ کو تیارہ میں لکھیں ؟

جواب (A) 1111 (B) 12, 111 (C) 13001 (D) ان میں سے کوئی نہیں ✗

⑤ این من کو چمے اور این من روٹی کو 500 فٹ می بلندی سے
این ساتھ لٹرائیں تو ان میں سے کونسی پہلے زمین پر پہنچے گی ؟

جواب (A) چمے (B) روٹی (C) برابر ✓

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Branch D.S.J. Nowshera
20 JUN 2019