

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO.369 OF 2023

Murad Khan Junior Scale Stenographer (BPS-14) presently posted at
District Courts Malakand at Batkhela. (Appellant)

VERSUS

1. District & Sessions Judge Malakand at Batkhela.
2. Senior Civil Judge (Admn) Malakand at Batkhela.
3. Shaukat Ali Senior Scale Stenographer (BPS-16)
presently posted at District Courts Malakand at Batkhela.

(Respondents)

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District & Sessions Judge/ZO
Malakand at Batkhela

26/9/23

Next date - 04/10/23

Hearing Swat

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7996

Dated 2/10/23

SERVICE APPEAL NO.369 OF 2023

Murad Khan Junior Scale Stenographer (BPS-14) presently
posted at District Courts Malakand at Batkhela...(Appellant)

VERSUS

1. District & Sessions Judge Malakand at Batkhela.
2. Senior Civil Judge (Admn) Malakand at Batkhela.
3. Shaukat Ali, Senior Scale Stenographer (BPS-16)

presently posted at District Courts Malakand at Batkhela.

.....(Respondents)

**WRITTEN REPLY/COMMENTS ON BEHALF OF
RESPONDENTS NO. 1 & 2**

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action to file the present service appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is badly time barred.
4. That the appellant has got no locus standi or cause of action to file the instant appeal.
5. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

District & Sessions Judge
Zilla Qadi Malakand at Batkhela

Respondent No. 1 & 2
26/9/23

ON FACTS

Para-1 This para is correct and needs no comments as pertain to documentary record.

Para-2 It is correct that both the contesting officials i.e. Mr. Murad Khan (Appellant) & Mr. Shaukat Ali (Respondent No.3) were appointed in the District Judiciary Malakand vide minutes of the meeting of Departmental Selection Committee

Senior Civil Judge (Admn)
Malakand at Batkhela
Respondent No. 2

Service Appeal No.369 of 2023 "Murad Khan Vs DSJ, Malakand & others"

held on 25.11.2005 for appointment of paralegal staff, wherein both of them were considered as suitable candidates for appointment as steno typist (BPS-12). According to the subsequent appointment order bearing No. 2464-72 dated 30.11.2005 issued by the then District & Sessions Judge, Malakand (Competent Authority) Mr. Shaukat Ali was placed at serial No.1, whereas Mr. Murad Khan was placed at serial No.2, meaning thereby Mr. Shaukat Ali Steno typist (BPS-12) was considered senior in order of merit to Mr. Murad Khan Steno typist (BPS-12) by the then competent authority. Afterword, Mr. Murad Khan, failed to challenge the sequence of the ibid appointment order.

Copy of the minutes of Departmental Selection Committee dated 25.11.2005 & subsequent appointment order dated 30.11.2005 are enclosed as *annexure "A"* & *annexure "B"*

Furthermore, appellant also failed to file representation to the competent authority, upon the seniority list issued yearly since 2005 till the date of the Departmental Promotion Committee Meeting dated 12.11.2022.

Para- 3 It is incorrect, as per minutes of the Departmental Promotion Committee in its meeting dated 12.11.2022, for promotion to the post of Senior Scale Stenographer (BPS-16) considered the following three senior most officials of the category of steno typist (BPS-14) including the appellant;

- i) Mr. Shaukat Ali Steno Typist (BPS-14)
- ii) Mr. Murad Khan Steno Typist (BPS-14)
- iii) Mr. Fazal Ghaffar Steno Typist (BPS-14)

As per minutes of the Committee, the members not only considered the service record of the officials, length of

Senior District Judge (Admn)
Malakand at Batkhela
Receipt NO. 2

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service, qualification, Performance Evaluation Reports of the officials for the last three years but also personally interviewed them in reference to their proficiency & on the basis of seniority cum-fitness, the committee unanimously recommended Mr. Shaukat Ali (Respondent No. 3) for promotion to the post of Senior Scale Stenographer (BPS-16).

Copy of Minutes of the meeting for Promotion to the post of Senior Scale Stenographer (BPS-16) is enclosed as *Annexure "C"*, while copy of subsequent promotion order is enclosed as *Annexure "D"*. Copy of working paper is enclosed as *Annexure "E"*. Copy of seniority list is enclosed as *Annexure "F"*,

Para- 4

It is correct that on 15.11.2022 the appellant filed review application against the promotion order dated 12.11.2022 regarding promotion of Mr. Shaukat Ali (Respondent No.3) to the post of Senior Scale Stenographer (BPS-16), and also challenging the office order bearing No. 2464-72 dated 30.11.2005 with regard to his seniority (About 17 years later).

As per the review rejection order by the competent authority, the cursory glance over record showed that since 2005 till date of Departmental Promotion Committee dated 12.11.2022, the appellant failed to file any representation regarding his seniority over the respondent No.3, admitting his status as regard to second in line hence, his review application was turned down.

Copy of the review application is enclosed as *Annexure "G"*, while copy of subsequent review rejection order dated 02.02.2023 is enclosed as *Annexure "H"*.

Dist. Sessions Judge
Zilla Malakand
Respondent No. 1
6/9/23

Senior Civil Judge (Admn)
Malakand at Batkhera
Respondent No. 2

Service Appeal No.369 of 2023 "Murad Khan Vs DSJ, Malakand & others"

Para- 5 As per office record it is incorrect to the extent that the appellant has filed second appeal regarding his position in the seniority list of the officials (as stood on December 2022) of the establishment of the District & Sessions Judge Malakand issued vide this office order bearing endorsement No. 157(A)D&SJ/ZA (MKD) dated 23.01.2023 rather as per the ibid seniority list the appellant was automatically placed at serial No.1 of the tentative seniority list of the Steno-typist (BPS-14) for future official business and has got no retrospective effect. However, the same was also neither signed by Mr. Murad Khan Steno typist (BPS-14) nor filed any representation to the seniority list. Rather vide ibid letter, the officials of the establishment were directed to submit their objection, if any, within 15 days after service, positively. Copy of the ibid letter & seniority list is enclosed as **Annexures "I & J"**.

GROUND

Para-A It is incorrect.

Para-B It is incorrect. The Departmental Promotion Committee dated 12.11.2022 was conducted in accordance with rules & procedure as laid down in the Peshawar High Court (Subordinate Courts Staff) Recruitment Rules 2003. As per serial No.2, column No. 5 of the Rules **method of recruitment** for the post of Senior Scale Stenographer (BPS-16) is as under:-

- (i) 25% by initial recruitment; and
- (ii) 75% by promotion, on the basis of **Seniority-cum-fitness**, from amongst the holders of the post of Steno typist (BPS-14) with **at least three years' service as such**.

District & Sessions Judge/
Zilla qazi Malakand (Batkhela)

Respt NO. 2/19/23

Copy of the relevant ibid Recruitment Rules is enclosed as **Annexure "K"**.

[Handwritten signature]

Service Appeal No.369 of 2023 "Murad Khan Vs DSJ, Malakand & others"

Senior Civil Judge (Admn)
Malakand at Batkhela

Respt NO. 2

Para-C It is incorrect. As replied above.

Para-D It is incorrect. As replied in facts

Para-E It is incorrect. As replied in above paras.

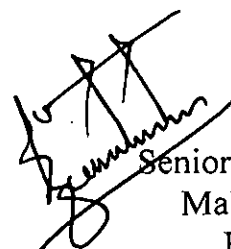
Para-F The respondents seek leave to raise additional grounds at the time of arguments.

PRAYER

It is prayed that as the Departmental Promotion Committee dated 12.11.2022 carried out the promotion process in accordance with prescribed rules & procedure and after considering service record, *length of service*, Performance Evaluation Reports as well as conducting interview in reference to proficiency of the officials and on the basis of *seniority-cum-fitness* recommended the most suitable official for promotion, therefore, the instant service appeal of the appellant may very kindly be dismissed with cost.

Submitted as desired, please.

District & Sessions, Judge/ZO
Malakand at Batkhela
Respondent No. 1



Senior Civil Judge (Admn)
Malakand at Batkhela
Respondent No. 2

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO.369 OF 2023

Murad Khan Junior Scale Stenographer (BPS-14) presently
posted at District Courts Malakand at Batkhela.

(Appellant)

VERSUS

1. District & Sessions Judge Malakand at Batkhela.
2. Senior Civil Judge (Admn) Malakand at Batkhela.
3. Shaukat Ali Senior Scale Stenographer (BPS-16)
presently posted at District Courts Malakand at Batkhela.

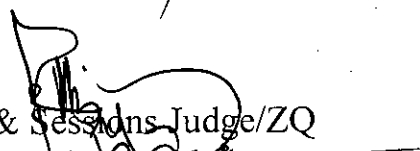
(Respondents)

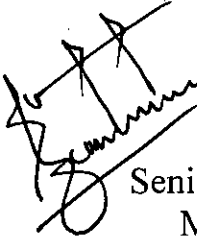
AFFIDAVIT:-

I, District & Sessions Judge/ZQ & Senior Civil Judge (Admn)
Malakand at Batkhela (Respondents No.1 & 02) do hereby solemnly affirm
& declare that the contents of the above parawise comments are true &
correct to the best of their knowledge & belief, and nothing has been
concealed from the Hon'ble Service Tribunal. It is further stated on oath
that in this appeal, the answering respondents have never been placed
ex-parte nor their defense has been struck off/cost.

Attested

Irshad Hussain
Oath Commissioner
Distt: Courts Malakand
No. 830 Date 27-9-23


District & Sessions Judge/ZQ
Malakand at Batkhela
Respondent No. 1
24/9/23


Senior Civil Judge (Admn)
Malakand at Batkhela
Respondent No. 2
24/9/23

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO.369 OF 2023

Murad Khan Junior Scale Stenographer (BPS-14) presently
posted at District Courts Malakand at Batkhela.

(Appellant)

VERSUS

4. District & Sessions Judge Malakand at Batkhela.
5. Senior Civil Judge (Admn) Malakand at Batkhela.
6. Shaukat Ali Senior Scale Stenographer (BPS-16)
presently posted at District Courts Malakand at Batkhela.

(Respondents)

AUTHORITY:-

I, District & Sessions Judge/ZQ Malakand at Batkhela & Senior
Civil Judge (Admn) Malakand at Batkhela (Respondents No.1 & 02) do
hereby authorize the Superintendent, District & Sessions Courts Malakand
to verify the contents of the parawise comments in the above referred
service appeal and pursue the matter on our behalf.

District & Sessions Judge/ZQ
Malakand at Batkhela

Respondent No. 1

Irshad Hussain
Oath Commissioner
Distt: Courts Malakand
No. _____ Date: 26/9/23

Senior Civil Judge (Admn)
Malakand at Batkhela

Respondent No. 2

"A"

8

MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION COMMITTEE HELD ON 25-11-2005

Today on 25-11-2005 a meeting of the Departmental Selection Committee was held in the office of District and Sessions Judge, Malakand at Batkhela under the chairmanship of Mr. Alamzeb Khan, District and Sessions Judge, Malakand at Batkhela. the following attended: -

1. Alamzeb Khan,
District and Sessions Judge,
Malakand at Batkhela(Chairman)
2. Fazal Sattar Khan,
Senior Civil Judge, Malakand at Batkhela
(Nominee of Peshawar High Court, Peshawar).....(Member)
3. Qaiser Rahim, Civil Judge,
Malakand at Dargai).....(Member)

The details of vacancies to be filled in are as follows: -

1. Stenotypist (BPS-12).....2
2. K.P.O (BPS-10).....1
3. Junior Clerk (BPS-5).....1
4. Naib Qasid (BPS-1).....1

Stenotypist(BPS-12). Two vacancies in this category were required to be filled in through initial recruitment. For that purpose 22 persons filed applications out of whom 19 candidates appeared in the written test and ten 10 persons qualified the written test and all the eligible candidates were subjected to practical test and then interviewed and in this category Mr. Murad Khan s/o Shafiullah r/o Dheri Julagram & Mr. Shaukat Ali s/o Mehmood Khan r/o Khar Malakand Agency were considered to be the most suitable for the posts.

K.P.O (BPS-10) 39 applications were filed for the post of Key Punch Operator out of whom 35 candidates appeared in the written test and 30 candidates qualified. All the eligible candidates were subjected to practical test and subsequently interviewed.

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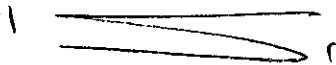
District and Sessions Judge
Malakand
At Batkhela


Mr. Hussain Ali s/o Aziz Gul r/o Batkhela Malakand was found to be the best for the post of Key Punch Operator.

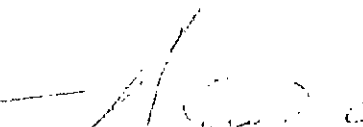
9

Junior Clerk(BPS-5). One post of junior clerk was required to be filled in. For the post of Junior clerk 63 applications were filed, out of whom 50 persons appeared in the test, and 25 candidates qualified the written test. Subsequently 24 persons were interviewed. Out of them Mr. Mohammad Kamran s/o Dost Mohammad r/o Khar Malakand Agency scored the highest marks and was found to be the fit person for the post.

Naib Qasid. There was only one vacancy for the post of Naib Qasid. 56 persons filed applications for the said post. Out of whom Mr. Khwaja Sahib s/o Khaista r/o Mekhband Malakand Agency is eligible for the post after thoroughly interviewing them.


Fazal Sattar Khan
Senior Civil Judge
Malakand at Batkhela
(Nominee of High Court)

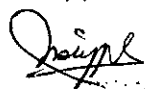

Qaiser Rahim
Civil Judge Dargai
Malakand at Dargai
(Member)


(Chairman)
Alamzeb Khan
District and Sessions Judge
Malakand at Batkhela

No 2463 /dated Batkhela the 30th of November 2005

Copy forwarded to the Registrar, Peshawar High Court Peshawar for information please.

ATC


District and Sessions Judge
Malakand at Batkhela

Alamzeb Khan
District and Sessions Judge
Malakand at Batkhela

OFFICE OF THE DISTRICT AND SESSIONS JUDGE/ZILA QAZI MALAKAND
AT BATKHELA.

"B"

10

OFFICE ORDER.

Consequent upon the approval of the Departmental Selection Committee held on 25th November, 2005, the following appointments are hereby ordered with effect from 1st December, 2005. The appointments of the establishment are purely on temporary basis and their services can be terminated any time without assigning ^{hearing} any notice. Besides their services are subject to their arrival and Medical fitness. Further the appointment of Class IV Establishment in BPS No.1 shall be subject to the Contract Policy of Govt: of N.W.F.P:-

1. Mr. Shaukat Ali s/o Mehmood Khan village & Post Office Khar Malakand Agency is hereby appointed as Stenotypist BPS No.12 against the vacant post ~~with~~ in the office of Senior Civil Judge/AIQ Batkhela.
2. Mr. Murad Khan s/o Shafiullah village & Post Office Dheri Julagram Malakand Agency is hereby appointed as Stenotypist BPS No.12 against the vacant post in the office of Civil Judge/IQ Batkhela under AJP.
3. Mr. Hussain Ali s/o Aziz Gul village & Post Office Batkhela Malakand Agency is hereby appointed as K.P.O in BPS No.10 against the vacant post in the office of Senior Civil Judge Batkhela under AJP.
4. Mr. Muhammed Kamran s/o Dost Muhammed village & Post Office Khar Malakand Agency is hereby appointed as Junior Clerk/Muharrir against the vacant post in the office of Civil Judge/IQ Dargai. (BPS No.5)
5. Mr. Khwaja Sahib s/o Khista village & Post Office Mekhband Malakand Agency is hereby appointed as N/Qasid BPS No.1 against the vacant post in the office of Distt: & Sessions Judge/ZQ Batkhela.

(Adam Zeb Khan)
Distt: & Sessions Judge/ZQ
Malakand at Batkhela.

No. 2464-72 Dated Batkhela the 30 th November, 2005.

Copy forwarded to:-

1. The Registrar, Peshawar High Court, Peshawar
 2. The Senior Civil Judge/AIQ Batkhela.
 3. The Civil Judge/IQ Dargai
 4. The Agency Accounts Officer, Malakand.
 5. The concerned Officials at their Home address for compliance.
- } For information
} Please.

R/Zarin

ATC

[Signature]
Sessions Judge
Malakand
Batkhela

(Adam Zeb Khan)
Distt: & Sessions Judge/ZQ
Malakand at Batkhela.

C 17
11

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEE HELD ON 12.11.2022 (SATURDAY)

Meeting of the Departmental Promotion Committee held on 12.11.2022 at 10:00 hours in the chamber of District & Sessions Judge/ZQ Malakand at Batkhela, comprising of the followings;

- i. Mr. MUHAMMAD IQBAL KHAN,
District & Sessions Judge/ZQ Malakand at Batkhela.....(CHAIRMAN)
- ii. Mr. RAHAT ULLAH,
Additional District & Sessions Judge, Swat.
Nominee of the august Peshawar High Court, Peshawar.....(Member)
- iii. Mr. ATTA ULLAH,
Senior Civil Judge (Admn) Malakand at Batkhela..(Member)
Nominee of the Chairman


The Committee considered the case of promotions of the following posts/categories in the Establishment of the District & Sessions Judge Malakand:-

| S# | Name of Post | No. of Post |
|----|------------------------------------|-------------|
| 01 | Senior Scale Stenographer (BPS-16) | 01 |
| 02 | Senior Clerk (BPS-14) | 01 |

01. SENIOR SCALE STENOGRAPHER (BPS-16)

The post of Senior Scale Stenographer (BPS-16) was fallen vacant due to appointment by transfer of one Mr. Abdul Ahad Senior Scale Stenographer (BPS-16) to the Hon'ble Peshawar High Court, Mingora Bench/ Dar-ul- Qaza, Swat vide order bearing Endst: No. 336-44/Admn: dated 14/01/2022 of the Hon'ble Peshawar High Court, Peshawar.

As provided at serial No. 02, column No. 05 of the Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 the method of recruitment under this category is;


ATL
District & Sessions Judge
Malakand
At Batkhela

- (12)
- i. 25% by initial recruitment; and
 - ii. 75% by promotion, on the basis of Seniority-cum-fitness, from amongst the holders of the post of Stenotypist (BPS-14) with at least three years' service as such.

As per report of the Budget & Accounts Assistant, Sessions Courts Malakand according to budget book, number of sanctioned posts under this category is 03, & as such the available 01 vacant of the category is required to be filled by promotion. Thus, the committee unanimously decided to fill the post through promotion amongst the holders of the post of Stenotypist (BPS-14) with at least three years' service as such.

Therefore, as per working paper furnished by the office, the committee considered the following three senior most officials of the category for promotion;

- i) Mr. Shaukar Ali Steno Typist (BPS-14)
- ii) Mr. Murad Khan Steno Typist (BPS-14)
- iii) Mr. Fazal Ghaffar Steno Typist (BPS-14)

The committee not only perused the service record of the officials, length of service, qualification but also personally interviewed them in reference to their proficiency, however, Mr. Murad Khan, Steno-typist amid interview raised an objection about his seniority and averred that keeping in view of his age, academic qualification & previous service in the Local Government Department and being recruited on the same date with Mr. Shaukat Ali has the privilege to be promoted as Stenographer instead of Mr. Shaukat Ali, Steno-typist, but when he was confronted with the seniority lists since 2005 till December, 2021 maintained by this office for the purpose of promotion & other official purposes, persistently accepted & signed by him, he then responded that he only signed the same under protest in the year 2019-20. His objection as

District Sessions Judge
Malakand
21/11/2021
ATC
Sessions Court Malakand
Malakand

mentioned above is hereby replied by the committee in view of the official record which reveals that according to the office order bearing No. 2464-72 dated 30.11.2005 issued by the office of D&SJ, Malakand (Competent/appointment authority) Mr. Shaukat Ali, was placed at serial No.1, whereas Mr. Murad Khan was placed at the S.No.2 meaning thereby that Mr. Shaukat Ali was considered senior in order of merit to Mr. Murad Khan by the Committee at the time of their initial appointment. Furthermore, Mr. Murad Khan, failed either to challenge the order dated 30.12.2005 or his seniority by filing any representation to the competent authority or availing any other channel as against the seniority list issued yearly since, 2005 till date, hence in this view of the matter the objection so raised has no legal sanctity and can't be considered at this belated stage by the committee.

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Keeping in view of the above, service record & good ACRs for the last three 03 years of the officials, the committee unanimously recommended Mr. Shaukat Ali, for promotion to the post of Senior Scale Stenographer (BPS-16) on the basis of his seniority-cum-fitness.

02 SENIOR CLERK (BPS-14)

A post of Senior Clerk (BPS-11) was lying vacant due to newly creation of the post vide august Peshawar High Court Peshawar letter No. 1688-1705/B&A dated 06/06/2022.

As provided at serial No. 10, column No. 05 of the Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 the method of recruitment under this category is by promotion on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerks (BPS-11) with at least

three years' service as such.

ATC
[Signature]
Superintendent
Sessions Court Malakand
Malakand

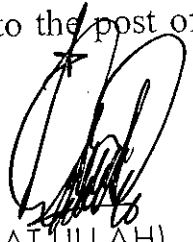
Therefore, as per working paper furnished by the office, the committee considered the following three senior most officials of the category for promotion;

14

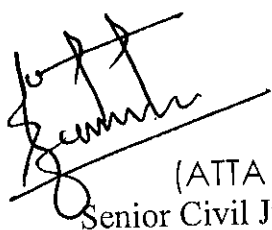
- i) Mr. Asghar Khan Junior Clerk (BPS-11)
- ii) Mr. Muhammad Salim Junior Clerk (BPS-11)
- iii) Mr. Javed Akbar Junior Clerk (BPS-11)

The committee not only perused the service record of the officials, length of service, qualification but also personally interviewed them in reference to their proficiency.

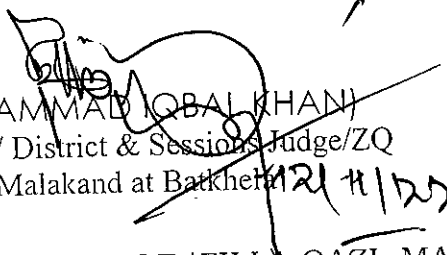
Keeping in view the service record, good ACRs during the last three years' the committee unanimously recommended Mr. Asghar Khan for promotion to the post of Senior Clerk (BPS-14) on the basis of seniority-cum-fitness.



(RAHAT ULLAH)
Additional District & Sessions Judge, Swat
(Nominee of the august Peshawar High
Court, Peshawar)



(ATTA ULLAH)
Senior Civil Judge (Admn)
Malakand at Batkhela
(Nominee of Chairman)



(MUHAMMAD IQBAL KHAN)
Chairman/ District & Sessions Judge/ZQ
Malakand at Batkhela

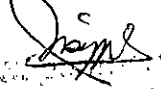
DISTRICT & SESSIONS JUDGE/ZILLA QAZI, MALAKAND
AT BATKHELA.

No 2307-11 / D&SJ/Z.Q (MKD) Dated 12th November, 2022

Copy forwarded to:-

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. All members of the committee.
3. Officials concerned.
4. Office copy.

ATC


Sessions Judge Malakand
At batkhela

(MUHAMMAD IQBAL KHAN)
Chairman/ District & Sessions Judge/ZQ
Malakand at Batkhela

"D"
(15)

**OFFICE OF THE
DISTRICT & SESSIONS JUDGE/ZILLA QAZI
MALAKAND AT BATKHELA**



☎ 0932-412474
☎ 0932-412474
✉ dsjmalakand@yahoo.com

OFFICE ORDER
12th November, 2022

On the recommendations of the Departmental Promotion Committee held on 12.11.2022, the following officials are hereby promoted with immediate effect in the public interest:-

| Sl. No. | Name with Designation | Promoted as |
|---------|--|------------------------------------|
| 01 | Mr. Shaukat Ali, Stenotypist (BPS-14) | Senior Scale Stenographer (BPS-16) |
| 02 | Mr. Asghar Khan, Junior Clerk (BPS-11) | Senior Clerk (BPS-14) |

Note: - The promoted officials shall remain on probation for a period one year prescribed under the relevant rules.

(MUHAMMAD IQBAL KHAN)
Chairman/District & Sessions Judge/ZQ
Malakand at Batkhela
12/11/22

**DISTRICT & SESSIONS JUDGE/ZILLA QAZI, MALAKAND
AT BATKHELA.**

No. 218-16 / D&SJ/Z.Q (MKD) Dated 12th November, 2022

Copy forwarded to:

1. The Registrar Peshawar High Court, Peshawar.
2. The Senior Civil Judge(Admin) Malakand at Batkhela
3. The District Accounts Officer, Malakand.
4. The Officials concerned by name.
5. Office copy for record.

ATC

(MUHAMMAD IQBAL KHAN)
Chairman/ District & Sessions Judge/ZQ
Malakand at Batkhela

(1)

16

WORKING PAPER FOR PROMOTIONName of the Establishment: DISTRICT & SESSIONS JUDGE MALAKAND AT BATKHELA

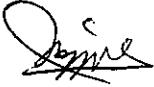
Promotion to the Post of: Senior Scale Stenographer (BPS 16) Number of Vacancies: One (01)

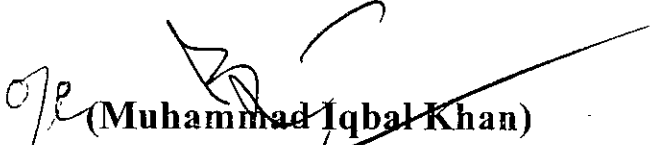
To be filled in from amongst Stenotypists (BPS. 14)

Date: 12.11.2022

"E"

| S # | Names (in order seniority) of all the holders of the posts from amongst whom the subject post is to be filled in | Present Post Held | Present Post Held since | Date of Joining the Service | First Appointment as | Date of Birth | Date of Promotion | Qualification | PERFORMANCE EVALUATION | | | | | | | |
|-----|--|-------------------|-------------------------|-----------------------------|----------------------------|---------------|--|---------------|------------------------|-----------------------|------|---------|------|---------|------|---------|
| | | | | | | | | | 2019 | | 2020 | | 2021 | | | |
| | | | | | | | | F.A | B.A | Other | Good | V. Good | Good | V. Good | Good | V. Good |
| 1 | Mr. Shaukat Ali | Stenotypist | 01.12.2005 | 01.12.2005 | Stenotypist on 01.12.2005 | 12.02.1977 | ---- | | | M.Com | √ | | √ | | √ | |
| 2 | Mr. Murad Khan | Stenotypist | 02.12.2005 | 02.12.2005 | Stenotypist on 02.12.2005 | 01.04.1975 | ----- | | | MA& LLB | √ | | √ | | √ | |
| 3 | Mr Fazal Ghaffar | Stenotypist | 29.07.2017 | 07.11.2008 | Junior Clerk on 07.11.2008 | 23.08.1981 | Appointed as Stenotypist on 29.07.2017 | | | M.A Political Science | √ | | √ | | √ | |

ATL

 Mr. Shaukat Ali
 District & Sessions Judge/Malakand
 at Batkhela


 (Muhammad Iqbal Khan)
 District & Sessions Judge/ZQ
 Malakand at Batkhela
 02-11-22

**FINAL SENIORITY LIST FOR PROMOTION TO THE POSTS OF STENOGRAPHER (BPS-16) / STENO-TYPIST(BPS-14)
DISTRICT MALAKAND AS STOOD ON DECEMBER 2021**

17

F

| Sr.No | Name of Official | Academic Quali fication | Date of Birth | Date of 1 st entry in District Judiciary on regular basis | Date of Regular Promotion as (BS 16) | Date of Regular Promotion as (BS 15) | Place of posting |
|-------|-------------------|-------------------------|---------------|--|--------------------------------------|--------------------------------------|------------------|
| 1 | Mr. Abdul Ahad | B.A | 08-04-1966 | 19-12-1998 Steno-Typist | 23.12.2011 | 01.11.2005 | ADJ Batkhela |
| 2 | Mr. Fazli Raziq | B.A | 05-03-1973 | 07-02-1995 Junior Clerk | 23.12.2011 | 01-11-2005 | DSJ Batkhela |
| 3 | Mr. Fazal Akbar | B.Com LLB | 04-03-1980 | 07-05-2000 Steno-Typist | 25.05.2019 | 25.05.2019 | ADJ Dargai |
| 4 | Mr. Shaukat Ali | M.Com | 12-02-1977 | 01-12-2005 Steno-Typist | | 01-12-2005 | CJ-I Batkhela |
| 5 | Mr. Murad Khan | MA/LLBB. | 01-04-1975 | 02-12-2005 Steno-Typist | | 02-12-2005 | CJ-II Batkhela |
| 6 | Mr. Fazal Ghaffar | MA/DIT | 23-08-1981 | 07-11-2008 Junior Clerk | | 29-07-2017 | CJ-III Barkhela |

At present at
Dawal G. 2017
Mingora
1

S.S. Steno-Typist
2

S.S. Steno-Typist
3

Steno-Typist
4

Steno-Typist
5

Steno-Typist
6

ATC
Jagpal

Distt. Malakand

Signature
Date
Zilla Council Malakand

بمخضور جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ملاکنڈ

Departmental Representation بر خلاف / Representation / Departmental پر دوشن کارروائی / حکم مورخہ 12.11.22۔

گزارش حسب ذیل ہے۔

محکمہ لوکل گورنمنٹ سے محکمہ ہذا میں حسب ضابطہ لٹٹ وانٹروپو برائے جونیئر سکیلیٹ شیڈولنگ فر پہلی پوزیشن (سکریننگ لٹٹ و انٹروپو) کے ذریعے سلیکٹ ہو کر محکمہ لوکل گورنمنٹ سے محکمہ ہذا میں سال 2005ء میں تقرری ہوئی۔

یہ کہ اسی روز چونکہ جونیئر سکیلیٹ شیڈولنگ فر سے دو عدد آسامیاں خالی تھی۔ دوسری آسامی پر مسمی شوکت علی بطور

Fresh Candidate لٹٹ وانٹروپو میں سائل سے کم نمبرات حاصل کر کے دوسرے درجے پر مذکورہ دوسرے پوسٹ جونیئر

سکیلیٹ شیڈولنگ فر کیلئے منتخب ہوا۔

یہ کہ سائل سے کم کوالیفیکیشن، کم عمر، کم نمبرات اور کم تنخواہ کے باوجود تقرری آرڈر میں مذکورہ امیدوار کو سیریل نمبر 1 اور سائل کو سیریل نمبر 2 پر آرڈر جاری کیا۔

یہ کہ سائل اسی وقت میں تیار شدہ سینارٹی لسٹ پر اعتراض کیا۔ تاہم اسی وقت کے سپرنٹنڈنٹ کے اصرار پر سینارٹی لسٹ پر

اپنے اس اعتراض کیساتھ As a protest as I am senior کے الفاظ کیساتھ دستخط کرتے ہوئے آفسر مجاز کے نوٹس

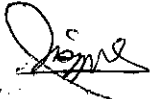
میں مذکور Irregularity/Illegality کو لایا۔ (سینارٹی لسٹ 2005 برائے ملاحظہ ہذا دفتر ریکارڈ میں موجود ہے)

یہ کہ تاریخ تقرری ہی سے من سائل کو سینئر ہونے کی بنیاد پر تنخواہ کے فیکسیشن میں ایک عدد اضافی انکریمنٹ حسب ضابطہ دیا جا کر

میرے ہم منصب شوکت علی سے میری تنخواہ بھی ایک Step زیادہ فیکس کی گئی۔

یہ کہ حق ملازمت اور اسکے ساتھ ملحقہ دیگر ملازمت حقوق میرے بنیادی آئینی و قانونی حقوق ہے اور اسکا تحفظ مجھے آئینی و قانونی

ATC



((جاری))

ATC
Mikand

8000

10/11/22

طور پر حاصل ہے۔

۷ یہ کہ موجودہ وقت میں میرے ہم منصب شوکت علی کے مدت ملازمت سترہ سال جبکہ میرا مدت ملازمت اٹھائیس سال ہے۔

۸ یہ کہ ایک جونیئر ملازم کو ترقی دیکر سینئر ملازم کو ترقی سے محروم رکھنا Gross Illegality اور Material Irregularity کے ذمے میں آتا ہے۔

۹ یہ کہ اب ڈیپارٹمنٹل پروموشن کمیٹی کے منٹس اور آرڈر میں سائل کے سینارٹی اور قانون حق کو نظر انداز کر کے سائل سے جونیئر اہلکا کو پروموشن کر کے سائل کو اپنے جائز آئینی و قانونی حق سے محروم کیا گیا ہے۔ جو کہ باوجود ہات مذکورہ بالا قابل منسوخی ہے، اور سائل کو سینئر سکیل ٹینوگرافر پر تقرری دی جائے جو کہ سائل کا آئینی و قانونی حق ہے۔

العارض

مورخہ: 15.11.2022

سائل مراد خان جونیئر سکیل ٹینوگرافر ڈسٹرکٹ کورٹس ملاکنڈ

ATL
Dajani

Chakrand,
18.11.2022

**OFFICE OF THE DISTRICT & SESSIONS JUDGE /ZILLA QAZI,
MALAKAND AT BATKHELA**



| | |
|---|-----------------------|
| ☎ | 0932-412474 |
| 📠 | 0932-412474 |
| ✉ | dsjmalakand@yahoo.com |

ORDER
02.02.2023

Whereas, Mr. Murad Khan, Steno-typist of the establishment of the District & Sessions Judge, Malakand has submitted instant applicant for review over proceedings of Departmental Promotion Committee held on 12.11.2022 for promotion of steno-typist (BPS-14) to the post of Stenographer (BPS-16), especially, challenging the office order bearing No. 2464-72 dated 30.11.2005 with regard to his seniority. The cursory glance over record shows that since 2005 till date of DPC (12.11.2022) the application remained in slumber constantly signing the seniority list onward further admitting his status as regard to second in line, hence the DPC recommendations and subsequent order of promotion not being revisable by such like application, instant review application being bereft of any legal substance is hereby turn down.

A.T.C.
[Signature]
Superintendent
Sessions Judge, Malakand
A. B. [unclear]

[Signature]
(MUHAMMAD IQBAL KHAN)
District & Sessions Judge/ZQ
Malakand at Batkhela
21/2/23

" I "

(21)

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZILLA QAZI
MALAKAND AT BATKHELA



0932-412474
0932-412474
dsjmalakand@yahoo.com

No. 157(A) D&SJ/ZQ (MKD)

Dated the 23-1-2023

From:

District & Session Judge/Zilla Qazi
Malakand at Batkhela

To: -

All Officials concerned,
District Judiciary Malakand.

Subject:

TENTATIVE SENIORITY LIST OF 2022

Memo:

Tentative Seniority List for the year 2022 is served upon you. You all are directed to submit your objections, if any, within 15 days after service, positively to the office of undersigned.

ATC

Sd/-

Session Judge Malakand

Muhammad Wajid Khan
District & Session Judge/Zilla Qazi
Malakand at Batkhela

23-1-2023

TENTATIVE SENIORITY LIST OF STENO TYPIST (BPS-14) DISTRICT MALAKAND AS STOOD ON DECEMBER 2022

"J"

(22)

| Sr.No | Name of Official | Academic Qualification | Date of Birth | Date of 1 st entry in District Judiciary on regular basis | Date of Regular Promotion as (BS_16) | Date of Regular Promotion as (BS_16) | Date of appointment in present position (BS_14) | Signature of Official | Remarks |
|-------|-------------------------------------|------------------------|---------------|--|--------------------------------------|--------------------------------------|---|-----------------------|---------|
| 1 | Mr. Murad Khan Steno-Typist | MA/LLB | 01-04-1975 | 2-12-2005 Steno-Typist | | | 2-12-2005 | | |
| 2 | Mr. Fazal Ghaffar, Steno-Typist | M.A/DIT | 23-08-1981 | 07-11-2008 Junior Clerk | | | 29-07-2017 | (F) Ghaffar | |
| 3 | Mr. Raza Khan Steno-Typist | M.A | 13-02-1989 | 05-03-2022 Steno-Typist | | | 05-03-2022 | Raza Khan | |
| 4 | Mr. Aamir Ullah Steno-Typist | M.A | 01-01-1994 | 05-03-2022 Steno-Typist | | | 05-03-2022 | Aamir Ullah | |
| 5 | Muhammad Kalim khan Steno-Typist | M.A | 12-02-1995 | 05-03-2022 Steno-Typist | | | 05-03-2022 | Muhammad Kalim | |
| 6 | Mr. Adnan Ahmad Steno-Typist | M .A/DIT | 12-09-1998 | 05-03-2022 Steno-Typist | | | 05-03-2022 | Adnan | |

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ATC

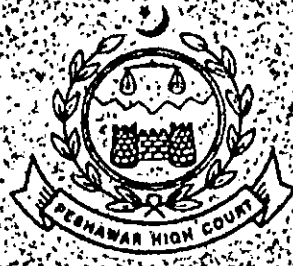
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VOLUME - II

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JUDICIAL ESTACODE

DISTRICT JUDICIARY PART

ATL
S. J. M.
S. J. M. J. M. J. M.
Sessions Court Malakand
At Bakhela

Revised & Enlarged
Edition

2021

PESHAWAR HIGH COURT

C.No. 4(3-1)

24

PESHAWAR HIGH COURT (SUBORDINATE COURTS STAFF) RECRUITMENT RULES, 2003

NOTIFICATION

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the [Khyber Pakhtunkhwa]¹ Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the [Khyber Pakhtunkhwa]² specified in column # 2 of the said Appendix.

APPENDIX

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

| 1 | 2 | 3 | 4 | 5 |
|------|------------------------------------|--|-----------|--|
| S No | Nomenclature of Post | Minimum qualification for appointment by initial recruitment | Age Limit | Method of recruitment |
| 1 | Superintendent BPS-17 ³ | | | By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-16) ⁴ with at least five years' service as such: |

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Basic pay scale upgraded vide Notification No FD/SO/FR/10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No FD/SO/FR/10-22/2014 Dated 20th May, 2014

--Judicial Estacode 2021-----453--

AFC

[Signature]

Superintendent

Sessions Court Malakand
At Batkhela

| | | | | |
|---|---|---|---------------|--|
| | | | | Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the post of Superintendent BPS-17 ¹ . |
| 2 | Senior Scale Stenographer BPS-16 ² | <p>i. Bachelor's Degree from a recognized University and speed of 100 words per minute in Shorthand and 40 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>ii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p> | 18 – 30 years | <p>i. Twenty five percent by initial recruitment; and</p> <p>ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Steno typist (BPS-14)³ with at least three years' service as such.</p> |
| 3 | Steno typist BPS-14 ⁴ | <p>i. Intermediate or equivalent qualification from a recognized board; and</p> | 18 – 30 years | By initial recruitment. |

¹ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

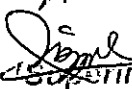
² Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2012 Dated 19th June 2012

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Substituted vide Notification No.13-J dated 26th November, 2019

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Judicial Estacode 2021-

ATC

 Superintendent
 Sessions Court Malakand
 At Batkhela