

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

Service Appeal No. 712 /2016

Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL
INDEX**

| S.# | Description | Page No. | Annexure |
|-----|-------------------------------------|----------|----------|
| 1. | Service appeal along with affidavit | 1 to 11 | |
| 2. | Stay application | 12 to 13 | |
| 3. | Copy of appointment letter | 14 | "A" |
| 4. | Copy of arrival report | 15 | "B" |
| 5. | Copy of seniority list | 16 | "C" |
| 6. | Copy of objection petition | 17 to 18 | "D" |
| 7. | Copy of final seniority list | 19 | "E" |
| 8. | Copy of representation | 20 to 24 | "F" |
| 9. | Copy of order dated 19/05/2016 | 25 | "G" |
| 10. | Vakalatnama | 26 | |

...APPELLANT

Through

Dated: 16.6.2016




(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

0313-5661621

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Diary No. 64.5

Dated 20-6-2016

Service Appeal No. 712 /2016

Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Peshawar.
3. Commissioner Hazara Division, Abbottabad.
4. Assistant to Commissioner, (Rev;/GA), Hazara Division, Abbottabad.
5. Awais Ahmed Qureshi, Computer Operator, Commissioner Office Hazara Division Abbottabad.
6. Farah Naz, Computer Operator, Commissioner Office, Hazara Division Abbottabad.

...RESPONDENTS

SERVICE APPEAL AGAINST THE ORDER
DATED 19/05/2016 PASSED BY RESPONDENT
NO. 2 WHEREBY THE RESPONDENT NO.2

Filed to-day

Registrar
20/6/16

Received to-day
and filed.



Registrar
11/7/16

DISMISSED / REJECTED THE DEPARTMENTAL REPRESENTATION OF APPELLANT BY MAINTAINING THE ORDER OF RESPONDENTS NO.3 & 4 FOR PREPARING THE SENIORITY LIST OF COMPUTER OPERATORS BPS-12 BY PLACING THE APPELLANT AT SERIAL NO. 03.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL THE SENIORITY LIST PREPARED BY THE RESPONDENT NO. 3 & 4 WHEREIN THE APPELLANT WAS PLACED AT SERIAL NO. 3 OF LIST BE DECLARED AS AGAINST LAW, WITHOUT JURISDICTION AND WITHOUT LAWFUL AUTHORITY & AGAINST THE MERIT OF THE APPELLANT AND SET ASIDE THE ORDER DATED 19/05/2016 OF RESPONDENT NO. 2 AND APPELLANT BE PLACED AT SERIAL NO. 1 OF THE SENIORITY LIST OF COMPUTER OPERATORS IN THE OFFICE OF COMMISSIONER HAZARA DIVISION ABBOTTABAD. ANY OTHER RELIEF

DEEMED FIT AND PROPER IN THE
CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth: -

1. That on 30/06/2009 the appellant was appointed as Junior Clerk in BPS-7 in the office of commissioner Hazara Division Abbottabad. 

2. That vide order dated 16/12/2011 the appellant was appointed as Computer Operator in BPS-12 in the office of Commissioner Hazara Division Abbottabad. Copy of arrival report ^{ad order} ~~are~~ annexed as Annexure "A" and "B".
3. That the appellant is a regular employee of office of Commissioner Hazara Division Abbottabad since 30/06/2009.

4. That on 16/12/2015 the respondents NO. 3 & 4 issued a tentative seniority list of computer operators working in BPS-12, but the service of appellant as a Junior Clerk i.e. service of 2 ½ years was not included. Copy of seniority list is annexed as Annexure "C".
5. That in the tentative seniority list of computer operators the appellant was placed at serial No. 03 of the seniority list Annexure "C".
6. That the appellant on 29/12/2015 filed objection petition against the tentative seniority list of computer operators BPS-12 before respondent No.3 but to no avail. Copy of objection petition is annexed as Annexure "D".
7. That despite considering the objection petition of petitioner, on 08/01/2016 respondents No. 3 & 4 issued a final

seniority list of computer operators in which petitioner was placed at serial No. 03. Copy of final seniority list is annexed as Annexure "E".

8. That the petitioner made a representation before the board of revenue/respondent No.2 against the final seniority list dated 08/01/2016. Copy of representation is annexed as Annexure "F".

9. That on 19/05/2016 the respondent No. 02 dismissed the appeal filed by the appellant against the final seniority list without hearing the appellant. Copy is annexed as Annexure "G".

10. That the final seniority list dated 08/01/2016 of computer operator is against law, rules norms of justice without jurisdiction and without lawful authority on the following amongst other Grounds;-

GROUND:

- a) That the appellant is permanent employee of respondent NO. 3 & 4 office since 30/06/2009 and in this way appellant is entitled to have been placed at serial No. 01 of the seniority list of the computer operators.
- b) That the respondents without any lawful authority has changed the period of validity of the seniority list from 01/12/2015 to 31/12/2013.
- c) That the respondents had illegally did not count the service of appellant from 30/06/2009 while preparing the seniority list.
- d) That the previous service of employees of office of respondents No. 3 & 4 namely M. Saeed and Mr. Obaidur Rehman was considered and included while preparing the seniority

list but the previous service of appellant was neither considered nor included while preparing the seniority list for the reason best known to respondents No. 3 & 4.

- e) That the respondents No. 5 & 6 have illegally and with material irregularity have been placed at serial No. 1 and 2 of tentative seniority list as stood on 16/12/2015 as both do not possess the required qualification / criteria for the post of senior scale stenographer (BPS-16) as compared to appellant but appellant was illegally ignored.
- f) That the respondent No. 2 without hearing the appellant dismissed the departmental appeal filed by the appellant which also does not fulfill the requirement of a valid judgment and order.
- g) That respondent No.5 has submitted an application for promotion as Senior

Scale Stenographer but he is not eligible for promotion to Senior Scale Stenographer as he neither have service record of at least five nor requisite qualification required for promotion.

- h) That criteria /qualification for computer operator BPS-12 in KPK Civil Servant (APT) Rules, 1989 is as under :-

- I. *At least Second class bachelors degree in Computer Science / Information Technology (BCS/BIT four years), from recognized university.*
- II. *At least second class Bechelor's degree from a recognized university with one year diploma in Information Technology from a recognized Board of Technical Education.*

Respondents No. 5 & 6 do not have required qualification as per above

criteria, as they have certificates for short computer courses and they do not possess degree or even diploma of one year Information Technology, therefore, respondents No. 5 & 6 do not meet the criteria on the basis of seniority cum fitness for promotion.

- i) That the appellant has Bachelor's Degree in Information Technology (BIT) and MA in International Relations (IR) as well as 6 years 9 months experience of work in the office of respondents No.3 & 4, therefore, she is entitled to be placed at serial No. 1 of seniority list prepared by respondents No. 3 & 4.
- j) That the appeal is within time.
- k) That the other grounds shall be urged at the time of arguments with the leave of this Honourable Court.

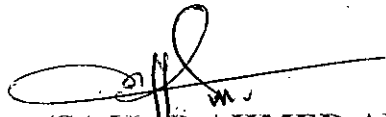
It is, therefore, humbly prayed that on acceptance of the instant appeal the seniority list prepared by the respondent No. 3 & 4, wherein the appellant was placed at serial No. 3 of merit be declared as against law, without jurisdiction and without lawful authority & against the merit of the appellant and set aside the order dated 19/05/2016 of respondent No. 2 and appellant be placed at serial No. 1 of the seniority list of computer operators in the office of Commissioner Hazara Division Abbottabad. Any other relief deemed fit and proper in the circumstances of the case.



...APPELLANT

Through

Dated: 16 / 06 / 2016

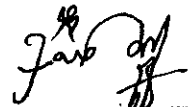


(SAJJAD AHMED ABBASI)

Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

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

Service Appeal No. _____/2016

Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief has been concealed from this HOnourale Court.

Faiza Abbasi

DEPONENT



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

Service Appeal No. _____/2016

Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

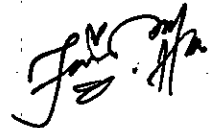
**APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED FINAL SENIORITY LIST DATED 08/01/2016
AND RESPONDENTS BE RESTRAINED TO ACT UPON
FURTHER ON THE BASIS OF FINAL SENIORITY LIST
DATED 08/01/2016 TILL FINAL DECISION OF THE
TITLED APPEAL.**

Respectfully Sheweth: -

1. That the above titled appeal is filed before this Honourable Court and the contents of foregoing application may kindly be considered as an integral part of the titled appeal.

2. That the balance of convenience lies in favour of appellant and she is optimistic about her success in the instant appeal.
3. That if the operation of impugned seniority list is not suspended and respondents not restrained to act upon seniority list then appellant shall suffer irreparable loss and filing of the instant appeal become infructuous.

It is, therefore, humbly prayed that on acceptance of the instant application, operation of impugned seniority list dated 08/01/2016 may kindly be suspended and respondents be restrained to act upon the impugned seniority list till final disposal of the titled appeal.



...APPELLANT

Through

Dated: 16-6-2016



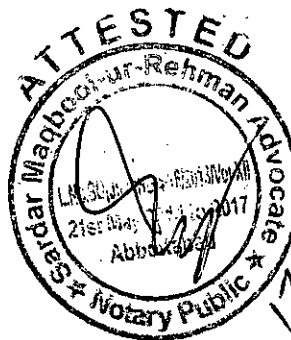
(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony, Mandian, Tehsil and District Abbottabad, presently working as Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief has been concealed from this HONourale Court.



DEPONENT



ANNEXURE A

14



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

Consequent upon the recommendation of the Departmental Promotion/Selection Committee which met on 16/12/2011, Miss. Faiza Abbasi D/O Jana-e-Alam R/O Sir Syed Colony District Abbottabad working as Junior Clerk in this office is hereby appointed as Computer Operator (BPS-12) in the office of the Commissioner Hazara Division Abbottabad on the following terms and conditions:

1. His/her services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). He/she will be entitled to Contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His/her services will be liable to termination on one-month notice from either side. In case of resignation without notice, two months pay/allowances shall be forfeited to the government.
3. He/she will be governed by such rules and regulations as may be issued from time to time by the government.
4. He/she will be remained on probation for a period of two years in term of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His/her services can be terminated any time in case his performance is found unsatisfactory during probation period. In case of misconduct, he/she shall be proceeded against under the E&D rules 2011.
5. He/she shall be bound to accept his adjustment/absorption in any of the departments/offices in Hazara Division as ordered by the Competent Authority.

In case the above terms and conditions of appointment are acceptable, He/shes is required to report His/her arrival within seven (07) days of the receipt of his letter, otherwise the order will be considered cancelled.

Sd/xxx

Commissioner Hazara Division
Abbottabad

Endst: No.1/2/CHD/Estab:/ 11149-54

Dated Abbottabad 16/12/2011.

Copy to the:

1. District Comptroller of Accounts, Abbottabad.
2. PS to Commissioner Hazara Division Abbottabad.
3. Divisional Nazer (Local).
- ✓ 4. Assistant Budget & Accounts Branches (Local) for necessary action.
5. The official concerned.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Attested
M. W.
30-6-16.
Gajjad Ahmed Alhasan
Advocate
Abbottabad

ANNEXURE B

15

ARRIVAL REPORT

In compliance of Order No. 1/2/CHD/Estab/11149-54 dated 16/12/2011 issued by Assistant to commissioner (Rev/GA) Hazara Division I, Miss Faiza Abbasi submit my arrival report against the post of Computer Operator (BPS-12) in the office of Commissioner Hazara Division Abbottabad today 16/12/2011 at 11 am.

Faiza Abbasi

Miss Faiza Abbasi

D/O Jan-e- Alam

R/O Street No. 08 House No.18

Sir Syed Colony Mandia Abbottabad

Dated : 16/12/2011

Attested
30.6.16
Deputy Assistant Commissioner
Abbottabad

AF
16/12/11

ANNEXURE 2
16

TENTATIVE SENIORITY LIST OF
COMPUTER OPERATORS (BPS-12) WORKING IN THE OFFICE OF COMMISSIONER HAZARA DIVISION
AS STOOD ON 01.12.2015

| S.No. | Name of Computer Operator | Date Of Birth | Qualification | Date of first entry into govt service | Date of regular appointment | Remarks |
|-------|---------------------------|---------------|---------------|---------------------------------------|-----------------------------|---------|
| 1 | Mr. Awais Qureshi | 17-May-85 | BA/DIT | 06-Oct-11 | 08-Oct-11 | |
| 2 | Miss Farah Naz | 20-Mar-86 | FA/B.Com | 06-Oct-11 | 10-Oct-11 | |
| 3 | Miss. Faiza Abbasi | 19-Apr-84 | MA/BIT | 30-Jun-09 | 30-Dec-11 | |

Note: If any objection on the above Seniority List then may be submitted within 15 days after the issuance of the Seniority List, otherwise it will be considered final.

Endst: No: 2/3-Estab: 4086-39

Dated the Abbottabad: 16/12/2015

Copy forwarded to the:

1. Mr. Awais Qureshi, Computer Operator/Incharge Local Government Branch of this Office.
2. Miss Farah Naz, Computer Operator, Political Branch of this Office.
3. Miss Faiza Abbasi, Computer Operator, General Branch of this Office.
4. PS to Commissioner Hazara Division, Abbottabad

Attested
30/6/16
Sajid Ahmad Abbasi
Advocate
Abbottabad

Secretary to Commissioner,
Hazara Division Abbottabad.

To The Honorable Commissioner
Hazara Division, Abbottabad

ANNEXURE

D
17

Subject: **OBJECTION ON TENTATIVE SENIORITY LIST OF COMPUTER OPERATORS
(BPS -12) WORKING IN THE OFFICE OF COMMISSIONER HAZARA
DIVISION AS STOOD ON 01/12/2015**

Respected Sir,

Kindly refer to this office Tentative Seniority List of Computer Operators (BPS-12) bearing No.2/3-Estab: 4086-89 dated 16/12/2015. Copy annexed at "A".

According to the above referred Tentative Seniority list of the Computer Operators (BPS-12) following objections are hereby submitted for your kind perusal and considerations please:

1. The date of Regular Appointment as a computer operator has been erroneously mentioned as 30/12/2011 while my actual date of regular Appointment as a computer operator (BPS-12) is "16/12/2011 at 11 am" The appointment order and Arrival Report are annexed as "B" & "C".
2. It is pertinent to mention that date of first entry into government service is 30/06/2009 as I have served in this Department as junior clerk (BPS-7) for more than 2 ½ years already mentioned in appointment order of Computer Operator bearing No. Endst:No.1/2/CHD/Estab:/11149-54 dated 16/12/2011. However, my previous service has not been considered in above referred Tentative Seniority list of Computer Operators.
3. Prior to this pervious service has always been considered during promotion cases as well as maintaining seniority of officials in this office. Mr. M. Saeed then Junior Clerk was placed at serial No.1 in the Seniority list of JCs in 2011. Although he was surplus employee and already served by adjustment policy in another department and on readjustment in this office his seniority was still retained. And thereafter he was also promoted to Senior Clerk in 2014. Copy of S. list is annexed as "D". Similarly Mr. Obaid ur Rehman then junior clerk was also benefited with previous service and thereafter promoted to senior clerk. Though after devolution all the surplus pool employees were adjusted according to adjustment policy and were placed at bottom as per policy. However there was no readjustment policy but still when Mr. Mian M. Saeed and Mr. Obaid ur Rehman were again adjusted in this department and their service in this department before devolution was considered for seniority as well as promotion. In this scenario my previous service in the same department should also be considered as I was neither declared surplus nor affected due to devolution but served efficiently and dedicated in the same Department.
4. In the Seniority list of Computer operates (BPS-12) as stood on 01/12/2015 the official at serial No. 1 and at serial No. 2 do not fulfill the criteria for coming promotion case of Senior Scale Stenographer (BPS-16) as the required service period for such promotion is at least 5 years while by taking into account my previous service in this department my service period is 6½ years.

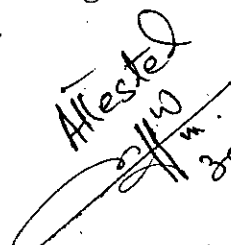
Attested
30.6.16
Sajjad Akhmed Abbasi
Advocate
Abbottabad

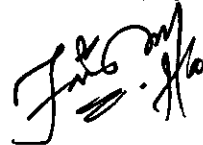
5. following is the criteria for appointment of the Computer Operator BPS-12 in KPK Civil Servants (APT) Rules 1989, copy annexed as "E":

- I. At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four year), from recognized university;
- II. At least Second Class Bachelor's Degree from a recognized university with one year diploma in Information Technology from a recognized Board of Technical Education.

While official at Serial No. 1 & 2 have certificates for short computer courses. They do not posses degree or even Diploma of one year Information Technology. Therefore DIT mentioned against Serial NO. 1 in Seniority list is incorrect. Whereas I have **Bachelor's Degree in Information Technology (BIT) and MA in International Relations (IR) as well as 6½ years experience** of this office work.

6. Moreover I am older in age than officials at serial No. 1 & 2 therfore shall be treated senior most.

Attested

 Sajjad Ahmed Abbasi
 Advocate
 Abbottabad
 30.6.16



Miss Faiza Abbasi
 Computer Operator (BPS-12)
 Office of the Commissioner
 Hazara Division, Abbottabad.

ANNEXURE E

19

FINAL SENIORITY LIST OF
COMPUTER OPERATORS (BPS-12) WORKING IN THE OFFICE OF COMMISSIONER HAZARA DIVISION
AS STOOD ON 31.12.2013

| S.No. | Name of Computer Operators | Date Of Birth | Qualification | Date of first entry into govt. service | Date of promotion/ appointment on the present post | Remarks |
|-------|----------------------------|---------------|---------------|--|--|---------|
| 1 | Mr. Awais Qureshi | 17-May-85 | BA/DIT | 06-Oct-11 | 08-Oct-11 | |
| 2 | Miss. Farah Naz | 20-Mar-86 | ICS/B.Com | 06-Oct-11 | 10-Oct-11 | |
| 3 | Miss. Faiza Abbasi | 19-Apr-84 | BIT/MA | 30-Jun-09 | 16-Dec-11 | |

Endst: No: 2/3-Estab: 4552-54

Signature
20.6.16

Dated the Abbottabad: 8/01/2016

Signature
Secretary to Commissioner,
Hazara Division Abbottabad.

BEFORE THE SENIOR MEMBER BOARD OF REVENUE (SMBR),
REVENUE & ESATE DEPARTMENT KHYBER PAKHTUNKHWA,
PESHAWAR.

Subject: DEPARTMENTAL APPEAL AGAINST FINAL SENIORITY LIST OF
COMPUTER OPERATORS (BPS -12) WORKING IN THE OFFICE
OF COMMISSIONER HAZARA DIVISION, ABBOTTABAD AS
STOOD ON 31/12/2013 WHEREBY THE APPELLANT WAS
DEPRIVED OF SENIORITY

RESPECTFULLY SHEWETH
ON FACTS

Attested
30.6.16
Saffad Akhmed Abb
Advocate
Abbottabad

1. That appellant was appointed as Junior Clerk (BPS-7) on 30/06/2009 in office of Commissioner Hazara Division, Abbottabad. Copy of the order is annexed as "A". Then appellant was appointed as Computer Operator (BPS-12) in office of Commissioner Hazara Division Abbottabad. Copy of order is annexed as "B".
2. That office of Commissioner Hazara Division issued Tentative Seniority List of Computer Operators (BPS-12) vide No.2/3-Estab: 4086-89 on dated 16/12/2015 wherein the previous service of the appellant as junior clerk consisting of more than 2 ½ years were not considered. Copy of Tentative Seniority List of Computer Operators (BPS-12) is annexed as "C."
3. That in the office of Commissioner Hazara Division Abbottabad previous service of the officials was counted during promotion and at the time of maintaining seniority list of the officials. Among these Mr. M. Saeed and Mr. Obaid ur Rehman then Junior Clerks (BPS-7) of office of Commissioner Hazara Division Abbottabad were readjusted in office of Commissioner Hazara Division and placed at bottom in Seniority List of Junior Clerks. Copy of that Seniority list is annexed as "D". Mr. M. Saeed then Junior Clerk was later on placed at serial No.1 in the Seniority list of Junior Clerks in 2011 while promoting him to post of Senior Clerk. Copy of that Seniority list is annexed as "E". Although M. Saeed was surplus employee and already served by adjustment policy in another department and on readjustment in Commissioner Office his seniority was still retained upon that he was promoted to Senior Clerk in 2015. Same in the case of Mr. Obaid ur Rehman then Junior Clerk of Commissioner office was placed at bottom of seniority list (annex "D") was also benefited with previous service and was promoted to senior clerk on 30/12/2011 (copy of order is annexed as "E").

21

Though after devolution all the surplus pool employees were adjusted according to adjustment policy and were placed at bottom as per policy. However there was no readjustment policy but still when Mr. M. Saeed and Mr. Obaid ur Rehman were again adjusted in office of Commissioner Hazara Division and their previous service before devolution was considered for seniority as well as promotion. Despite of this fact that the appellant was neither declared surplus nor affected due to devolution but served efficiently and dedicatedly in the same Department still the previous service of appellant was ignored.

4. That an application on 15/12/2015 was submitted by Mr. Amin ul Haq Junior Scale Stenographer and Mr. Awais Qureshi Computer Operator for promotion to Senior Scale Stenographer. Copy annexed as "F".

5. That for promotion to Senior Scale Stenographer following method of recruitment is adopted as laid down in "Board of Revenue Khyber Pakhtunkhwa Service Rules 2015"

"(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the stenographers with at least five years services as such in the office of respective Deputy Commissioners and Political Agents; and

(b) Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with at least five years service as such in the offices of Deputy Commissioners and Political Agents."

Copy of rules annexed as "G".

6. That Mr. Awais Qureshi Computer Operator (BPS-12) in Commissioner Office Abbottabad who forwarded application for promotion is not eligible for promotion to Senior Scale Stenographer as he does not have service record of at least five years.

7. That Mr. Awais Qureshi has been placed at Serial No. 1 and Miss Farah Naz placed at serial No. 2 in tentative seniority list of Computer operators as stood on 01/12/2015 at annex "C". That they both do not meet the criteria on the basis of seniority cum fitness for promotion to Senior Scale Stenographer (BPS-16) That the appellant has 6 years and 9 months of progressive experience of government service in the same department .

Accepted
20.6.16
Had signed with
A.
Abbottabad

22

8. That officials at Serial No. I & 2 do not have required qualification as according to criteria for Computer Operator BPS-12 in KPK Civil Servants (APT) Rules 1989:

- I. At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four year), from recognized university;
- II. At least Second Class Bachelor's Degree from a recognized university with one year diploma in Information Technology from a recognized Board of Technical Education.

Allesed
29/12/15
20.6.16
Saffad Ahmed Abbasi
Advocate
Abbottabad

While official at Serial No. 1 & 2 have certificates for short computer courses. They do not possess degree or even Diploma of one year Information Technology. Therefore DIT mentioned against Serial NO. 1 in Seniority list was objected by appellant in tentative seniority list of computer operators but it was not entertained.

- 9. That the appellant has Bachelor's Degree in Information Technology (BIT) and MA in International Relations (IR) as well as 6 years 9 months experience of work in Commissioner Office Hazara Division.
- 10. That appellant is senior in age than officials at serial No. I & 2 in Tentative Seniority List of Computer Operators (BPS-12) at annex C.
- 11. That the appellant on dated 29/12/2015 raised objection on Tentative Seniority List of Computer Operators (BPS-12) as stood on 01/12/2015. Copy annexed as "H". But no reply in black & white was communicated to appellant regarding appellant objections/grievances.
- 12. That a Final Seniority list of Computer Operators was issued by Commissioner Office Hazara Division vide No. 2/3- Etab:4552-54 on dated 08/01/2016. Copy annexed as "I".
- 13. That the time period for validity of Final Seniority list of Computer Operators of Commissioner Office Hazara Division was changed from 01/12/2015 to 31/12/2013 without prior notice.
- 14. That in Final Seniority list of Computer operators of Commissioner Office Hazara Division previous service of appellant in commissioner Office Hazara division was not considered.

23

15. That the final seniority list of COs of Commissioner Office Hazara Division was appended with different column which was not included in tentative seniority list of COs of Commissioner Office Hazara Division.
16. That qualification of Mr. Awais Qureshi in final Seniority List was not corrected as he has no Diploma in information Technology. Moreover appellant was also not communicated regarding her objection on mentioned qualification of Mr. Awais Qureshi in tentative seniority list.
17. That the said Final Seniority List of Computer Operators of Commissioner Office Hazara Division was not issued to concerned officials/computer operators but it was prepared for ulterior motives.

Attested
20-6-16
Sajjad Abbas
Advocate
Abbottabad

ON GROUNDS

- A. That the officials at Serial No. 1 & 2 are junior to appellant by keeping service record of appellant in view.
- B. That the appellant is highly qualified, well versed with office work therefore the appellant is entitled for seniority and also fit for promotion.
- C. That nothing was communicated in written to appellant in response to objections raised on tentative seniority list of Computer Operators of Commissioner Office Hazara Division, Abbottabad hence feeling aggrieved of the same the instant appeal is hereby preferred.
- D. That appellant served dedicatedly and efficiently and is never penalized for breaching civil servant rules.
- E. That similar is the case of Mr. M. Saeed and Mr. Obaid ur Rehman Junior Clerks of Commissioner Office Hazara Division for retaining their seniority by keeping their previous service in view despite the fact of their adjustment in other department and readjustment multiple time.
- F. That the appellant is older in age than officials at serial No. 1 & 2 therefore shall be treated senior most.
- G. That the appellant was appointed as computer operator in the same parent department therefore eligible for considering senior most in the seniority list.

24

H. That keeping in view the explanations in above Paras the instant appeal is in well within time.

It is therefore, most humbly prayed that appellat may please be placed at serial No. 1 of Seniority list of Computer Operators of Commissioner Office Hazara Division Abbottabad as stood on 01/12/2015 and final Seniority List of Computer Operators bearing No. 2/3- Estab:4552-54 dated 08/01/2016 may be made null and void.

Attested
30.6.16
Saffad Abbasi
Advocate
Abbottabad

Appellant
Miss Faiza Abbasi
Computer Operator (BPS-12)
In Office of Commissioner
Hazara Division, Abbottabad.

ANNEXURE G

25

GOVERNMENT OF KHYBER PAKHTUNKHW
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:II/S.List/14862
Peshawar dated the 19/05/2016

To

Miss Faiza Abbasi,
Computer Operator (BPS-12)
Office of the Commissioner,
Hazara Division, Abbottabad.

SUBJECT: DEPARTMENTAL APPEAL AGAINST FINAL SENIORITY LIST OF
COMPUTER OPERATORS (BPS-12) WORKING IN THE OFFICE OF
COMMISSIONER HAZARA DIVISION, ABBOTTABAD AS STOOD
ON 31.12.2013 WJHEREBY THE APPELLANT WAS DEPRIVED OF
SENIORITY.

I am directed to refer to your departmental appeal dated 28.3.2016, on the
subject and to say that your departmental appeal has been examined by the Competent
Authority and dismissed.

Attested
30.6.16
Sajjad Ahmed Abbasi
Advocate
Abbottabad

Assistant Secretary (Estt)

وکالت نامہ

کورٹ فیس

بعدالت جناب جج لہک سروسز سٹیٹ بینک خیر کھتو خواہہ استوار

عنوان: مسماہ فائزہ عباسی نام گورنمنٹ آف خیر کھتو خواہہ و کمنر

منجانب: رسالٹنٹ عک مسماہ فریح ناز

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے جردی و جواب دہی کل کاروائی متعلقہ آن مقام

سیورلٹا سٹاٹہ آرٹو کٹے صہای کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقررات و فیصلہ بر طرف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دھتھ کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جردی کاروائی کے لئے کسی اور وکیل یا محکمہ صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی دہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے نیز بتایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ جردی مقدمہ مذکورہ کریں اور اگر محکمہ مقرر کردہ میں کوئی جردو بھایا ہو تو وکیل صاحب موصوف مقدمہ کی جردی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت نالش بیخہ مفلسی کے دائر کرنے اور اس کی جردی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 25/9/2023

بمقام: رسالٹنٹ آگاہ

مسماہ فریح ناز کھتو خواہہ استوار
دفتر محکمہ استجارت نالش
سٹاٹہ آرٹو کٹے آگاہ
13503-2908/27-8



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name
Farah Naz



Father Name
Muhammad Ismail

فرح ناز

محمد اسماعیل

| | |
|--------|-----------------|
| Gender | Country of Stay |
| F | Pakistan |

| | |
|-----------------|---------------|
| Identity Number | Date of Birth |
| 13503-2908127-8 | 29.03.1986 |

| | |
|---------------|----------------|
| Date of Issue | Date of Expiry |
| 06.12.2018 | 06.12.2028 |



Holder's Signature

مولا محمد مجسٹریٹ کالونی، پولیس لائن، ایبٹ آباد

13503-2908127-8



سنگھڑ پٹہ، چکواڑ بانڈہ، قصبہ باغ، تحصیل و ضلع مانسہرہ



Usman K. Molan

Registrar General of Pakistan

101011416572
127-86-118781

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

Miss Faiza Abbasi, Computer Operator (BPS-16) Office of the Commissioner, Hazara Division, Abbottabad.

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Board of Revenue Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
3. Commissioner Hazara Division, Abbottabad.
4. Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad.
5. Awais Qureshi, Computer Operator, Commissioner Officer, Abbottabad.
6. Miss Farah Naz, Computer Operator, Commissioner Office, Hazara Division, Abbottabad.

JOINT PARA WISE COMMENTS IN RESPECT OF

2. Senior Member Board of Revenue, Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.

(Respondent No.2)

3. Commissioner Hazara Division, Abbottabad.

(Respondent No. 3)

Preliminary Objections:

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this honorable tribunal with clean hands.
3. That the appellant has supersede the material facts from this honorable service tribunal hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
4. That the appeal is liable to be dismissed due to misjoinder and nonjoinder of necessary parties hence appeal is liable to be dismissed.
5. That the appellant has filled the instant appeal on malafidy.
6. The appellant has no cause of action as he is junior to Mr. Awais Qurashi and Miss. Farah Naz.

03 Computer Operator (BPS-16) were appointed in Commissioner Office

| S# | Name | Appointment Date | Method of Recruitment |
|----|-------------------|------------------|--|
| 1. | Mr.Awais Qureshi | 06/Oct/2011 | Fresh Recruitment in Government Service |
| 2. | Miss. Farah Naz | 06/Oct/2011 | Fresh Recruitment in Government Service |
| 3. | Miss.Faiza Abbasi | 16/12/2011 | Fresh Recruitment for the post of Computer Operator (BPS-12). But having 2 and Half year experience as (Junior Clerk BPS-7) which is a different Cadre. Placed at Serial No. 03 Because: 03 Months gape in appointment (BPS-12) then Serial No. 1 & 2 and Change of Cadre. |

FACTS

Para-1

Correct

Para-2

Correct

Para-3

Correct

Para-4

Incorrect, the official was appointed against the post of Computer Operator on 16/12/2011 while the official at Serial No. **1** & **2** and were appointed on 06/10/2011 and hence the appellant stand junior to Serial No. 01 and 02. The period 2 ½ year of junior clerk cannot be counted as the cadre of Computer Operator (BPS-12) is separate. The first entry into government service has been mentioned as **30/06/2009**.

Para-5

Correct

Para-6

The **objection** related with dates was corrected and in **the tentative** seniority list the date of **regular appointment** in the cadre of Computer Operator was written 30/12/2011 erroneously on receipt of objection from the appellant the same was corrected in the final seniority list as 16/12/2011 which was the correct date.

Para-7

The appellant was placed at serial No. 3 in the seniority list which was admissible under the rules.

Para-8

Correct and her appeal was dismissed by the SMBR, Khyber Pakhtunkhwa.

Para-9

In reply to this Para, it is submitted that the final seniority list dated 08/01/2016 of computer operator issued by the competent authority.

Para-10

incorrect, the seniority list was prepared according to rules and procedure. As per law and rules after fulfillment of all the codal formalities, hence appeal is liable to be dismissed.

Grounds

- a. Incorrect. Her service as junior Clerk will be continued for the purpose of pay and pension but not for seniority as Computer Operator.
- b. No Comments.
- c. As narrated at Para 04.
- d. Irrelevant.
- e. Incorrect.
- f. No comments.
- g. Incorrect. The official was promoted on acting Charge Basis adopting rules and regulation.
- h. Points raised are not related to the subject appeal.
- i. She cannot be declared as senior being highly qualified, the seniority has it is own criteria.
- j. No Comments.

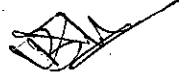
The Appeal filed by the appellant is not based on facts and is against the rules in vogue. This is merely wastage of time of the court as well as this office. It is requested that the appeal in hand may be dismissed.

Commissioner
Hazara Division, Abbottabad.

Senior Member
Board of Revenue, Khyber Pakhtunkhwa
Peshawar.

AFFIDAVIT.

I solemnly affirm that contents of the reply/comments in the said Service Appeal are correct to the best of my knowledge and nothing has been concealed from this court.



Dated: 19 / 12 / 2017.

Bahadur Khan,
Assistant Litigations,
Representative of Office of the
Commissioner Hazara Division Abbottabad.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service appeal No. 712/2014

Miss Faiza Abbasi, Computer Operator (BPS-16) office of the
Commissioner, Hazara Division, Abbottabad.

VERSUS

1. Government of Khyber Pakhtunkhwa through secretary Board of Revenue Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Revenue and Estate Department, Khyber Pakhtunkhwa Peshawar.
3. Commissioner Hazara Division, Abbottabad.
4. Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad.
5. Awais Qureshi, Computer Operator, Commissioner Office, Abbottabad.
6. Farah Naz, Computer Operator, Commissioner Office, Abbottabad.

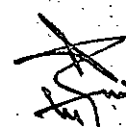
JOINT PARA WISE COMMENTS IN RESPECT OF

4. Awais Qureshi, Senior Scale Stenographer the than Computer Operator, Commissioner Office, Abbottabad.

Respectfully Sheweth:

It is submitted that I rely upon the reply/comments furnished by the Senior Member Board of Revenue (Respondent No. 2) & Commissioner Hazara Division (Respondent No. 3) submitted on 18.01.2018 before the Hon'able Khyber Pakhtunkhwa Service Tribunal.

Dated: 18/01/2017



Awais Qureshi
Senior Scale Stenographer
The than Computer
Operator
(Respondent No. 5)

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.712/2016

Miss Faiza Abbasi, Computer Operator (BPS-16) Office of the
Commissioner, Hazara Division, Abbottabad.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber
Pakhtunkhwa, Peshawar and others.

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

INDEX


| <i>S.#</i> | <i>Description</i> | <i>Page Nos.</i> | <i>Annexures</i> |
|------------|-------------------------------|------------------|------------------|
| 1 | Rejoinder alongwith affidavit | 1 to 6 | |



....APPELLANT

Dated: 18.12/2018

Through



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No.712/2016

Miss Faiza Abbasi, Computer Operator (BPS-16) Office of the
Commissioner, Hazara Division, Abbottabad.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber
Pakhtunkhwa, Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

That the rejoinder on behalf of appellant is as under;-

REPLY TO PRELIMINARY OBJECTIONS;-

1. Para No.1 is not correct. The appellant being a civil servant has got a cause of action and locus standi to approach this Honourable Tribunal for redressal of her grievances.

2. Para No.2 of the comments is denied. The approach to this Honourable Tribunal is with clean hands.
3. Para No.3 is not correct. Nothing has been concealed from this Tribunal.
4. Para No.4 is not correct. All the necessary parties are before this Tribunal.
5. Para No.5 is not correct. The approach to this Tribunal is bonafide.
6. Para No.6 is not correct. Who is senior and who is junior, will be decided by this Tribunal and not by the respondents.
7. In reply to Para No.7 it is submitted that the case of appellant is that she is senior to respondents No.5 & 6.

ON FACTS:-

1. Para No.1 needs no reply.

2. Para No.2 needs no reply.
3. Para No.3 needs no reply. Anyhow after acceptance of Para No.3 as correct by respondents, the appeal of appellant is liable to be accepted.
4. Para No.4 of the comments is misconceived. The respondents have accepted that the appellant is a regular employee of office of Commissioner Hazara Division, Abbottabad since 30/06/2009. The appellant is senior to respondents No.5 & 6 for all intent and purposes.
5. Para No.5 requires no reply.
6. In reply to Para No.6, it is submitted that in objection petition only one objection raised by appellant at serial No.1 was addressed. For rest, the appellant had knocked the door of this Honourable Tribunal.
7. Para No.7 is not correct. If the previous service is included then the appellant is at

serial No.1. The respondents had illegally did not include the previous service of appellant while preparing merit list.

8. Para No.8 requires no reply except that appeal was wrongly dismissed.

9. In reply to Para No.9, it is submitted that without hearing the appellant against the list dated 08/01/2016, her appeal was dismissed on 19/05/2016.

10. Para No.10 of rejoinder is incorrect.

REPLY TO GROUNDS:-

a) Para "a" is not correct. Even for seniority purpose the services of appellant legally deserve to have been included.

b) Require no reply.

- c) Para No.4 of appeal is correct, whereas, para No.4 of comments is wrong and misconceived.
- d) Para "d" of appeal had highlighted the discrimination meted out to the appellant. Para "d" of appeal is not irrelevant. The respondents were bound to have replied this para in "yes" or "no". By not replying, the respondents had accepted the stance of appellant.
- e) Para "e" of appeal is correct.
- f) Para "f" of appeal is correct. By not replying para "f" of appeal the respondents had accepted the stance of appellant.
- g) Para "g" of appeal is correct and reply is wrong.
- h) Para "h" of appeal is relevant and relates to appeal.

- i) Para "i" of appeal is correct, whereas, Para "i" of comments/ reply is not correct.
- j) Para "j" of appeal is correct.

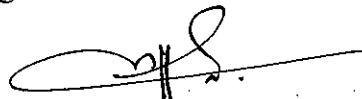
It is, therefore, prayed that appeal be accepted.



...APPELLANT

Through

Dated: 18-12/2018



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Miss Faiza Abbasi Computer Operator (BPS-12) in the office of Commissioner, Hazara Division, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



DEPONENT

Before The Service Tribunal, K.P.K.
Camp Court Abbottabad.

Q. Faiz Abbasi Versus Govt of K.P.K
and others.

Application For Adjournment


Respectfully sheweth;

① That the titled Service appeal is pending before this Honourable Tribunal which is fixed for hearing for today and is at serial #08 of Cause List

② That my Senior Mr. Sajjad Ahmed Abbasi Adv. is not available today in Abbottabad as he has gone to his village to attend funeral of his close relative.

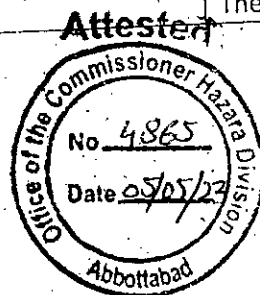
It is therefore respectfully prayed that the titled appeal may please be adjourned and date may please be changed.

Date 22/08/18


Qasim Sajjad
Junior to Sajjad
Ahmed Abbasi Adv

**LIST OF SHORTLISTED CANDIDATES APPLIED FOR THE POST OF
COMPUTER OPERATOR (BS-12)**

| S.# | CANDIDATE NAME | FATHER NAME | QUALIFICATION | ADDRESS |
|-----|--------------------|-----------------------|---------------|--|
| 01 | Mohammad Sajid | M. Sadiq | BBA(Hons) | Jhokan, Masarzia, P/o Jhokan, Tehsil & District Mansehra |
| 02 | Miss. Faiza Abbasi | Jan-e-Alam | BIT, MA(IR) | Sir.Syed colony Mandian. Abbottabad |
| 03 | Malik Furqan | M. Intizar | BBA(Finance) | Hno. 430 Link Road Aram Bagh Abbottabad |
| 04 | Awais Malik | Malik Aman | BCS | Mohalla Upper Garlet, Tehsil & P/O Balakot, District Mansehra, Shaheen Swets Kaghan Road Balakot |
| 05 | Umer Kehyam | Aurenzeb Khan | BS (CS) | Muree Road Kalapul, C/O Saeed shopkeeper Distt: Abbottabad. |
| 06 | M. Shakeel | Maqbol ur Rehman | BSC | Chitta Pul Lower Malik Pora, Hno.72/2, Mohalla Qazi Abbottabad |
| 07 | M. Waheed | M. Kaleem | Bsc | Magistrate Colony, Hno. V-2, Abbottabad |
| 08 | Mohammad Faisal | Mohammad Yousaf | MBA | C/o Awan General Store Near old Board Office, Arambag, Abbottabad. |
| 09 | M. Zia ul Haq | Sardar Manzoor | BS(CS) | H# 365/7, Khola Kehal Abbottabad |
| 10 | Syed Waqas | Syed Lal Hussain Shah | MCom | Banda Phugwarian, Tehsil & District Abbottabad |
| 11 | Shahid Gul | Zahid Ashraf | B.Com | Moh:Nizamabad, Masjid Quarter No.5 Upper Salhad, Abbottabad. |
| 12 | Fahad Gul | Qalandar Khan | Bcom | Hno. K-240/7. Mohallah-Kunj Jadeed Abbottabad |
| 13 | Malik Afzal | Mir Afzal | BA | Muhallah Kholian, Dohga Chatri, Post Office Nawaha Shehr Distt: Abbottabad. |
| 14 | Abdul Rauf | Abdul Rashid | BSC | C/o Umer Restaurant Fowara Chowk Kunj Jadeed Abbottabad |
| 15 | Rashid Sultan | M. Sultan | MA(Economics) | Village Juster P/o Namli Maira District & Tehsil Abbottabad |
| 16 | Khurram Hussain | Mir Hussain | BA | House No.Lm-346/1 Banda Sappan Abbottabad. |
| 17 | Zahid Hussain Shah | Pir Mohammad Shah | Bcom | District and Tehsil Mansehra, P/O Chattar Plain Village Bhumla |
| 18 | Fahad Nadeem | Misri Khan | BCom. | Upper Salhad Abbottabad |
| 19 | Sumna Ayaz | Ayaz Ahmed Qureshi | BA | Hno. 443, Mohalla Jalal baba. Upper Malik Pora Abbottabad |
| 20 | Khan Gul Khan | Saleem Gul | MBA | Mohallah Sheikhul Bandi, District Abbottabad |
| 21 | Mohammad Faisal | Mohammad Aslam | BCom | C/o Faisal Motors and Property Dealers Spring Field Plaza Abbottabad |
| 22 | M.Imran Khan | Muhammad Ilyas | BCE | Muslim Abad, Distt: ,The: Abbottabad. |
| 23 | Zeeshan Rehman | Abdul Rehman | BSC | New Abadi Kunj Jadeed, Tehsil & District Abbottabad |
| 24 | Malik Usman Ali | Malik Pervez Akhtar | BSC | H.No.TC-729 Mohallah Nia, Nawanshehr The:Dist:Abbottabad. |

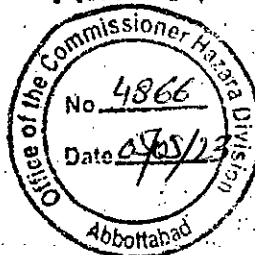



212

**LIST OF SHORTLISTED CANDIDATES APPLIED FOR THE POST OF
COMPUTER OPERATOR (BS-12)**

| | | | | |
|----|-----------------------------|------------------------|---|--|
| 25 | Qazi Faisal Islam | Qazi Abdul Islam | BA | C/O PS to Commissioner Hazara Division, Abbottabad. |
| 26 | Dil Pazir | Pir Khan | BA | Mohallah Drair P.O. CHamiali, Abbottabad. |
| 27 | Muhammad Amjad | Mir Afzal | MA(IR) | H No.495/T village Sultan Pur Mohallah Mohammad Abad back of Sirtaj Mil Havelian, The: Distt: Abbottabad |
| 28 | Kashif Aslam | Asim Waqar | MBA(HR) | K # 48 Kunj Jadeed Abbottabad |
| 29 | Kamran Saeed | Mohammad Saeed | Bcom | Mohallah Lohar Banda, Mansehra. |
| 30 | Yasir Naseer | Mohammad Naseer | BCS(Hons) | Link Road, Near Umer Mosque, Narrian, Abbottabad |
| 31 | Mohammad Arsalan | Mohammad Yameen | BA | H.No.587 Lower Malikpura, Abbottabad. |
| 32 | Awais Qureshi | Wali Mohammad Qureshi | BA | Lower Malikpora Chitta Pul, H#LM-75/1, Mohalla Qazi, Abbottabad |
| 33 | Mr. Nouman Khan | Maroof Khan | BSC | Noor Colony, Near TIP Barrier Mohalla Ghousia Haripur |
| 34 | Akhtar Zaman | Haider Zaman | BA | Upper Malik pura, Mohallah Qulli Khan Abbottabad. |
| 35 | Syed Mehmood-ul-Hassan Shah | Syed Abdur Raheem Shah | BA | Sir Syed Colony House No. 1, Street #1, Mandian Abbottabad |
| 36 | M. Amjid | M. Younis | BA | Mohalla Noormang, Tehsil & District Abbottabad |
| 37 | Shehzad Bashir Ahmad | Bashir Ahmad | BA | Naya Mohalla, House No. TC/596 Nawansher, Abbottabad |
| 38 | M. Saad Sultan | M. Sultan | BA | H# UM-6, Mohalla Shimla Hill, upper Malik Pora, Abbottabad. |
| 39 | Zahid naveed | Abdul Hakim Jilani | MBA(Finance) | Shimla Tultion Center, opposite Hira General Hospital Near Ghousia Mosque, Abbottabad |
| 40 | Ozaif Malik | Malik M. Aslam | BBA(Hons) Finance (% not Available) | H# 1665, Mohalla Sikandar Khan, Tanchi Chowk Abbottabad |
| 41 | Khurram Mumtaz | M. Mumtaz | BSC (% not Available) | Mohalla Mahari, Village Kuthwal Post Office Nawansher, Tehsil & District Abbottabad |
| 42 | Faisal-ul-Rehman | Fazal-ur-Rehman | BSC (% not Available) | Mohallah Khola Kehal, Abbottabad. |
| 43 | Fawaz Nazir | | | |
| 44 | Gul Bibi | Sabit Ali | | Mohalla Usman Ghani DOF Havelian |

Attested



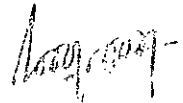
| | |
|---|---|
|  | GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT. |
| 091-9212726 | 091-9214208 |
| No. Estt:II/RTI/Act/ 10591 | Peshawar Dated the 05/05/2023 |

To

Mst: Faiza Abbasi,
Computer Operator office of the
Commissioner Hazara Division Abbottabad.

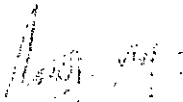
SUBJECT: REQUESTED FOR PROVISION OF ATTESTED COPIES.

With reference to your application dated 02.05.2023, Departmental Appeal in respect of Mr. Awais Qureshi Senior Scale Stenographer office of the Commissioner Hazara Division is enclosed.


(NOOR KHAN)
Assistant Secretary (Estt)
Board of Revenue

No. & Date Even.

Copy forwarded to the Chief Information Commissioner, Right to Information Commission Khyber Pakhtunkhwa for information.


(NOOR KHAN)
Assistant Secretary (Estt)
Board of Revenue

BEFORE THE HON'ABLE SENIOR MEMBER BOARD OF REVENUE,
KHYBER PAKHTUNKHWA, PESHAWAR

DEPARTMENTAL APPEAL / REPRESENTATION AGAINST IMPUGNED
ORDER DATED 23.10.2017 ANNOUNCED BY THE COMMISSIONER
HAZARA DIVISION AND ISSUED THROUGH LETTER NO. 2/3-ESTAB/7026-
29 DATED 25.10.2017 TO BOARD OF REVENUE.

Respectfully Sheweth!

FACTS

The Facts of the case is as under:

AS-ESR

Scd.
8/11

Ans

Received
Today

Put copy on
file Today
S/E

9/11/17
II

1. That I was appointed as Computer Operator (BPS-12) in the Office of Commissioner Hazara Division Abbottabad vide order No. CHD/Estab:/4050-54 dated 06.10.2011 on the recommendation of DP/SC, after due course.as required in the rules in vogue 2011 and APT Rules, 1989, for appointment of any Government Servant, such as advertisement, Test, Interview and criteria. The copies of advertisement, Call Letter of Computer Practical Test, Interview and appointment order are available at page 1, 2, 3, & 4 respectively.

2. That as per record available in original i.e. call letter for Computer Practical Test and Interview duly issued to me by Commissioner Office received through registered mail, I attended the practical test alongwith 18 others. Consequent upon the success in Computer Practical Test 4 candidates including me from amongst these 18 candidates, the Commissioner's office issued another call letter for interview and the appellant (in the instant appeal) appeared before the competent authority and the members of DP/SC for taking interview. (Note sheet of relevant file/Copy of list of candidate applied for/attendance sheet of Screening Test of candidates/Attendance sheet of candidates who passed in Practical test/ copy of letter for interview, issued to 4 candidates are available at page 5-7, 8-9, 10-11, 12 & 13).

3. That the appellant (in the instant appeal) was appointed under the Divisional Ministerial Rules 2001 amended 2010, subsequently as per rules in vogue at that time, a joint seniority list of Computer Operators/Junior Scale Stenographers/Data Controller Assistants/Data Supervisors issued on 08-05-2012 at divisional level, wherein the appellant was at Serial No. 45 while Miss Farah Naz, Computer Operator, was placed at Serial No. 46, thus junior to me, copy annexed as "14-15".

4. On the supersession of all previous rules in this behalf, the Board of Revenue/Revenue & Estate Department Government of Khyber Pakhtunkhwa Peshawar vide Notification No. Estt:/I/II/135/SSRC/2033 dated 23.01.2015, whereby the Seniority of different cadres were bifurcated and a method of appointment/recruitment and promotion of Senior Scale Stenographers was introduced, which is reproduced as under:

" Sixty percent by promotion on the basis of Seniority-cum-fitness from amongst the stenographers with at least five years service in the offices of Commissioners concerned",

" Forty percent by promotion on the basis of Seniority-cum-fitness from amongst the computer operators with at least five years service in the offices of Commissioners concerned",

6355
07/11/17

3/11/17

[Handwritten signature]

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

5. In the light of above mentioned rules, a tentative seniority list was also issued by the office of Commissioner Hazara Division on **16.12.2015** with the note **"if any objection on the above seniority list then may be submitted within 15 days after the issuance of the seniority list, otherwise it will be considered final"** (Copy of note sheet & tentative Seniority list is available at page-16 & 17). Miss Farah Naz Computer Operator of Commissioner Office had never raised/filed any objection within or after expiry of stipulated period on seniority list. Consequently the seniority list of Computer Operators became finalized by the approval of Commissioner Hazara Division and then issued on **08.01.2016**, wherein the appellant was placed at **Serial No.1** while **Miss Farah Naz, was placed at Serial No.2**, copy of note sheets and Final Seniority list are available at page **"18-22 & 23)**.
6. On the availability of the **2 vacant Posts of Senior Scale Stenographers**, the case for promotion of the appellant and Mr. Amin ul Haq, Junior Scale Stenographer were jointly referred to the Board of Revenue, for promotion as Senior Scale Stenographer vide No. 2/5-Estab:7616-17 dated 07.06.2016 with the approval of Commissioner Hazara Division **(Copy of Note Sheet and Letter available at page 24 & 25-27)**. Vide Notification No. Estt:II/DS/Assistance/ 23112-15, dated: 21.9.2016, **Mr. Amin ul Haq, Junior Scale Stenographer** was promoted as Senior Scale Stenographer (BPS-16) on regular basis while, the appellant was promoted as Senior Scale Stenographer (BPS-16) on **Acting Charge Basis. Copy of Notification is available at page "28"**.
7. On **regularization of Mr. Jehanzeb SSS**, earlier who was working as Private Secretary to Commissioner on **Acting Charge Basis**, as Private Secretary to Commissioner Hazara Division, vide Notification No. Estt:II/DPC/Com/Hazara/9169-71 dated 04.05.2017, copy of Notification available at page **"29"**, the case of the appellant for **regularization was referred to your good office with the approval of Commissioner Hazara Division**, vide letter No. CHD/Estab/2/5/3912-14 dated 29.05.2017, (copy of letter & application are available at page **"30 & 31"**).
8. That in the meanwhile, **Miss Farah Naz Computer Operator Commissioner Hazara office** was posted in establishment branch vide order No.4/3-CHD(Estab)/1083-92 dated 22.2.2017 and all the above **process was processed through her but no any objection or reservation raised by her at that time**. (Copy of posting order is available at **"32"**).
9. That all the process was going smoothly, **suddenly on 09.06.2017** after lapse of **15 months** of issuance of Final Seniority List, ignoring all the formalities and rules in vogue, Miss Farah Naz filed an appeal before your good office regarding seniority, which was actually a time barred appeal and forwarded to the Commissioner's office for comments. **(Copy available at page "33 to 35")**.
10. That, according to the rules, she filed a departmental appeal which was liable to be dismissed being **time barred** under the **NWFP Civil Servants Act, 1973 Section 22 (1)(2)** and **NWFP Civil Servants (Appeals) Rules, 1986, Limitation Act**, which is reproduced below **(Annex-"36-44 & 45-48")**:

(22) Right of appeal or Representation:- (1) where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules

Amin

Attest

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

(c)

applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made **within thirty days** of the date of such order.

(2) where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within **thirty days** of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

11. That, appeal of the Miss Farah Naz, Computer Operator of Commissioner Hazara Office is violation of the **Limitation Act**, but **time barred appeal was entertained at belated stage.**
12. There are so many judgements of **Hon'able Supreme Court of Pakistan, Hon'able High Courts, Federal Service Tribunal** as well as **Provincial Service Tribunal** regarding time barred Appeals/Writ petitions of Civil Servants. Few are as under: **(Copies available at page-49-52, 53-54, 55-58, 59-60 & 61-64)**
- i) Civil Petition No. 1206 of 2008 titled "Mrs. Rashida Asif Versus Mrs. Aasia Gondal & others",
 - ii) Civil Petition No.252 of 1994 titled "federation of Pakistan through Secretary Establishment, Islamabad and another versus B.A. Tabassum & others",
 - iii) Civil Appeal No. 1472 of 2013 dated 03.03.2014 titled "the Commandant Khyber Pakhtunkhwa Constabulary FC Head Quarters, Peshawar & others versus Amir ullah Islam & others",
 - iv) Civil petition No 378 L of 2004 titled " Muhammad Aslam versus Water & Power Development Authority & etc",
 - v) RFA No. 111-D of 2012 titled "Haji Zabta Khan versus Dr. Ahmad Ali Siraj & Others".
13. Beside the entertainment of appeal of Miss Farah Naz Computer Operator, the issue of misplacement of record/merit list was disclosed for the first time by the establishment branch of Commissioner office at belated stage. She filed an appeal before your good office. In spite of all, she is still working in Establishment Branch as appellant, evident as well as dealing hand/custodian of the record of Establishment Branch. It is apprehended that she may change or miss any relevant record as per her malafide wishes.
14. On the disclosure of misplacement of record/merit list, the Commissioner Hazara Division conducted an inquiry through Deputy Commissioner Haripur **(Copy of Note Sheets & Letter are Available at page-65-71 & 72-75).**
15. The Inquiry Officer reported that the officials who come under inquiry are not involved for the misplacement of record however; he added that they may be dealt with E&D Rules, 2011 for not taking/handing over of the official record at the time of their postings/transfers. Actually, the handing/taking over is not the responsibility of the appellant.
16. The Inquiry Officer declared Miss Farah Naz, Computer Operator of Commissioner Hazara Office **as guilty** and **recommended that she may be proceeded against independently for misplacement of relevant record/merit list under E&D Rules, 2011.**

Amir

Amir

Superintendent
Board of Revenue
& Estate Department
Khyber Pakhtunkhwa

(d)

17. The Inquiry Officer in his concluding Para mentioned that Miss Farah Naz Computer Operator of Commissioner Hazara Office whose name appeared in the minutes of DP/SC dated 03.10.2011 and does not figure in the attendance sheet and call letter seems to be interested for promotion as Senior Scale Stenographer (BPS-16) instead of Mr. Awais Qureshi might have been misplaced the service record while posted in the Establishment Branch for declaring herself to be Senior in the respective cadre.
18. The Inquiry Officer further added that she did not file appeal well in time and to cover the lacuna as the misplacement was in her best interest. She did so after misplacing the record on the basis of her vested interest in the matter which has been established from the file to get benefit herself from the situation.
19. The Inquiry Officer mentioned that some copies of note sheets produced during the course of investigation by the appellant (in the instant appeal) would further corroborate the involvement of Miss Farah Naz Computer Operator redendering herself for disciplinary action under E&D Rules, 2011 (copy of Inquiry report available at page 76-79).
20. After the receipt of Inquiry in Commissioner Office, the Commissioner Hazara Division has decided to forward the case to your good office for further necessary action as competent authority however, the case of Mr. Obaid ur Rehman Senior Clerk (BPS-14) and Mr. Shoaib Abbasi, Junior Clerk (BPS-11) retained with the Commissioner office for further proceedings by himself.
21. Consequent, upon the proceedings and personal hearing, both the officials have served with warning and be careful in future (Copy of note sheet/decisions and warning are available at page-80-83/85-86 & 87-88).
22. On 05.10.2017, Miss Farah Naz Computer Operator of Commissioner Hazara Division submitted an application before the Commissioner Hazara Division for determination her seniority, whereupon the Commissioner Hazara Division ordered to file the application as Miss Farah Naz has already filed an appeal before your good self for the same purpose which is still under process in your good office. (Copy of application and Note sheets available at page-89 & 90-91).
23. Just after 4 days, Miss Farah Naz again filed an application on 16.10.2017 before the Commissioner Hazara Division for declaring herself as senior most in her respective cadre. Surprisingly she was heard in person on 23.10.2017 in presence of Superintendent of Commissioner Hazara office which was astonishingly accepted and issued an order whereby she declared as senior most in her cadre and copy thereof sent to your good office which is quite against the standing rules/instructions as the same case was pending before your good self for same purpose. (Copy of application, order and letter available at page- 92, 93-94 & 95-97)
24. At the time of personal hearing, the Superintendent Office of the Commissioner Hazara informed verbally that Miss Farah Naz has already filed an appeal before the worthy SMBR which is still pending. He also informed the Commissioner Hazara Division that she was appointed on Chit (چیت) without taking any screening test/interview call letter as she has never applied for the said post

(e)

in Commissioner Office instead of all above facts she was appointed as Computer Operator in the office.

25. It has not yet been disclosed that on which grounds and facts/rules the Commissioner Hazara Division taken this decision and declared her as senior most, ignoring all the ground realities, rules in vogue and standing instructions issued by the Government of Khyber Pakhtunkhwa time by time and Judgments of Hon'able Courts of law.

GROUNDS

- a. That the appellant in the instant appeal was appointed through adopting all codal formalities as laid down in the rules in vogue in 2011 and APT Rules, 1989.
- b. That the appellant was appointed under the Divisional Ministerial Rules, 2001 amended in 2010.
- c. The Joint Seniority list was issued on 08.05.2012 at Divisional Level as per rules wherein the appellant was at serial No. 45, while Miss Farah Naz was at No. 46.
- d. That Vide Notification No. Estt:/I/II/135/SSRC/2033 dated 23.01.2015, the different cadres were bifurcated and a method of appointment/recruitment/promotion for Senior Scale Stenographer was introduced.
- e. That in the light of above mentioned rules; a tentative seniority list of Computer Operators working in the office of the Commissioner Hazara Division was issued on 16.12.2015.
- f. That 15 days were given to raise/file any objection on the tentative seniority list issued on 16.12.2015
- g. That during the stipulated period only Miss Faiza Abbasi filed an appeal before the Commissioner Hazara Division which was filed by the then competent authority and letter on from your good office as well.
- h. That on 08.01.2016, a Final Seniority List of Computer Operators was issued accordingly.
- i. That Miss Farah Naz Computer Operator of Commissioner office has never raised any objection, neither tentative seniority list nor on final seniority list in any legal forum i.e. Commissioner, worthy SMBR & Service Tribunal within the stipulated period as mentioned in NWFP, Civil Servant Act, 1973, NWFP Civil Servants (Appeals) Rules, 1986, APT Rules, 1989, Service Tribunal Act, 1974 as well as Limitation Act.
- j. That final seniority list of Computer Operator was issued on 08.01.2016 the appellant (in the instant appeal) were placed at serial No. 1, while Miss Farah Naz was placed as at Serial No. 2 and Miss Faiza Abbasi was placed as at serial No. 3 respectively.
- k. That on the availability of 2 vacant posts of Senior Scale Stenographers, the case of the appellant from Computer Operators and one Junior scale Stenographer was referred to your good office under the prescribed rules 2015 by the Commissioner Hazara office for promotion as Senior Scale Stenographer (BPS-16).

Amir

Amir

**Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa**

©

- l. That consequent upon the recommendation of DPC meeting held in the Board of Revenue, the appellant was promoted on Acting Charge Basis as Sr. Scale Stenographer while Mr. Amin ul Haq was promoted as Sr. Scale Stenographer on regular basis.
- m. That on the regular promotion of Mr. Jehan Zeb as PS to Commissioner Hazara Division, the case of regularization of the appellant (in the instant appeal) was referred to Board of Revenue by the office of Commissioner Hazara Division.
- n. That all the above correspondence even for making the seniority lists and cases for promotion/regularization was done after the quite approval of Commissioner Hazara Division.
- o. That non of above mentioned correspondence was made without the approval of Commissioner Hazara Division (***copies of note sheets already enclosed for ready reference***).
- p. That breaching all the rules as mentioned in Para-i and after the period of 15 months was expired, Miss Farah Naz was filed an appeal for seniority on 09.06.2017 before your good self which was entertained and forwarded to Commissioner Hazara Division for comments.
- q. That the case of Miss Farah Naz Computer Operator of Commissioner Hazara office is still subjudice in your good office.
- r. That on which grounds and facts/rules the Commissioner Hazara Division taken this decision and declaring Miss Farah Naz as senior most, in the cadre, while:
1. ***The appeal of Miss Farah Naz is pending before your good self.***
 2. ***The determination of seniority of BPS-16 is not in the domain of Commissioner Hazara Division.***
 3. ***The Inquiry Officer has already declared Miss Farah Naz as guilty, illegal appointee and recommended to be proceeded against under E&D Rules, 2011.***
- s. That according to the NWFP Civil Servants Act, 1973 and NWFP Civil Servants (Appeals) Rules, 1986, the right of appeal or representation:
1. ***The civil servant shall file an appeal/application within 30 days of the date of issue of any order.***
 2. ***Where no provision of appeal or review exist under the rules in respect of any order a civil servant aggrieved by any order may filed an appeal/application within 30 days to the authority next above the authority.***
- t. That according to the E&D Rules, 2011 the appeal before the Provincial Service Tribunal, and as well as rules of Provincial Service Tribunal 1974, the aggrieved civil servant may file an appeal before the Hon'able Service Tribunal within 90 days after the issuance of any order, if a civil servant feels aggrieved.
- u. That the judgments of Hon'able courts of law in different title cases are very much clear regarding time barred/limitation appeals and instructions therein.

Amin

Affected

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

9

- v. That it is very much surprising that in the application dated 05.10.2017 filed by Miss Farah Naz was turned down by the Commissioner Hazara Division on **11.10.2017**, while on the very next application dated **16.10.2017** filed by Miss Farah Naz was anxiously dealt, decided in favour of applicant Miss Farah Naz on 23.10.2017.
- w. That the record, recommendations of staff Officer and arguments of Superintendent were flatly rebutted by the Commissioner Hazara Division and out of turn favoured Miss Farah Naz Computer Operator.
- x. There are personal grudges of some officials including Miss Farah Naz with me due to which case for regularization of the appellant (in the instant appeal) is held in abeyance; hence, the appellant is mentally tortured and upset.
- y. That Miss Farah Naz was proved guilty for misplacement of official record and illegal appointee in Inquiry report (already enclosed), **inspite of all she is still working in the same sensitive Establishment Branch of Commissioner Hazara Division** where all the sensitive service record is in her access by which she can modify/damage as per her wishes and to complete her ulterior motives, this will be detrimental to any official working in the office.
- z. It is quite standing principle that if an officer/official is under inquiry, he/she is transferred from that post or suspended till the final decision of the case, but here in Commissioner's office a guilty official is working in Establishment Branch of Commissioner Hazara office with full command and control, by which the appellant as well as staff working in Commissioner's office have realized that she is using her influence either through political or non political, due to which there is a disappointment feels by the officials to obtain any justice from any higher authority without influence. The presence of Miss Frah Naz Computer Operator in the Establishment is also threat to all officials of the Commissioner's office.
- aa. That now the case of the appellant is ripe-up and any delay in this behalf; the appellant would have born the irreparable loss to appellant's future and service too.
- bb. That it is pertinent to mention here that the Officers/Officials of Commissioner Hazara Office are fear to blame game play by Miss Farah Naz on the basis of sexual harassment Act.

PRAY:

On the above mentioned facts, realities, rules, judgments and human natural right, the instant appeal is based on the truth and ground realities on the shoulder of rules, regulations, official record which are not only entertainable but requires favourable consideration. It is therefore, very humbly prayed that the impugned order dated 23.10.2017 issued through letter No. 2/3-Estab/7026-29 dated 25.10.2017 to Board of Revenue may be set aside as well as the appeal of Miss Farah Naz, which is totally regrettable based on presumptions which may also be kindly be filed and the appeal of appellant may kindly be accepted to fulfill the requirement of justice, so the appellant in the instant appeal could be continued his work with enthusiasm, please.

[Handwritten Signature]
Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

(2)

Secondly Miss Farah Naz may be ordered to transfer from the sensitive branch, i.e. establishment branch commissioner's office as the retention of her in this branch is very much suspicious please.

Dated: 31/10/2017

Attested



Awais Qureshi
Senior Scale Stenographer (BPS-16),
Office of the Commissioner,
Hazara Division, Abbottabad.

M.M.
Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

For Court

BEFORE HONOURABLE SERVICE TRIBUNAL,
KHYBRE PAKHTUNKHWA, PESHAWAR,
CAMP COURT ABBOTTABAD

Faiza Abbasi

VERSUS

Govt. of KPK & others.

APPLICATION

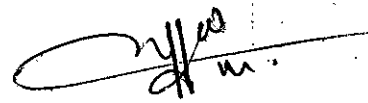
INDEX

| S. # | Description | Page No. | Annexure |
|------|--|----------|-------------|
| 1. | Application alongwith affidavit | 1 to 4 | |
| 2. | Copy of short listed candidates | 5 & 6 | "A" |
| 3. | Copy of call letter for written examination | 7 | "B" |
| 4. | Copy of attendance list of candidates | 8 & 9 | "C" |
| 5. | Copy of call letter alongwith computer practical Test Result | 10 to 12 | "D" & "E" |
| 6. | Copy of note sheet | 13 & 14 | "F" |
| 7. | Copy of call letters | 15 & 16 | "G" & "G-1" |
| 8. | Copy of merit list | 17 | "H" |
| 9. | Copy of findings | 18 to 22 | "I" |
| 10. | Copy of application | 23 & 24 | "J" |


...APPELLANT

Dated: 27/04 /2023

Through


(SAJJAD AHMED ABBASI)
Advocate Supreme Court of Pakistan
at Abbottabad

①

BEFORE HONOURABLE SERVICE TRIBUNAL,
KHYBRE PAKHTUNKHWA, PESHAWAR,
CAMP COURT ABBOTTABAD

Faiza Abbasi

VERSUS

Govt. of KPK & others.

SERVICE APPEAL

APPLICATION FOR ALLOWING THE APPELLANT
TO PLACE ON FILE, RELEVANT DOCUMENT,
NECESSARY FOR DISPOSAL OF TITLED APPEAL.

Respectfully Sheweth;-

1. That consequent upon an advertisement for the post of computer operator, 43 persons were short listed. Copy of short listed candidates is annexed as Annexure **"A"** whereas copy of call letter for written examination is annexed as Annexure **"B"**.
2. That in written test held on 20/05/2011, 43 candidates were called out of which 33 candidates participated in written test while 19 candidates passed the test. Copy of attendance list of candidates is annexed as Annexure **"C"**.

3. That appellant obtained 48.5 marks out of 75 in written test.
4. That on 08/06/2011, computer practical test for computer operator was held in which 19 successful candidates who passed written test, including appellant, had participated. Copy of call letter alongwith computer practical Test Result is annexed as Annexure "D" & "E".
5. That for conduct of interview a note sheet was prepared. Copy of note sheet is Annexure "F".
6. That the interview of candidates who were four in number including appellant was held on 25/06/2011. Copy of call letters are annexed as Annexure "G" & "G-1" whereas copy of merit list is annexed as Annexure "H".
7. That the titled appeal was filed before this Honourable Tribunal on 17/06/2016 and for preparation of comments in some other appeal, in 2017 it was found that the record of meeting of departmental selection committee for appointment of computer operators **"REPORTEDLY HELD ON 03/10/2011"** is not available and an enquiry was ordered to be held. Although appellant was not associated in any such enquiry but what was surfaced and proved in enquiry was as follows:-

a. Call letters for interview for computer operators was issued to only four persons namely:-

- i. Mr. Zia-ul-Haq
 - ii. Mr. Awais Qureshi
 - iii. Ms. Faiza Abbasi
- and
- iv. Mr. Noman.

Copy of findings are enclosed as Annexure "I".

b. No extra call letter was issued to any other candidate.

- 8. That there is no record of meeting of D.P.S.C which was reportedly held on 03/10/2011.
- 9. That the name of Farah Naz (respondent No.6) does not appear anywhere in selection process based upon advertisement for the post of computer operator.
- 10. That the name of appellant in merit list is at serial No.1.
- 11. That on 26/04/2023 record submitted by respondents is irrelevant so far as the present appeal is concerned.
- 12. That on 26/04/2023 appellant applied for copies of the record annexed with this application but so far attested

(4)

copies are not provided. Copy of application is annexed as Annexure "J".

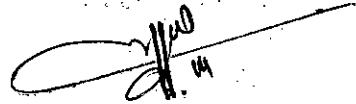
It is therefore, humbly prayed that on acceptance of this application the documents annexed with this application may kindly be allowed to be placed on file and they may kindly be made part of the record.



...APPELLANT

Dated: 27/04 /2023

Through



(SAJJAD AHMED ABBASI)
Advocate Supreme Court of Pakistan
at Abbottabad

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



DEPONENT

(5)

ANNEXURE A

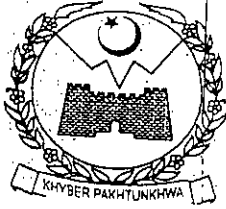
**LIST OF SHORTLISTED CANDIDATES APPLIED FOR THE POST OF
COMPUTER OPERATOR (BS-12)**

| S.# | CANDIDATE NAME | FATHER NAME | QUALIFICATION | ADDRESS |
|-----|-----------------------|--------------------------|---------------|--|
| 01 | Mohammad Sajid | M. Sadiq | BBA(Hons) | Jhokan, Masarzia, P/o Jhokan, Tehsil & D Mansehra |
| 02 | Miss Faiza Abbasi | Jante Alam | BIT, MA (IR) | Sir Syed colony, Mianchan, Abbottabad |
| 03 | Malik Furqan | M. Intizar | BBA(Finance) | Hno. 430 Link Road Aram Bagh Abbottal |
| 04 | Awais Malik | Malik Aman | BCS | Mohalla Upper Garlet, Tehsil & P/O Bala District Mansehra, Shaheen Swets Kagha Balakot |
| 05 | Umer Kehyam | Aurenzeb Khan | BS (CS) | Muree Road Kalapul, C/O Saeed shopke Distt: Abbottabad. |
| 06 | M. Shakeel | Maqbol ur Rehman | BSC | Chitta Pul Lower Malik Pora, Hno.72/2, M Qazi Abbottabad |
| 07 | M. Waheed | M. Kaleem | Bsc | Magistrate Colony, Hno. V-2, Abbottabad |
| 08 | Mohammad Faisal | Mohammad Yousaf | MBA | C/o Awan General Store Near old Board Arambag, Abbottabad. |
| 09 | M. Zia ul Haq | Sardar Manzoor | BS(CS) | H# 365/7, Kholi Kehal Abbottabad |
| 10 | Syed Waqas | Syed Lal Hussain Shah | MCom | Banda Phugwarian, Tehsil & District Abbc |
| 11 | Shahid Gul | Zahid Ashraf | B.Com | Moh:Nizamabad, Masjid Quarter No.5 U Salhad, Abbottabad. |
| 12 | Fahad Gul | Qalandar Khan | Bcom | Hno. K-240/7. Mohallah Kunj Jadeed Abbc |
| 13 | Malik Afzal | Mir Afzal | BA | Muhallah Kholian, Dohga Chatri, Post Offic Nawaha Shehr Distt: Abbottabad. |
| 14 | Abdul Rauf | Abdul Rashid | BSC | C/o Umer Restaurant Fowara Chowk Kunj Jadeed Abbottabad |
| 15 | Rashid Sultan | M. Sultan | MA(Economics) | Village Juster P/o Namli Maira District & T Abbottabad |
| 16 | Khurram Hussain | Mir Hussain | BA | House No. Lm-346/1 Banda Sappan Abbot |
| 17 | Zahid Hussain Shah | Pir Mohammad Shah | Bcom | District and Tehsil Mansehra, P/O Chattar Village Bhumla |
| 18 | Fahad Nadeem | Misri Khan | BCom | Upper Salhad Abbottabad |
| 19 | Sumna Ayaz | Ayaz Ahmed Qureshi | BA | Hno. 443, Mohalla Jalal baba Upper Malik Abbottabad |
| 20 | Khan Gul Khan | Saleem Gul | MBA | Mohallah Sheikhul Bandi, District Abbottal |
| 21 | Mohammad Faisal | Mohammad Aslam | BCom | C/o Faisal Motors and Property Dealers Sp Field Plaza Abbottabad |
| 22 | M. Imran Khan | Muhammad Ilyas | BCE | Muslim Abad, Distt: The: Abbottabad. |
| 23 | Zeeshan Rehman | Abdul Rehman | BSC | New Abadi Kunj Jadeed, Tehsil & District Abbottabad |
| 24 | Malik Usman Ali | Malik Pervez Akhtar | BSC | H.No: TC-729 Mohallah Nia, Nawanshehr The: Dist: Abbottabad. |

(6)

**LIST OF SHORTLISTED CANDIDATES APPLIED FOR THE POST OF
COMPUTER OPERATOR (BS-12)**

| | | | | |
|----|-----------------------------|------------------------|-------------------------------------|---|
| 25 | Qazi Faisal Islam | Qazi Abdul Islam | BA | C/O PS to Commissioner Haza Abbottabad. |
| 26 | Dil Pazir | Pir Khan | BA | Mohallah Drair P.O. CHamiali, |
| 27 | Muhammad Amjad | Mir Afzal | MA(IR) | H No.495/T village Sultan Pur Mohallah Mohammad Abad bac Havelian, The: Distt: Abbottabad |
| 28 | Kashif Aslam | Asim Waqar | MBA(HR) | K # 48 Kunj Jadeed Abbottabad |
| 29 | Kamran Saeed | Mohammad Saeed | Bcom | Mohallah Lohar Banda, Mansehr |
| 30 | Yasir Naseer | Mohammad Naseer | BCS(Hons) | Link Road, Near Umer Mosque, M Abbottabad |
| 31 | Mohammad Arsalan | Mohammad Yameen | BA | H.No.587 Lower Malikpura, Abbc |
| 32 | Awais Qureshi | Wali Mohammad Qureshi. | BA | Lower Malikpora Chitta Pul, H#LV Mohalla Qazi, Abbottabad |
| 33 | Mr. Nouman Khan | Maroof Khan | BSC | Noor Colony, Near TIP Barrier Moh Haripur |
| 34 | Akhtar Zaman | Haider Zaman | BA | Upper Malik pura, Mohallah Qulli K Abbottabad. |
| 35 | Syed Mehmood-ul-Hassan Shah | Syed Abdur Raheem Shah | BA | Sir Syed Colony House No. 1, Street Abbottabad |
| 36 | M. Amjid | M. Younis | BA | Mohalla Noormang, Tehsil & District: |
| 37 | Shehzad Bashir Ahmad | Bashir Ahmad | BA | Naya Mohalla, House No. TC/596 Na Abbottabad |
| 38 | M. Saad Sultan | M. Sultan | BA | H# UM-6, Mohalla Shimla Hill, upper Abbottabad |
| 39 | Zahid naveed | Abdul Hakim Jilani | MBA(Finance) | Shimla Tuition Center, opposite Hira Hospital Near Ghousia Mosque, Abbo |
| 40 | Ozaif Malik | Malik M. Aslam | BBA(Hons) Finance (% not Available) | H# 1665, Mohalla Sikandar Khan, Tanr Abbottabad |
| 41 | Khurram Mumtaz | M. Mumtaz | BSC (% not Available) | Mohalla Mahari, Village Kuthwal Post C Nawansher, Tehsil & District Abbottaba |
| 42 | Faisal-ul-Rehman | Fazal-ur-Rehman | BSC (% not Available) | Mohallah Khola Kehal, Abbottabad. |
| 43 | Gul Bibi | Sabit Ali | | Mohalla Usman Ghani POF H. |



7

ANNEXURE "B"

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/1/2/-Eslab: 4138

Dated Abbottabad the 9/5/2011

To: All Candidates

Subject: APPLICATION FOR APPOINTMENT AGAINST THE POST OF COMPUTER OPERATOR
(BPS-12)

Memo:

Reference your application for the post mentioned above.

You are required to appear in Jalal Baba Auditorium, Abbottabad on 20th May (Friday) 2011 at
10.00AM for written test please.

1. No written material (pen, pencils, scales and answer sheet etc) will be provided by this office.
2. No TA/DA will be allowed.
3. Test will be based on English skills and General knowledge.
4. Entry without this call letter will not be allowed.


ASSISTANT TO COMMISSIONER (REV/GA)
HAZARA DIVISION ABBOTTABAD.

8

ANNEXURE 'C'

ATTENDANCE LIST OF THE CANDIDATES

| S.# | CANDIDATE NAME | FATHER NAME | QUALIFICATION | SIGNATURE |
|-----|----------------------|-----------------------|---------------|---------------------------|
| 01 | Mohammad Sajid | M. Sadiq | BBA(Hons) | 13101-1857524-9 |
| 02 | Miss. Faiza Abbasi ✓ | Jan-e-Alam | BIT, MA(IR) | 13101-1857524-9 |
| 03 | Malik Furqan | M. Intizar | BBA(Finance) | Absent |
| 04 | Awais Malik | Malik Aman | BCS | Absent |
| 05 | Umer Kehyam | Aurenzeb Khan | BS (CS) | 13101-1005089-9 |
| 06 | M. Shakeel | Maqbol-ur Rehman | BSC | 13101-2435611-7 |
| 07 | M. Waheed | M. Kaleem | Bsc | M. Waheed 13101-4249461-1 |
| 08 | Mohammad Faisal | Mohammad Yousaf | MBA | 13101-2523926-1 |
| 09 | M. Zia ul Haq | Sardar Manzoor | BS(CS) | Zia 13101-625195-7 |
| 10 | Syed Waqas | Syed Lal Hussain Shah | MCom | 13101-8606885-9 |
| 11 | Shahid Gul | Zahid Ashraf | B.Com | 13101-3818945-7 |
| 12 | Fahad Gul | Qalandar Khan | Bcom | 13101-4622940 |
| 13 | Malik Afzal | Mir Afzal | BA | 13101-374545-9 |
| 14 | Abdul Rauf | Abdul Rashid | BSC | 13101-6435455-1 |
| 15 | Rashid Sultan | M. Sultan | MA(Economics) | Absent |
| 16 | Khurram Hussain | Mir Hussain | BA | 13101-0868384-5 Khurram |
| 17 | Zahid Hussain Shah | Pir Mohammad Shah | Bcom | Absent |
| 18 | Fahad Nadeem | Misri Khan | BCom | Absent |
| 19 | Sumina Ayaz | Ayaz Ahmed Qureshi | BA | Absent |
| 20 | Khan Gul Khan | Saleem Gul | MBA | 13101-6249571-3 |
| 21 | Mohammad Faisal | Mohammad Aslam | BCom | 13101-6679677 |
| 22 | M. Imran Khan | Muhammad Ilyas | BCE | 13101-0671116-9 |

13101-0671116-9

ATTENDANCE LIST OF THE CANDIDATES

| | | | | |
|----|-----------------------------|------------------------|--|----------------------------|
| 23 | Zeeshan Rehman | Abdul Rehman | BSC | |
| 24 | Malik Usman Ali | Malik Pervez Akhtar | BSC | Absent |
| 25 | Qazi Faisal Islam | Qazi Abdul Islam | BA | 13101-4592284-3 |
| 26 | Dil Pazir | Pir Khan | BA | Absent |
| 27 | Muhammad Amjad | Mir Afzal | MA(IR) | Absent |
| 28 | Kashif Aslam | Asim Waqar | MBA(HR) | Absent |
| 29 | Kamran Saeed | Mohammad Saeed | Bcom | 13101-3296905-2 |
| 30 | Yasir Naseer | Mohammad Naseer | BCS(Hons) | 13503-0271957-945 |
| 31 | Mohammad Arsalan | Mohammad Yameen | BA | 13101-9172874-7 |
| 32 | Awais Qureshi | Walli Mohammad Qureshi | BA | |
| 33 | Mr. Nouman Khan | Maroof Khan | BSC | 13101-6413252-3 |
| 34 | Akhtar Zaman | Haider Zaman | BA | 13302-8720457.7 |
| 35 | Syed Mehmood-ul-Hassan Shah | Syed Abdur Raheem Shah | BA | Absent |
| 36 | M. Amjid | M. Younis | BA | 13101-1428228 |
| 37 | Shehzad Bashir Ahmad | Bashir Ahmad | BA | 13101-25132094- |
| 38 | M. Saad Sultan | M. Sultan | BA | 13101-967640-3 |
| 39 | Zahid naved | Abdul Hakim Jilani | MBA(Finance) | 13101-5160327-3 |
| 40 | Ahmed Ali Qureshi | Abdul Hameed Qureshi | MA (Islamyat & Arabic) Auto card Diploma | 13101-0942526-9 |
| 41 | Faisal-ul- Rehman | Fazal-ur-Rehman | BSC (% not Available) | Absent |
| 42 | Khurram Mumtaz | M. Mumtaz | BSC (% not Available) | 13101-8814167-9 |
| 43 | Gul Bibi | Sabir Ali | M.A Political Science | 13101-4658792-3 |

evening

For Only 43 candidates applied for written test.



(10)

ANNEXURE D¹¹

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/1/2-Estab: 4966

Dated Abbottabad the 3/6/2011

To

Miss. Faiza Abbasi D/o Nam-e-Alam

Sir Syed Colony Maudiana Abbottabad.

Subject:

COMPUTER PRACTICAL TEST

Memo:

Reference screening test held on May 20th, 2011.

You are hereby directed to appear in Commissioner's Main Office opposite to GPO, Abbottabad on June 8th, 2011 at 10.00 AM for Computer Practical Test.


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

(11)

COMPUTER PRACTICAL RESULT SHEET DATED 08-06-2011

ANNEXURE E

Total Marks = 15
 Missing Marks = 10
 Required WPM Speed = 40

| Sl. No. | Name of Candidate | Father Name | Typing speed test (Marks=05) | | Marks obtained | Drafting test (Marks=05) | Computer Hardware Test (Marks=05) | Grand Total |
|---------|-------------------|-----------------------|------------------------------|----------|----------------|--------------------------|-----------------------------------|--------------|
| | | | Speed per Minute | Accuracy | | | | |
| 01 | Faiza Abbasi ✓ | Jan-e- Alam | 42 WPM | 86% | 04 | 3.5 | 04 | 11.5 |
| 02 | Awais qureshi | Wali Muhammad | 42 WPM | 94% | 04 | 2.5 | 4.5 | 11 |
| 03 | Noman Khan | Maroof Khan | 61 WPM | 99% | 05 | 4.5 | 4.5 | 14 |
| 04 | Awais Malik | Malik Aman | 22 WPM | 96% | 0 | 01 | 3.5 | 4.5 (Failed) |
| 05 | Yasir Naseer | Muhammad Naseer | 24 WPM | 79% | 0 | 02 | 3.5 | 5.5 (Failed) |
| 06 | Umer Kheyam | Auranzgeb | Absent | | --- | --- | --- | --- |
| 07 | Syed Waqas | Syed Lal Hussain Shah | Absent | | --- | --- | --- | --- |
| 08 | Fahad Gul | Qalandar Khan | 12WPM | 76% | 0 | 0.5 | 4.5 | 3.5 (Failed) |
| 09 | Zai-ul-Haq | Sardar Manzoor Ahmed | 44 WPM | 91% | 04 | 1.5 | 4.5 | 10 |
| 10 | Gul Bibi | Sabir Ali | 23 WPM | 88% | 0 | 01 | 3.5 | 4.5 (Failed) |

12

| | | | | | | | |
|------------------------|-----------------------|--------|-----|---|-----|-----|--------------|
| Kashif Aslam | Aslam Waqar | 12 WPM | 82% | 0 | 0 | 3.5 | 3.5 (Failed) |
| Khurram Mumtaz | Muhammad Mumtaz | Absent | | | | | |
| Malik Usman Ali | Malik Perveez Ali | 17 WPM | 79% | 0 | 1.5 | 4.5 | 06 (Failed) |
| Syed Mehmood-ul-Hassan | Syed Abdul Rahim Shah | Absent | | | | | |
| Zahid Naveed | Abdul Makeem Jilani | 30 WPM | 90% | 0 | 03 | 04 | 07 (Failed) |
| Faisal-ur-Rehamn | Fazal-ur-Rehman | Absent | | | | | |
| Muhammad Imran | Muhammad Ilyas | 14 WPM | 87% | 0 | 0.5 | 04 | 4.5 (Failed) |
| Muhammad Fasil | Muhammad Aslam | 14 WPM | 92% | 0 | 0.5 | 02 | 2.5 (Failed) |
| Muhammad Shakeel | Maqbool-ur-Rehman | 13 WPM | 89% | 0 | 1.5 | 4.5 | 06 (Failed) |

M. Z. Memon
Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

01- The screening test for the post of Computer Operators (BPS-12) was conducted on 20-05-2011. There were (33 candidates) appeared, from them (19 candidates) succeeded. Result sheet is available at (Flag-A).

02- Afterward, a Computer practical test was conducted on 08-06-2011. Five candidates were absent while (14 candidates) took part in the test. Subsequently (04 candidates) get success in the said test. The result sheet is available at (Flag-B).

03- As desired by the Commissioner Hazara Division that the interviews for final selection amongst these (04 candidates) would be taken by the worthy Commissioner himself. Merit list available at (Flag-C).

04- The file is submitted for the purpose please

ACU

74/ para 03-04/N for

13/06/2011

05

perusal please
a date convenient to your
yourself may pl be
fixed to interview the
Candidates

Muzumbar
14/

N/CAD

06.

As directed the date for interview for final selection of Computer operators has fixed as 25-6-2011 at 12.00 PM in the office of Commissionary Division Abbottabad. The DFA of call letter is submitted for perusal and signature pl

A/R

Muzam

Muzam
20.6

Asst

21/6

07.

Call letters issued and office copy placed vide P/7. The file is re-submitted for further order please.

A/R pl: Sir,

As desired by

Muzam
24.6

08

your good self, 25 insts

has been fixed for interview,

submitted for perusal approval pl

09.

W/C.H.D.

Muzam

21/6



Regd: Immediate out Today ANNEXURE G^u

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/1/2/ -Estab: 5569-71
Dated Abbottabad the 21/6/2011

To:

Miss. Faiza Abbasi

D/O Jan-e-Alam

C/O Commissioner's office Abbottabad.

Subject:

APPLICATION FOR APPOINTMENT AGAINST THE POST OF COMPUTER OPERATOR
(BPS-12)


Memo:

Reference your application for the post mentioned above.

You are required to appear in the Office of the Commissioner Hazara Division, Abbottabad on

25th June (Saturday) 2011 at 12.00 PM for interview.

1. No TA/DA will be allowed.
2. Entry without this call letter will not be allowed.


ASSISTANT TO COMMISSIONER (REV/GA)
HAZARA DIVISION ABBOTTABAD

(16)

ANNEXURE G-I

~~13~~

Annexure - "B"

Regd: Immediate out today

10



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/1/2/ - Estab: 5568-71

Dated Abbottabad the 21/6/2011

- To:
- 1) Miss Faiza Abbasi D/o Jan-e-Alam
 - 2) Mr. Noman Khan s/o Maroof Khan
 - 3) Mr. Zia ul-Haq s/o Sardar Mangoor Ahmed.
 - 4) Mr. Awaiz Qureshi.

Subject: APPLICATION FOR APPOINTMENT AGAINST THE POST OF COMPUTER OPERATOR (BPS-12)

Memo: Reference your application for the post mentioned above.

You are required to appear in the Office of the Commissioner Hazara Division, Abbottabad on 25th June (Saturday) 2011 at 12.00 PM for interview.

1. No TA/DA will be allowed.
2. Entry without this call letter will not be allowed.

[Signature]
 ASSISTANT TO COMMISSIONER (REV/GA)
 HAZARA DIVISION ABBOTTABAD

For enquiry
Only 4 attended
the interview

9/10

17

ANNEXURE "H"

MERIT LIST OF THE CANDIDATES FOR THE POST OF COMPUTER OPERATORS (BPS-12)

| Name of Candidate | Father Name | Total Marks in Screening Test =75 Marks Obtained | Computer Practical Marks=15 Marks Obtained | Interview Marks=10 Marks Obtained | Grand Total Out of 100 | Remarks |
|-------------------|-------------------------|---|---|--------------------------------------|---------------------------|---------|
| Faiza Abbasi | Jan-e- Alam | 48.5 | 11.5 | | | |
| Noman Khan | Maroof Khan | 33.5 | 14 | | | |
| Awais qureshi ✓ | Wali Muhammad | 34.5 | 11 | | | |
| Zai-ul-Haq | Sardar Manzoor Ahmed | 29.5 | 10 | | | |

M. ZUMRAWAN
Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Worthy Commissioner
Hazara Division



18

No: CHD /Estb/ 2/3/ 5027-34

Dated 01/08/2017

Order:

ANNEXURE I

A meeting of Departmental Selection Committee for appointment of Computer Operators was reportedly held on 03/10/2011..

While processing an appeal on the seniority of Computer Operators it was found that the Original record of the said Departmental Selection Committee is not available in the office. Consequently the subject appeal could not be disposed off due to non availability of relevant record. Misplacement of record / merit list of the subject DSC is extreme negligence / inefficiency on part of the dealing hand / officials remained posted in Establishment Branch of this office.

Therefore, Mr. Tasleem Khan, Deputy Commissioner, Haripur is here by appointed as enquiry officer to probe into the matter, fix responsibility and submit the report within 15 days along with recommendations.

The Officials posted since then are as follow:

1. Mr. Awais Ahmed, Assistant.
2. Mr. Muhammad Babar, Assistant.
3. Mr. Awais Qureshi, Computer Operator.
4. Obid ur Rahman, Senior Clerk.
5. Mr. Fazal ur Rahman, Assistant.
6. Mr. Muhammad Shoaib, Junior Clerk.
7. Miss. Farah Naz, Computer Operator.

(By Order)

Commissioner, Hazara Division,
Abbottabad.

Endst: Even No & Date:

Copy forwarded for information to:

1. Mr. Tasleem Khan, Deputy Commissioner, Haripur for information and necessary action, please.
2. All the Officials, mentioned above, with directions to appear before the Deputy Commissioner Haripur as and when he desires in connection with the inquiry.
3. The PS to Commissioner, Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

INQUIRY PROCEEDINGS AGAINST THE STAFF OF COMMISSIONER'S OFFICE, HAZARA DIVISION, ABBOTTABAD HELD ON THURSDAY 10.08.2017 IN THE OFFICE OF DEPUTY COMMISSIONER, HARIPUR.

Background:

The Commissioner, Hazara Division, Abbottabad was pleased to appoint the undersigned as Inquiry Officer, which was conveyed vide Order No. CHD/ Esib/2/3/5027-34 dated 01.08.2017 with the mandate to inquire into the matter pertaining to non-availability / misplacement of record / merit list of the Departmental Selection Committee (DSC), which was reportedly held on 03.10.2011 with regard to appointment of Computer Operators in the office of the Commissioner, Hazara Division, Abbottabad and fix responsibility and forward recommendations thereof within 15 days.

In pursuance of the directive of the Hon'able Commissioner, Hazara Division, the undersigned called the following officials on 10.08.2017 for recording of their respective statements in this regard:

1. Mr. Awais Ahmed, Assistant ✓
2. Mr. Muhammad Babar, Assistant
3. Mr. Awais Qureshi, Computer Operator
4. Mr. Obid-ur-Rehman, Senior Clerk
5. Mr. Fazal-ur-Rehman, Assistant
6. Mr. Muhammad Shoaib, Junior Clerk
7. Miss Farah Naz, Computer Operator

Proceedings:

All the above mentioned officials submitted their respective written statements with regard to non-availability / misplacement of record / merit list of the Departmental Selection Committee (DSC), which were cross examined. Statements along with cross examination thereof are attached herewith in original duly signed by them and attested by the undersigned for favour of perusal and record. They have given statements with free consent and on oath in the presence of Mr. Bakht Alam, Superintendent being representative of Commissioner's Office.

Facts:

1. Mr. Awais Ahmed was appointed as Assistant in July, 2009 and remained posted as Assistant Establishment from the year 2010 to 22.04.2012. DSC proceedings were held under the orders of the competent authority while he was working as Assistant Establishment in Commissioner's Office. As per Order communicated to the undersigned for holding inquiry, the DSC was reportedly held on 03.10.2011. On 22.04.2012, the said incumbent was transferred under the orders of the competent authority from Establishment Branch to Commissioner House. No handing / taking of the dealing files were made at the time of the transfer, which was his prime responsibility as per Rules of Business. Since he was dealing with the Establishment Branch, which is the most sensitive and law / rules dealing Branch of Administrative Affairs relating to the term of service, but he was not aware of his job responsibilities. Whereas prime responsibility of the Assistant is to process the case in accordance with the rules / laws / government policies and to transmit the same to the competent authority through proper channel. Further being the Head of the Branch, he remains vigilant with regard to the maintenance and keeping of official business pertaining to his area of responsibility. (Copies of relevant rules annexed as Annexure "A")

2. Mr. Muhammad Babar was appointed as Assistant on 29.06.2009 and remained posted as Assistant Establishment from 11.06.2013 to 14.05.2015. No handing / taken of record was properly made while taking the charge of the branch, which should have been made at the time of the record

Handwritten signature/initials on the left margin.

under the rules of business. He was asked to let the undersigned know as to who got benefit from the misplacement of relevant record, he replied that according to his point of view, the benefit of misplacement of record pertaining to the appointment of Computer Operators leads to Mr. Awais Qureshi, Computer Operator.

3. Mr. Awais Qureshi was appointed as Computer Operator on 06.10.2011 and remained posted in Establishment Branch as Computer Operator from April, 2012 to May, 2015 and his Branch Incharge during the said period were Awais Ahmed and Muhammad Babar, Assistants. His prime responsibility was to type references under the supervision of the Branch Incharge. He was asked when he knew about the misplacement of relevant record from the main file. He answered that when Ms. Farah Naz, Computer Operator filed an appeal against the Seniority of Computer Operators released by the Commissioner Office against him. The beneficiary of the misplacement of the record can be Ms. Farah Naz, Computer Operator, as he had applied for appointment as Computer Operator properly in pursuance of the Advertisement.

4. Mr. Obaid-ur-Rehman was appointed as Junior Clerk in 1987, promoted as Senior Clerk on 30.12.2011 and remained posted in Establishment Branch as Junior Clerk from 29.04.2011 to May, 2012 and afterwards from June, 2013 to May, 2015 as Senior Clerk in the same branch whose responsibility was to look after the record and typing etc. He stated categorically that he had issued call letters for interview as Computer Operators to only 04 candidates namely Mr. Zia-ul-Haq R/O Abbottabad, Mr. Awais Qureshi R/O Abbottabad, Ms. Faiza Abbasi who was working as Junior Clerk in Commissioner's Office, Abbottabad and Mr. Nouman R/O Haripur (copies of call letter produced is annexed as Annexure "B"). No extra call letter was issued to any other candidate for test / interview except these four. On inquiry he said that misplacement of service record relating to the appointment of Computer Operators caused apparently benefit to Mr. Awais Qureshi and Ms. Farah Naz, Computer Operators.

5. Mr. Fazal-ur-Rehman was appointed as Junior Clerk in Commissioner's Office on 24.12.1981. He remained posted in Establishment Branch as Senior Clerk from 01.07.2010 to 30.12.2012 and since 14.05.2015 till date serving as Assistant Establishment. He took over charge as Assistant Establishment from Mr. Muhammad Babar without proper handing / taking over as Muhammad Babar, Assistant alongwith Mr. Awais and Obaid-ur-Rehman were transferred in an emergency situation. During his posting as Assistant Establishment Shoaib Abbasi, Junior Clerk and Ms. Farah Naz, Computer Operator were posted in Establishment Branch who are still posted in the said Branch. He was asked as to how misplacement of record came to his knowledge. He stated that around one and a half month ago Ms. Farah Naz, Computer Operator asked him about the DPSC minutes pertaining to the appointment of Computer Operators, on her inquiry, he searched the relevant file and found that the same was not available. After 08/10 days Ms. Farah Naz, Computer Operator produced a copy of minutes of DPSC meeting, handed it over to me, which was placed on the relevant file. She stated that, this copy was given her by Mr. Awais Qureshi, Computer Operator.

6. Mr. Muhammad Shoaib was appointed as Junior Clerk in Commissioner Office in the year 2009 who was not in knowledge of his exact date of appointment. He remained posted in Establishment Branch from 14.05.2015 to 22.02.2017 as Junior Clerk under Mr. Fazal-ur-Rehman, Assistant. In reply to a question regarding misplacement of record, he stated that no such complaint / need, to trace the relevant file emerged before. It was one or two months ago, when Ms. Farah Naz, Computer Operator filed an appeal against the Seniority list of Computer Operators, he came to know about the misplacement of record. According to his view, since the seniority issue is the mutuality therefore, the benefit of the situation leads to the incumbents.

7. Ms. Farah Naz was appointed as Computer Operator in Commissioner Office, Abbottabad on 10.10.2011 and remained posted at various positions like with PS to Commissioner from 10.10.2011 to 05.04.2013 then in Political Branch from 03.05.2013 to 30.10.2013 then in General

Branch from 30.10.2013 to 17.07.2014 then again in Political Branch on 17.07.2014 from where she was posted in Establishment Branch on 22.02.2017 till date. As per record produced in the shape of photocopies before the inquiry officer, Ms. Farah Naz was not found available in the Call Letter issued vide No. CHD/1/2-Estab:4966 dated 03.06.2011 and No. CHD/1/2/Estab:5569-71 dated 21.06.2011 and Attendance Sheet of the Candidates (copy annexed as Annexure "C & D"). (Her name appeared in the minutes of the meeting of the DPSC held on 03.10.2011 and recommended for the appointment of Computer Operator alongwith Mr. Awais Qureshi. Based on the recombination of DPSC, appointment order vide No. CHD/Estab:4050-54 dated 06.10.2011 was issued wherein her name figures at Serial No. 1 in recommendation as well as in appointment letter following by Mr. Awais Qureshi (copy annexed as Annexure "E").

The Commissioner's Office, on 08.05.2012 issued a Joint Seniority List of Jr. Scale Stenographers, Data Control Assistants and Computer Operators (BPS-12) of the Offices of Commissioner / DCO / DOR /EDO (F&P) and Political Agents at Divisional level as it stood on 30.11.2011 wherein Mr. Awais Qureshi was falling as S.No. 45 and Ms. Farah Naz at S.No. 46 respectively. She stated that she did not know about the issuance of said Joint Seniority list. On 16.12.2015, the Commissioner's Office notified a tentative seniority list of Computer Operator as it stood on 01.12.2015 vide which Mr. Awais Qureshi was placed at S. No. 01 and Ms. Farah Naz at S. No. 02. The said Seniority list was circulated to all Computer Operators including her. She stated that she went to Secretary to Commissioner seeking the formation of seniority list but he was picture less. However, she did not file written appeal before the competent authority within stipulated period of 15 days as per law. On 08.01.2016, the office of the Commissioner notified final seniority list of the Computer Operators at it stood on 31.12.2015 vide which the order of seniority was maintained. She stated that no final seniority list was provided to her and she came to know in March 2017 about the seniority list. She brought her concern into the notice of office Superintendent as well as others. Howbeit she did not submit any written concern over it. She managed to get a copy of the final seniority list in March, 2017.

She was asked to explain her position with regard to promotion order issued by Board of Revenue vide Endst No. 23112-15 dated 21.09.2016 vide which Mr. Awais Qureshi, Computer Operator was promoted as Senior Scale Stenographer (BS-16) ACB. She came to know about the promotion order of Mr. Awais on 22.06.2017 while she was posted in Establishment Branch. She filed an appeal before the Senior Member Board of Revenue on 12.06.2017, which is under process, in pursuance of her appeal, the present inquiry is being conducted. How did she know about the misplacement of record like DSC minutes, merit list etc and what she says about her seniority position. While she was typing Comments on the appeal of Mr. Muhammad Babar, Assistant about 03 months ago, she came to know that there is a seniority list of Computer Operators too, she coordinated with Mr. Fazal-ur-Rehman, Assistant who told her that Seniority list is maintained on the basis of charge assumption report and whereas according to her knowledge, seniority list is always framed on the basis of merit list. According to the merit list, she is falling at S.No. 01 and whereas Mr. Awais Qureshi is existing at S. No. 2 of the minutes position. The minutes of DPSC were signed by all Committee Members from where she got the copy of minutes dated 03.10.2011. Mr. Fazal-ur-Rehman, Assistant, in his statement owned that the said copy of the minutes was given to him by Ms. Farah Naz? She replied that another Computer Operator Ms. Faiza Abbasi had also challenged the seniority list of Computer Operators pertaining to Mr. Awais Qureshi who has been pursuing the case, which is subjudice in Khyber Pakhtunkhwa, Service Tribunal. According to her view, Mr. Awais Qureshi might have misplaced the service record pertaining to the appointment of Computer Operators for enjoying seniority for the post of Senior Scale Stenographer on the basis of Seniority-cum-Fitness. He might have done so to avail the benefit on the basis of hiding the relevant record. She also stated that Awais Qureshi, Awais Ahmed and Obaid-ur-Rehman were friends and neighbours too, therefore, it can be presumed that they were also involved in misplacement of record.

[Handwritten signature]

Findings / Recommendations:

From the perusal of record produced before the undersigned, written statements and cross examination etc, it is recommended that:-

Under the policy // rules // laws, all the officials who remained posted in the Establishment Branch were bound to undertake proper handing // taking of branch record at the time of their transfers // postings, but they did not do so as a result they all are liable to be proceeded against under the E&D Rules in connection with misplacement of record on the basis of negligence // ignorance of rules // laws and inefficiency as they were totally naive and casual to their prime responsibility // job description as well.

2. Ms. Farah Naz, Computer Operator whose name appeared in the minutes of DPSC dated 03-10-2011 and does not figure in the Attendance Sheet and Call Letter seemed to be interested for promotion as Senior Scale Stenographer (BS-16) instead of Mr. Awais Qureshi might have misplaced the service record while posted in Establishment Branch for declaring herself to be senior in the respective cadre. She may be proceeded against independently for misplacement of relevant record from the main file, since she did not file appeal well in time and to cover the lacuna as the misplacement was in her best interest. She did so after misplacing the record on the basis of her vested interest in the matter, which has been established from the file to get benefit herself from the situation. Moreover, some copies of Note Sheets produced during the course of investigation by Mr. Awais Qureshi would further corroborate the involvement of Ms. Farah Naz, Computer Operator rendering her for disciplinary action under Government of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules-2011 (copies of the note sheet are annexed as Annexure "F").

Submitted please.



(Tasleem Khan)
Deputy Commissioner,
Haripur/Inquiry Officer.

23

ANNEXURE

d J

To

**The Worthy Commissioner,
Hazara Division, Abbottabad.**

Subject: - **REQUEST FOR ATTESTED COPIES**

Respected Sir,

With due reverence it is stated that I have requested for attested copies of the following documents under Right to information (RTI) Act, 2013 because my case is pending before the Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Abbottabad and attested copies of the following documents/office record related to my case is required for further proceeding of the court on 27/04/2023:

1. Advertisement for the post of Computer Operator(BPS-12) posted in Daily Aaj, 7th July, 2010.
2. List of the short listed candidates .
3. Call letter No.CHD/1/2-Estab:4138 dated 09/05/2011 issued for written Test on 20th May, 2011(Friday) at 10:00 AM to candidates.
4. Attendance list of the candidates for written test applied for the post of Computer Operator(Bps-12) of the written test date.
3. Call letter No.CHD/1/2-Estab:4966 dated 03/06/2011 issued for Computer practical test on 20th May, 2011 of all appointed candidates.
4. Computer Practical Result Sheet dated 08/06/2011, prepared after computer Practical Test.
5. Merit list of the qualified 04 candidates appeared before Commissioner Hazara Division for the final interview alongwith the note part of the file.
6. Call letter No.CHD/1/2-Estab:5569-71 dated 21/06/2011 For interview on 25th June, 2011(Saturday) of the all selected candidates.
7. DPSC Minutes of the meeting held on 16/12/2011 at 11:Am for appointment.
8. Appointment Order of Miss Faiza Abbasi Computer Operator (BPS-12) alongwith all Computer Operators.
9. Copy of Budget book 2010-2011 & 2011-12 office of the Commissioner Hazara Division, Abbottabad.
10. Compliant (#13586) of Mr.Nouman Khan to Commissioner Hazara Division vide letter No.7104/HRC dated 24/12/2011.
11. Office Order No.CHD/Estab/2/3/5027-34 dated 01/08/2017.

24

12. Enquiry report conducted by DC, Haripur and report submitted by 15/08/2017 alongwith findings/recommendation & all recorded documents of the enquiry submitted by the officials in DC Office, Haripur.
13. Letter No.5882-83 dated 13/09/2017 of the Commissioner Office for disciplinary proceeding to SMBR, BoR.
14. Awais Qureshi SSS Order Vide letter No.23112-15 dated 21/09/2016.
15. SMBR letter for comments on the appeal of the Official against promotion of the seniority list issued in 2016 and requested for correction before the SMBR on 09/06/2017.
16. Appeal of the Miss Farah Naz. before SMBR on 09/06/2017 & 05/10/2017 & 16/10/2017 to Commissioner Hazara Division & Commissioner Hazara Division decision of the appeal submitted on 16/10/2017.
17. Office reply to BoR for comments of the appeal of the official against promotion of the seniority list issued in 2016 and requested for correction before the SMBR on 09/06/2017.
18. Office letter No.CHD/Estb/2/3/5402-3 dated 19/05/2020 alongwith all documents.
19. BOR, Order copy of Senior Scale Stenographer issued on 29/01/2018

It is therefore humbly requested to provide the following above mentioned attested copies of the documents by today positively, please.

Thanking you in anticipation, Sir.

Yours obediently,

Faiza Abbasi
Faiza Abbasi
Computer Operator
Political Branch

26/4/23

Dated:26/04/2023

Put up to
W/CHD for approval

E. A.

ACR

Faiz a b b a s i

vs

SMBR

S.A No. 712/2016



26th April, 2023 1. Learned counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present. Mr. Farah Naz, private respondent No.6 in person and as a representative of official respondents present.

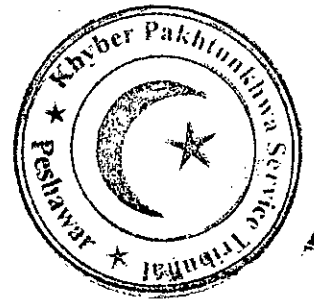
2. Representative of the respondents has produced copy of merit list and some other documents. Learned counsel for the appellant wants to go through the same and confront those with some official documents, which, he says, were in his possession. He also submitted that on 21.02.2023, the Tribunal had put a query, during hearing, as to whether the appellant and private respondents were selected in the same selection process and, if so, why they were appointed on different dates but the respondents had not replied to this query till date, therefore, minutes of the meeting of the selection committee are required to be placed before the Tribunal by tomorrow positively. Representative of the respondents shall ensure production of the minutes. The learned counsel may also controvert the documents by tomorrow and argue the case. To come up for arguments on 27.04.2023 before D.B at camp court Abbottabad. P.P given to the parties.

(Salah Ud Din)
Member (Judicial)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A. Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Service Appeal No. 712/2026

27th April, 2023 1. Learned counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Asim Abbasi, Secretary to Commissioner for official respondents and Mr. Farah Naz, private respondent No.6 in person present.

2. Learned counsel for the appellant submitted a detailed application alongwith list of 43 shortlisted candidates for the post of Computer Operator, call letters for written test bearing No. CHD/1/2/-Estab: 4138 dated 09.05.2011 signed by the Assistant to Commissioner (REV/GA) Hazara Division, Attendance list of the candidates, call letter No. CHD/1/2-Estab:4966 dated 03.06.2011 issued to the appellant for computer practical test, computer practical result sheet dated 08.06.2011, some note parts of the relevant file of the office of the Commissioner, Hazara Division, call letter No. CHD/1/2-Estab: 5569-71 dated 21.06.2011 issued to the appellant for her appearance in interview, merit list of 4 candidates named Faiza Abbasi, Noman Khan, Awais Qureshi and Zia Ul Haq signed by the Assistant to Commissioner (Rev-GA) Hazara Division, an order No. CHD/Estb/2/3/5027-34 dated 01.08.2017, enquiry proceedings conducted by Tasleem Khan, Deputy Commissioner, Haripur and requests for attested copies. Whereas Secretary to Commissioner, Hazara Division appeared alongwith Miss. Farah Naz, private respondent No.6 and produced copy of the minutes of meeting of the Departmental Promotion Selection Committee's held on 03.10.2011 and 16.12.2011. They also produced merit list of the candidates which is quite different from the one produced by the appellant as in this list five candidates are figured instead of four. There is request of Farah Naz made to the Commissioner, Hazara Division and forwarding letter of the Secretary to Commissioner alongwith synopsis and a notification dated 12.11.2020. We also directed the representative of the respondents to produce copy of the appointment order of Miss. Farah Naz and Awais Quraishi which was accordingly produced. During the course of arguments the appellant produced copy of letter No. 5402-3 dated 19.05.2020 issued by the office of the Commissioner, Hazara Division to the Board of Revenue. The appellant also produced copies of correspondence on complaint made by one Noman Khan to the Chief Minister Complaints Cell and Human Rights Cell of the Hon'ble Peshawar High Court. All the documents are directed to be placed on the file.

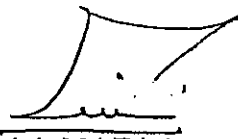
2


Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


When confronted with two merit lists one brought by the appellant and the other by Miss. Farah Naz. private respondent No.6, who also happens to be the representative of the respondents, in the company of Secretary to Commissioner, he sought some time to clarify the situation and apprise the Tribunal. It is, however, observed that the documents produced alongwith the detailed application of the appellant were found placed in the original file/record of the office of the Commissioner Hazara Division. The original file is returned to the Secretary to Commissioner, Hazara Division. Adjourned on the request of Secretary to Commissioner, Hazara Division for consideration on 08.05.2023 before D.B at Peshawar. P.P given to the parties.

3. Needless to mention that, although the question before the Tribunal is the claim of seniority of the appellant, yet is undisputed that the appellant and private respondent No.6 were appointed through initial recruitment against the same advertisement and in case of initial recruitment the seniority is determined under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17(A) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and the only criterion provided in the rules is the merit order assigned to the candidates by the Selection Committee but when we are before us two different final merit lists, therefore, the above exercise is undertaken. Therefore, we would also like to direct Commissioner, Hazara Division to produce all the record of recruitment process right from the advertisement, applications, list of eligible candidates, list of candidates who appeared for tests and interviews etc till appointment by the above date and in case no such record is found, as is evident from different documents produced before the Tribunal today, a detailed report in writing shall be submitted enabling the Tribunal for further proceedings in the matter.


(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A

Certified to be true copy

ADNAN SHAH
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



**MINUTES OF DPSC MEETING HELD ON DECEMBER 16th, 2011 AT 11.00 AM
UNDER THE CHAIRMANSHIP OF MUHAMMAD KHALID KHAN UMARZAI
COMMISSIONER HAZARA DIVISION**

Meeting of the Departmental Promotion and Selection Committee of the office of the Commissioner Hazara Division held today on 16-12-2011 for appointment against the posts of Computer Operator and Junior Clerk.

The following attended the meeting:-

1. **Muhammad Khalid Khan Umarzai** **In chair**
Commissioner Hazara Division.
2. **Syed Imtiaz Hussain Shah** **Member**
District Coordination Officer, Abbottabad
3. **Miss. Adeela Hafeez** **Member**
Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad

APPOINTMENT AGAINST THE POST OF COMPUTER OPERATOR (BPS-12)

The vacancies of Computer Operators were advertised by this office in the Daily (Aaj) on 7th July; 2010. Total 43 candidates were called for the screening test held on 20-05-2011 while 33 appeared for the test. For the Practical Computer typing test, 19 candidates attended which was held on 08-06-2011.

The committee gone through the qualification and merit of all the candidates thoroughly and recommended that one Miss. Faiza Abbasi D/O Jana-e-Alam whose performance and fitness for the required duties seems appropriate. The committee unanimously decided to appoint Miss. Faiza Abbasi as Computer Operator (BPS-12) against the vacant post.

APPOINTMENT AGAINST THE POST OF JUNIOR CLERK (BPS-07)

Consequent upon the appointment of Miss. Faiza Abbasi Junior Clerk as Computer Operator (BPS-12) one vacancy of Junior Clerk occurred which was to be filled in by fresh recruitment. The case of one Mr. Muhammad Imran who had also applied for the post of KPO, has placed before the committee. The candidate though had good knowledge of computer and found competent but his qualification was F.Sc and not legible for appointment as KPO, hence the committee unanimously decided to appoint the candidate against the above occurring vacancy of Junior Clerk (BPS-07).

The meeting ended with the vote of thanks by the chair.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad
(Member)

District Coordination Officer
Abbottabad
(Member)

Commissioner
Hazara Division Abbottabad
(Chairman)

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad
Attested

**MERIT LIST FO THE CANDIDATES OF THE POST OF COMPUTER OPERATORS (BPS-12)
IN THE OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD**

| S# | Name of Candidate | Father Name | Total Marks in Screening Test= 75 Marks obtained | Computer Practical Marks =15 Marks obtained | Interview marks=10 Marks obtained | Grand total out of 100 | Remarks |
|----|-------------------|----------------------|---|--|--------------------------------------|------------------------|---------|
| 01 | Farah Naz | Muhammad Ismail | 48.5 | 13 | 09 | 70.5 | |
| 02 | Awais qureshi | Wali Muhammad | 42 | 12.5 | 09 | 63.5 | |
| 03 | Noman Khan | Maroof Khan | 33.5 | 12 | 05 | 50.5 | |
| 04 | Faiza Abbasi | Jan-e- Alam | 32.5 | 11 | 05 | 48.5 | |
| 05 | Zai-ul-Haq | Sardar Manzoor Ahmed | 29.5 | 10 | 04 | 43.5 | |

Attested
 Office of the Commissioner Hazara Division
 No. 02
 Date 19/4/17
 Abbottabad

[Handwritten signature]

[Handwritten signature]

Assistant to Commissioner (Rev/GA)
 Hazara Division Abbottabad

3



WMS

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Estb/ 2/3/ 2020-52
Dated 20 /02/2023

To

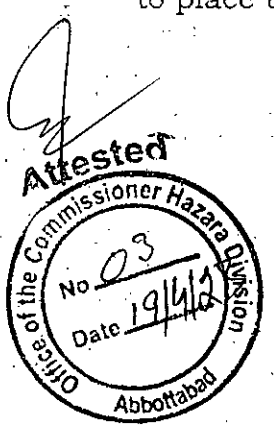
The Assistant Secretary (Estt),
Board of Revenue,
Khyber Pakhtunkhwa,
Peshawar.

Subject: REQUEST FOR REGULARIZATION AGAINST THE POST OF
PRIVATE SECRETARY (BPS-17)

I am directed to refer to the subject noted above and to enclose
herewith a copy of self-explanatory application submitted by Mrs. Farah Naz,
Private Secretary (ACB) (BPS-17).

The following necessary documents are attached with the request
to place the subject case before DPC for favorable consideration, please.

1. Synopsis in respect of the applicant.
2. Non-Involvement certificate.
3. ACRs for the years 2020, 2021 & 2022 (in originals).
4. ACRs upto 2019 already kept in Board of Revenue,
Peshawar.



[Signature]
Secretary to Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded to:

1. PS to Commissioner, Hazara Division, Abbottabad.
2. Applicant.

*Original
Received
24/02/2022*

0/4
[Signature]
Secretary to Commissioner
Hazara Division Abbottabad

4

To

The Commissioner,
Hazara Division, Abbottabad.

Subject: REQUEST FOR REGULARIZATION AGAINST THE POST OF
PRIVATE SECRETARY (BPS-17)

R/Sir,

With due respect it is submitted that I was promoted against the post of Private Secretary (BPS-17) on acting charge basis due to non-completion of specified length of service in BPS-16 (i.e. 05 years) vide Board of Revenue, Khyber Pakhtunkhwa Notification No. Estt:II/DPC/Cmr/Kohat/29203-06 dated: 12/11/2020 (copy enclosed).

Now I have been completed five (05) years specified length of service BPS-16 on 29/01/2023. Annual Confidential Reports for the years 2020, 2021 & 2022 are completed (copies enclosed).

Therefore, you are requested that my regularization case in BPS-17 may kindly be forwarded to the Board of Revenue, Khyber Pakhtunkhwa for further necessary action, please.

Thanking you in anticipation.

Dated: 20/02/2023

Attested
Office of the Commissioner Hazara Division
Abbottabad
No. 04
Date 19/4/2023

Farah Naz
Private Secretary (BPS-17)
Office of the Commissioner,
Hazara Division, Abbottabad.

Handwritten signatures and dates: *20/02/2023*, *19/02/2023*

5

SYNOPSIS IN RESPECT OF FARAH NAZ (BPS-17) FOR THE YEARS
2020 TO 2022

| S# | Years | Remarks of Reporting Office (Reported by PS to Commissioner) |
|----|------------------------------|--|
| 1 | 01/01/2020 to 31/12//2020 | She is a competent & devoted worker know to learn and work in challenging environments. |
| 2 | 01/01/2021 to 31/12/2021 | Farah is a very honest; hard working and skillful officer. She can handle work under pressure she has good communication skill. |
| 3 | 01/01/2022 to 31/12/2022 | She is very honest, hard working and competent officer. She is well conversant with all official matter and does her work efficiently. |



[Signature]
Secretary to Commissioner
Hazara Division, Abbottabad



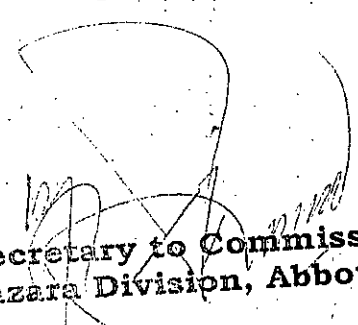
OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

6

NON-INVOLVEMENT CERTIFICATE

It is certified that no disciplinary/departmental, NAB, Anti-Corruption, judicial inquiry/case is pending against Mrs. Farah Naz, Private Secretary (BPS-17) of this office.




Secretary to Commissioner
Hazara Division, Abbottabad

7

253



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

Peshawar dated the 12/11/2020.

NOTIFICATION

No.Estt:II/DPC/Cmr/Kohat/_____ On the recommendation of Departmental Promotion Committee, the following Senior Scale Stenographers (BS-16) are hereby appointed as Private Secretaries (BS-17) on Acting Charge Basis with immediate effect:-

| S.No. | Name and Designation | Name of office | Promoted |
|-------|--|---|---------------------------|
| 1. | Miss. Farah Naz, Senior Scale Stenographer | Commissioner office Hazara | Private Secretary (BS-17) |
| 2. | Mr. Shahid Muhammad Khan, Senior Scale Stenographer | Deputy Commissioner office Kohistan Kolai Pallas | Private Secretary (BS-17) |
| 3. | Mr. Kamal Nasir, Senior Scale Stenographer | Commissioner office Kohat | Private Secretary (BS-17) |
| 4. | Mr. Said Mukhtiar, Senior Scale Stenographer | Deputy Commissioner office Buner | Private Secretary (BS-17) |

Consequent upon their appointment as Private Secretaries BS-17 on Acting Charge Basis, the following posting / transfer is hereby ordered with immediate effect:-

| S.No. | Name of Private Secretaries | From | To |
|-------|-----------------------------|---|---|
| 1. | Miss. Farah Naz | On appointment as Private Secretary (ACB) BS-17 | Private Secretary to Deputy Commissioner Mansehra against the vacant post |
| 2. | Mr. Shahid Muhammad Khan | On appointment as Private Secretary (ACB) BS-17 | Private Secretary to Deputy Commissioner Kohistan Upper against the vacant post |
| 3. | Mr. Kamal Nasir | On appointment as Private Secretary (ACB) BS-17 | Private Secretary to Deputy Commissioner Hangu against the vacant post |
| 4. | Mr. Said Mukhtiar | On appointment as Private Secretary (ACB) BS-17 | Private Secretary to Deputy Commissioner Buner against the vacant post |

Attested
Office of the Commissioner Hazara Division
Abbottabad
No 07
Date 19/11/20

By Order of
Senior Member

No.Estt:II/DPC/Cmr/Kohat/29203-06.
Copy forwarded to the:-

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

Hazara Division Abbottabad

[Signature]

Assistant Secretary (Estt:)

19

Annexure E

25

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABADORDER

Consequent upon the recommendations of the Departmental Selection/Recruitment Committee the following are hereby appointed as Computer Operator (BPS-12) in the Commissioner's Office Abbottabad on the following terms and conditions:-

| S# | Name | Father Name | Address |
|----|-----------------|-----------------------|--|
| 01 | Miss. Farha Naz | Muhammad Ismail | Village Guli Bagh Post Office Baffa District Mansehra. |
| 02 | Awais Qureshi | Wali Muhammad Qureshi | LM 75/1 Mohalla Qazi Chitta Pual Abbottabad. |

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

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

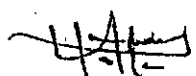
In case the above terms and conditions of appointment are acceptable, he/she is required to report his arrival in the office of the undersigned within seven (07) days of the receipt of this letter, otherwise, the appointment would be treated as cancelled.

Sd/xxx

Commissioner Hazara Division
AbbottabadEndst: No. CHD/ESTab/ 4050-54Dated Abbottabad the 08 / 10 / 2011

Copy to the:-

1. District Comptroller of Accounts, Abbottabad.
2. PS to Commissioner Hazara Division, Abbottabad.
3. Assistant Budget & Accounts Commissioner's Office.
4. Officials concerned.


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD



ORDER

Consequent upon the recommendation of the Departmental Promotion/Selection Committee which met on 16/12/2011, Miss. Faiza Abbasi D/O Jana-e-Alam R/O Sir Syed Colony District Abbottabad working as Junior Clerk in this office is hereby appointed as Computer Operator (BPS-12) in the office of the Commissioner Hazara Division Abbottabad on the following terms and conditions:

1. His/her services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). He/she will be entitled to Contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His/her services will be liable to termination on one-month notice from either side. In case of resignation without notice, two months pay/allowances shall be forfeited to the government.
3. He/she will be governed by such rules and regulations as may be issued from time to time by the government.
4. He/she will be remained on probation for a period of two years in term of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His/her services can be terminated any time in case his performance is found unsatisfactory during probation period. In case of misconduct, he/she shall be proceeded against under the E&D rules 2011.
5. He/she shall be bound to accept his adjustment/absorption in any of the departments/offices in Hazara Division as ordered by the Competent Authority.

In case the above terms and conditions of appointment are acceptable, He/shes is required to report. His/her arrival within seven (07) days of the receipt of his letter, otherwise the order will be considered cancelled.

Sd/xxx

Commissioner Hazara Division
Abbottabad

Dated Abbottabad 16/12/2011.

Endst: No.1/2/CHD/Estab:/ 11149-54

Copy to the:

1. District Comptroller of Accounts, Abbottabad.
2. PS to Commissioner Hazara Division Abbottabad.
3. Divisional Nazer (Local).
4. Assistant Budget & Accounts Branches (Local) for necessary action.
5. The official concerned.

Assistant to Commissioner (Rev/G)
Hazara Division Abbottabad

ole

REGISTERED MAIL



**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

No: CHD/Estb/2/3/ 5402-3
Dated 17/8/2020 ✓

To

**The Assistant Secretary (Estt),
Board of Revenue, Khyber Pakhtunkhwa Peshawar.**

Subject: **APPLICATION FOR PROMOTION AS PRIVATE
SECRETARY/POSTING AS PRIVATE SECRETARY TO DEPUTY
COMMISSIONER MANSEHRA**

I am directed to refer to your office letter No. Estt:II/DPC/Cmr/Hazara/5721 dated 14-02-2020 on the subject cited above and to enclose herewith the working paper & other documents as desired in your letter under reference with following observations regarding "seniority-cum-fitness" for perusal & further consideration of the competent authority, please:

- ❖ The official did not bother to submit the application through proper channel.
- ❖ Initially the official was a computer operator alongwith two others namely, Mr. Awais Qureshi & Miss Faiza Abbasi prior to present posting as Senior Scale Stenographer.
- ❖ This office issued final seniority list of Computer Operators on 08-1-2016.
- ❖ Official at S.#3 Miss Faiza Abbasi, of the ibid seniority list filed a service appeal before the court on 16-6-2016 against the seniority list. In this appeal Mst. Farah Naz & Mr. Awais Qureshi are respondents. The appeal is still subjudice before the service tribunal KP.
- ❖ Mr. Awais Qureshi on the basis of this disputed seniority list was promoted as Senior Scale Stenographer vide Board of Revenue order No. 23112-15 dated 21-9-2016.
- ❖ The applicant/official filed an appeal against the promotion of the official & against seniority list issued in 2016 and requested for correction before the SMBR on 09-6-2017.
- ❖ Subsequently, BoR asked this office for comments whereupon this office replied to BoR that merit list of computer operators is missing from record for which an inquiry has been conducted & forwarded to BoR for further disciplinary proceedings.
- ❖ DC, Haripur conducted inquiry with regard to misplacement of record/merit list of computer operators and submitted inquiry report on 15-8-2017. In this report the inquiry officer held that Mst. Farah Naz (the present applicant) being beneficiary is responsible for misplacement of relevant record from file to cover the lacuna of time barred appeal and rendered her for disciplinary proceedings. BoR was asked by this office for further disciplinary proceedings against concerned on 13-9-2017.
- ❖ Service appeal of Mst. Farah was pending before SMBR & meanwhile she submitted an appeal/application before the Commissioner Hazara on 05-10-2017 that she is senior as per minutes of DPC. However it was filed.



Establishment & Admin Deptt.
File No. 2243-ue
Dated 20-6-13

AD
4304-102
Date 19/6/13
497

(COMPLAINT CELL) 28/6/13
CHIEF MINISTER'S SECRETARIAT,
KHYBER PAKHTUNKHWA

SO (Complaint) CMS/KP/1-5/2013
Dated Peshawar 18th June 2013

47

*Noman Khan
Awdance.*

Secy Secy (Regulation-II)
Establishment & Admin Deptt.
File No. 775 Dated 24/6/13

To
S.O Reg-IV
SAGAD, Diary No.
Dated

The Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department Peshawar

3433
20/6/13

Subject: - COMPLAINT AGAINST ILLEGAL APPOINTMENT OF TWO
COMPUTER OPERATORS (BS-12) IN THE
COMMISSIONORATE HAZARA DIVISION, ABBOTTABAD

Dear Sir,

I am directed to enclose herewith a copy of self-contained complaint received in Complaint Cell of this Secretariat from Mr. Noman Khan R/o Moh: Ghosia Noor Colony District Haripur on the subject noted above.

It is therefore request that necessary action may be taken in the matter Compliance report furnished to this Secretariat, within three days for perusal/orders of the competent authority.

Yours faithfully

(MUHAMMAD FAYYAZ KHAN)
Section Officer (Complaint)

Copy forwarded to PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa

Section Officer (Complaint)

ABR
in meeting
DSR-II

File
SR (R-IV)
SR (R-V)

216
Suppl (EN)

27-6-13

Put up
J/c
28/6

- ❖ After few days she again submitted another Appeal before Commissioner Hazara Division on 16-10-2017 for the same purpose. The appeal was decided in favor of Mst. Farah Naz on 23-10-2017 & BoR was informed accordingly. This office also revised final seniority list of Computer Operators on 3-11-2017.
- ❖ On another application of Mst. Farah Naz before SMBR on 6-11-2017 this office sent her promotion case to BoR.
- ❖ Thereafter, BoR demoted Mr. Awais Qureshi & promoted Mst. Farah Naz as Senior Scale Stenographer on 29-1-2018.
- ❖ From the beginning the initial seniority list of computer operators became disputed and sub-judice in court in an appeal preferred by Mst. Faiza Abbasi computer operator but still promotion, demotion & again promotion was made on the basis of impugned seniority list by avoiding & overlooking the policy under the rules.

Copies of the relevant copies are attached for ready reference, please.



**Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad**

Endst: Even No & Date:

Copy forwarded for information to the PS to Commissioner, Hazara Division.



**Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad**



The PESHAWAR HIGH COURT Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58 Off: 9210135 Fax: 9210170

www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

19

No. 7109 /HRC

Dated Peshawar, the 24-12-11

From:

The Director, Human Rights' Cell, Peshawar High Court, Peshawar

To

The Commissioner, Hazara Division

Subject:

COMPLAINT (# 13586)

Memo:

I am directed to forward herewith a copy of the subject complaint of one Nouman Khan, for your comments and necessary action within seven days.

Handwritten signature of Director

Director

Human Rights Cell

Endst. No. /HRC

Dated Peshawar, the

Copy forwarded for information to:

Nouman Khan R/o Noor Colony, Mohallah Ghosia, Haripur.

ACR/OS

Comments please
Gives
Comments
Requests

Immediate
put up not later
than a day

Director, Human Rights Cell

COMMISSIONER HAZARA DIVISION
D. No. 12171
Dated 13-01-12

13/1/12

R.307

21

| | |
|----------------------------------|----------|
| PESHAWAR HIGH COURT PESHAWAR. | |
| Receipt No. | 21/11/11 |
| Date. | |
| For action. | |
| By. | |

The Honorable Chief Justice
Supreme Court of Pakistan,
Islamabad.

Subject: Appéal for Suo-Moto Action against illegal recruitment of "Computer Operators" in the Office of Commissioner of Hazara.

Respected Sir,

With profound regards it is requested in your kind honor that I am a resident of Dist. Haripur and I have done graduation (B.Sc Computer Science) in 2006 from Hazara University. I have applied for the (two) posts of "Computer Operator (BPS-12)" in the office of Commissioner of Hazara that were advertised on July 9th 2010. I appeared and passed the initial screening (written) test that was held on 20th May 2011. Then I was called for a computer practical (typing) test on 8th June 2011 (letter ref # 4966) in the commissioner's main office and I have easily passed that test with the typing speed of 61 words/minute.

I was called for an interview on 21st June 2011 (letter ref # 5569) with other three selected candidates for the final selection for the posts. In the interview, Commissioner Hazara asked our names and he rejected one of the candidates giving the reason that she's already employed in the same department on a post of "Junior Clerk". So three candidates have been left for two vacant posts and according to concerned office I was on the top of the list. They told me that I will be notified soon about the final selection of the candidates.

After that two months have been passed and I haven't got any letter from the concerned office. Upon asking the concerned department I was told that the posts are still pending and no selection has been made to fill the posts which caused a doubt in my mind. So I decided to inquire about this from other sources

and it came to my knowledge that the posts have been filled illegally on October 06, 2011. After knowing this I contacted the commissioner office again and asked them to provide me a copy of actual merit or waiting list but they didn't provide me any proof at all to prevent any legal action from my side.

The selection committee appointed two candidates with total injustice. One of the candidates was not appeared in the written/practical test that was held for this post and even in the interview. The other candidate that has been appointed was on the 3rd place of the final merit list. Attached is the copy of their appointment letter.

The reason for mentioning the above statement is that I feel total injustice with me and I request honorable Chief Justice to take Suo-Moto action against these illegal appointments. I request the honorable court to take following actions in order to discover the truth:-

1. Ask the concerned department to provide all the documents that includes a copy of final merit list, waiting list and copies of written/practical tests in the court.
2. Copies of Academic qualifications of all the candidates who appeared in the interview
3. Reason for not appointing these posts according to merit

There's a great possibility that the department will not provide the original merit list and will create a false merit list to hide their injustice so I would like to mention that I am ready to give any type of written or practical test again for this post under the supervision of honorable court. I am fully confident of my skills and I can prove that I am a best candidate for this post.

Sir, writing an appeal to you is my last hope regarding this injustice and I would ask you to take a strict action against this illegal recruitment. I appreciate the time

that you have taken to read my appeal, and I will be very thankful for your prompt action on this.

Sincerely,

Nouman Khan

Nouman Khan

NIC #: 13302-8720457-7

Noor Colony, Mohallah

Ghosia,

Haripur.

Dated: - 13 - 10 - 2011

Copy to the:-

1. Chief Justice, High Court Peshawar
2. Office of the commissioner of Hazara, Abbottabad



Regd 203

**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

No. 1/2 -Estab: 745-46

Dated Abbottabad the 25/01/2012

To

The Director Human Rights Cell,
Peshawar High Court,
Peshawar.

Subject: **COMPLAINT # 13586.**

Memo:

Reference your letter No.7104/HRC dated 24-12-2011 on the above captioned Subject. The contents of the complaint are studied carefully and the relevant record has also perused. In the light of the record and keeping in view the detail of complaint the comments are as under.

In this respect it is intimated that two posts of Computer Operators were advertised, through the daily "Aaj" on 7th July, 2010. The Complainant alongwith 42 other candidates applied for the said posts.

All candidates were called for screening and practical tests on 20-05-2011 and 08-06-2011 respectively. The successful candidates, in the screening test, were called for interview on 25th June 2011. For the final selection, from amongst the successful candidates; the result was placed before the (DPSC) Departmental Promotion and Selection Committee.

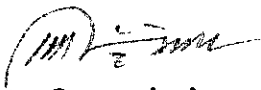
Keeping in view the results/merit list, the committee decided in favour of two experienced, skilled and most suitable candidates for the said posts. There was no step, taken by the DPSC, against the rules and policy framed by the Government. All these aforementioned process was completed as per APT (Appointment Promotion Transfer) rules.

On the recommendation of the DPSC, the appointment order, in respect of two candidates, was issued. The appointment of Computer Operators

was on merit, free from all kind of influences and in the best interest of public. You are fully aware of the fact that all the process for such selections, in all departments, remains secret in order to maintain merit and to avoid any influence or pressure from any person.

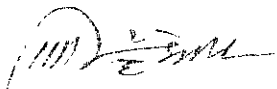
The claim from the complainant that he was on the top of the list, is quite false and baseless, he proved the claim baseless by himself as he has mentioned in his complaint that on the demand, to provide a copy of merit list or waiting list, the office denied to provide the same as these were secret documents. The appointment of more talented, competent and skilled candidates than the complainant is the right of those who proved them to be appointed against these posts. The new system could not tolerant to be experimented by appointing such a person whose qualification, skill and experience in his field are less than those whose qualifications, skill and experience are more better than the complainant. If the complainant was most competent, learned than the appointees then he would have been appointed on his ability. There is no injustice with any person in the process of recruitment. If any person feels aggrieved by the fair and transparent recruitment of the proficient persons then this office has no authority to restrict such a person for saying wrong to the true.

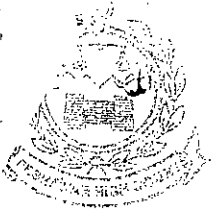
However this office will provide all such documents regarding the subject recruitment if the August Court requires for its satisfaction.


Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad

Endst No. 746
Copy forwarded to: -

PS to Commissioner Hazara Division Abbottabad.

o/c

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad



The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcps@gmail.com

No: _____/HRD

Dated Peshawar, the _____

From:

The Director,
Human Rights Directorate,
Peshawar High Court, Peshawar

To

The Commissioner,
Hazara Division.

Subject:

APPLICATION/COMPLAINT (HRD-2013-11-1569)

Memo:

I am directed to forward herewith a copy of application/complaint, submitted by Mr. Nouman Khan, of District Haripur, for your report on the same, so as to reach this Directorate, please.

(Aamer Nazir Bhatti)

Director (Human Rights Directorate)

Encl: No. 962/HRD

Dated Peshawar, the 20/11/13

Copy forwarded for information to:-

MR. Nouman Khan R/o Noor Colony, Mohallah Ghosia, Haripur.

Director (Human Rights Directorate)

R-307

| | |
|----------------------------------|------------|
| PESHAWAR HIGH COURT PESHAWAR. | |
| Receipt No. | 26699 |
| Date. | 15/10/2011 |
| For action. | 1/11/11 |
| Signature. | |

The Honorable Chief Justice
Supreme Court of Pakistan,
Islamabad.

Subject: Appeal for Suo-Moto Action against illegal recruitment of "Computer Operators" in the Office of Commissioner of Hazara.

Respected Sir,

With profound regards it is requested in your kind honor that I am a resident of Dist. Haripur and I have done graduation (B.Sc Computer Science) in 2006 from Hazara University. I have applied for the (two) posts of "Computer Operator (BPS-12)" in the office of Commissioner of Hazara that were advertised on July 9th 2010. I appeared and passed the initial screening (written) test that was held on 20th May 2011. Then I was called for a computer practical (typing) test on 8th June 2011 (letter ref # 4966) in the commissioner's main office and I have easily passed that test with the typing speed of 61 words/minute.

I was called for an interview on 21st June 2011 (letter ref # 5569) with other three selected candidates for the final selection for the posts. In the interview, Commissioner Hazara asked our names and he rejected one of the candidates giving the reason that she's already employed in the same department on a post of "Junior Clerk". So three candidates have been left for two vacant posts and according to concerned office I was on the top of the list. They told me that I will be notified soon about the final selection of the candidates.

After that two months have been passed and I haven't got any letter from the concerned office. Upon asking the concerned department I was told that the posts are still pending and no selection has been made to fill the posts which caused a doubt in my mind. So I decided to inquire about this from other sources

and it came to my knowledge that the posts have been filled illegally on October 06, 2011. After knowing this I contacted the commissioner office again and asked them to provide me a copy of actual merit or waiting list but they didn't provide me any proof at all to prevent any legal action from my side.

The selection committee appointed two candidates with total injustice. One of the candidates was not appeared in the written/practical test that was held for this post and even in the interview. The other candidate that has been appointed was on the 3rd place of the final merit list. Attached is the copy of their appointment letter.

The reason for mentioning the above statement is that I feel total injustice with and I request honorable Chief Justice to take Suo-Moto action against these illegal appointments. I request the honorable court to take following actions in order to discover the truth:-

1. Ask the concerned department to provide all the documents that includes a copy of final merit list, waiting list and copies of written/practical tests in the court.
2. Copies of Academic qualifications of all the candidates who appeared in the interview
3. Reason for not appointing these posts according to merit

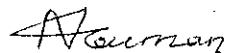
There's a great possibility that the department will not provide the original merit list and will create a false merit list to hide their injustice so I would like to mention that I am ready to give any type of written or practical test again for this post under the supervision of honorable court. I am fully confident of my skills and I can prove that I am a best candidate for this post.

Sir, writing an appeal to you is my last hope regarding this injustice and I would ask you to take a strict action against this illegal recruitment. I appreciate the time

that you have taken to read my appeal and I will be very thankful for your prompt action on this.

Sincerely,

Nouman Khan



NIC #: 13302-8720457-7

Noor Colony, Mohallah

Ghosia,

Haripur.

Dated: - 13 - 10 - 2011.

Copy to the:-

1. Chief Justice, High Court Peshawar
2. Office of the commissioner of Hazara, Abbottabad

PESHAWAR HIGH COURT PESHAWAR

No. _____ /HRD

Dated Peshawar the ___ / ___ /2014

From:

Director Human Rights Directorate,
Peshawar High Court
Peshawar.

REMINDER

To:

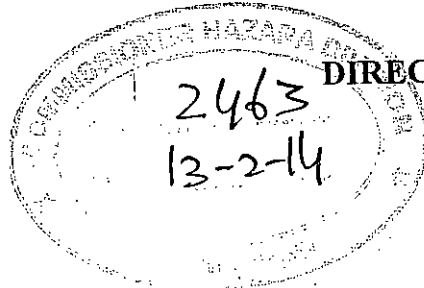
**The Commissioner,
Hazara Devison.**

Subject: APPLICATION / COMPLAINT (HRD-2013-11-1569)

Memo:

I am directed to refer to this court letter No.961/HRD dated 20.11.2013 on the subject noted above and to say that reply of the above mentioned letter is still awaited, which may be sent to this Court, at the earliest please.

*Acer
for n/action*



DIRECTOR (Human Rights Directorate)
Peshawar High Court
Peshawar

Endst: No. 165 /HRD

Dated Peshawar, the 17/1/2014

Copy forwarded for information to:-

Mr.Nouman Khan &/o Noor Colony Mohallah Ghosia Haripur.

*Antic
Acer
13/2*

DIRECTOR (Human Rights Directorate)
Peshawar High Court



Peshawar High Court <phcpsh@gmail.com>

Complaint (# 13586)

1 message

Nouman Khan <skywriter911@gmail.com>

Thu, Jul 18, 2013 at 6:17 PM

To: info@peshawarhighcourt.gov.pk, Peshawar High Court <phcpsh@gmail.com>

Respected Sir,

With profound regards I am writing this email to follow up my complaint (#13586) that was submitted on 13-10-2011 against the illegal recruitment of Computer Operators in the office of Commissioner of Hazara.

I got the copy of initial response from Human Right Cell, Peshawar High Court, on 24-12-2011 that was sent to Commissioner Office for their comments and necessary action taken against my complaint within seven days.

But after that I am not contacted by Human Right Cell or by Commissioner Office telling me about any update or any actions taken. I have waited a lot (for more than a year and a half) and now I am following up my initial complaint. And I would like to know about the current update regarding my matter.

I am hoping and will be very thankful for your prompt action against my complaint this time.

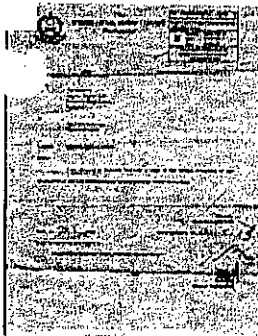
Sincerely,

Nouman Khan

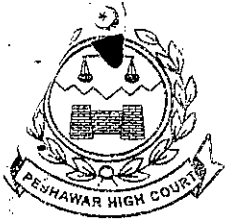
Noor Colony, Mohallah Ghosia,

Haripur.

Comments: A hard copy of this letter has been sent to the Registrar Peshawar High Court. Also attached is the copy of response from Human Right Cell.



High Court Response.jpg
1728K



The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcsh@gmail.com

No. _____ /HRC

Dated Peshawar, the _____

From:

The Director,
Human Rights' Cell,
Peshawar High Court,
Peshawar

To:

The Commissioner,
Hazara Division

Subject: COMPLAINT (# 13586)

Memo:

I am directed to forward herewith a copy of the subject complaint of one Nouman Khan, for your comments and necessary action within seven days.

Director,
Human Rights Cell

Encl. No. 7105 /HRC

Dated Peshawar, the 24-7-2011

Copy forwarded for information to:

Nouman Khan R/o Noor Colony, Mohallah Ghosia, Haripur.

Director,
Human Rights Cell

The Honorable Chief Justice
Supreme Court of Pakistan,
Islamabad.

Subject: Appeal for Suo-Moto Action against illegal recruitment of "Computer Operators" in the Office of Commissioner of Hazara.

Respected Sir,

With profound regards it is requested in your kind honor that I am a resident of Dist. Haripur and I have done graduation (B.Sc Computer Science) in 2006 from Hazara University. I have applied for the ~~(two) posts of "Computer Operator (BPS-12)"~~ in the office of Commissioner of Hazara that were advertised on July 9th 2010. I appeared and passed the initial screening (written) test that was held on ~~20th May 2011~~. Then I was called for a computer practical (typing) test on ~~8th June 2011~~ (letter ref # 4966) in the commissioner's main office and I have easily passed that test with the typing speed of 61 words/minute.

I was called for an interview on ~~21st June 2011~~ (letter ref # 5569) with other three selected candidates for the final selection for the posts. In the interview, Commissioner Hazara asked our names and he rejected one of the candidates giving the reason that she's already employed in the same department on a post of "Junior Clerk". So three candidates have been left for two vacant posts and according to concerned office I was on the top of the list. They told me that I will be notified soon about the final selection of the candidates.

After that two months have been passed and I haven't got any letter from the concerned office. Upon asking the concerned department I was told that the posts are still pending and no selection has been made to fill the posts which caused a doubt in my mind. So I decided to inquire about this from other sources and it came to my knowledge that the posts have been filled illegally on October 06, 2011. After knowing this I contacted the commissioner office again and asked them to provide me a copy of actual merit or waiting list but they didn't provide me any proof at all to prevent any legal action from my side.

The selection committee appointed two candidates with total injustice. ~~One of the candidates was not appeared in the written/practical test that was held for this post and even in the interview.~~ The other candidate that has been appointed was on the 3rd place of the final merit list. Attached is the copy of their appointment letter.

The reason for mentioning the above statement is that I feel total injustice with me and I request honorable Chief Justice to take Suo-Moto action against these illegal appointments. I request the honorable court to take following actions in order to discover the truth:-

Ask the concerned department to provide all the documents that includes a copy of final merit list, waiting list and copies of written/practical tests in the court

2. Copies of Academic qualifications of all the candidates who appeared in the interview
3. Reason for not appointing these posts according to merit

There's a great possibility that the department will not provide the original merit list and will create a false merit list to hide their injustice so I would like to mention that I am ready to give any type of written or practical test again for this post under the supervision of honorable court. I am fully confident of my skills and I can prove that I am a best candidate for this post.

Sir, writing an appeal to you is my last hope regarding this injustice and I would ask you to take a strict action against this illegal recruitment. I appreciate the time that you have taken to read my appeal and I will be very thankful for your prompt action on this.

Sincerely,

Nouman Khan

NIC #: 13302-8720457-7

Noor Colony, Mohallah

Ghosia,

Haripur.

Dated: - 13/10/2010

Copy to the:-

1. Chief Justice, High Court Peshawar
2. Office of the commissioner of Hazara, Abbottabad

(13)



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD
No. 5882-83
Dated: 13.09.2017

To,

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

Subject:- DISCIPLINARY ACTION AGAINST OFFICIALS OF
COMMISSIONER OFFICE, ABBOTTABAD.

Respected/sir

I am directed to refer to the subject cited above and to state that a DPSC meeting for appointment of KPOs was held in this office on 03.10.2011.

In a Departmental case the record of the said meeting was needed which was searched but found not available on the files.

The Deputy Commissioner, Haripur was appointed as inquiry officer to fix responsibility as to who is responsible for the misplacement.

The Deputy Commissioner, Haripur conducted inquiry and submitted his findings (copy enclosed). As per inquiry report all the officials remained posted in this office from 2011 to date have been held responsible, though Miss. Farah Naz KPO is the main accused.

Two officials i-e one Senior Clerk and one Junior Clerk falls in the domain of this office while for the following official who are in BPS-16, your good self is the appointing/competent Authority.

1. Mr. Awais Ahamd, Assistant
2. Mr. Muhammad Baber, Assistant
3. Mr. Awais Qureshi, KPO
4. Mr. Fazal ur Rehman, Assistant
5. Miss. Farah Naz, KPO

I am further directed to enclose herewith show cause notices in respect of these officials for issuances and further necessary disciplinary action please.

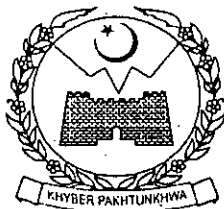
Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad.

No. & Date Even.

Copy forwarded to the.

1. PS to Commissioner Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad.



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

MINUTES OF DPSC MEETING HELD ON OCTOBER 03rd 2011 AT 11.00 AM
UNDER THE CHAIRMANSHIP OF MUHAMMAD KHALID KHAN UMARZAI
COMMISSIONER HAZARA DIVISION

Meeting of the Departmental Promotion and Selection Committee of the office of the Commissioner Hazara Division held today on **03-10-2011** for selection of candidates for appointment as Computer Operators (BPS-12) against the existing vacancies in this office.

The following attended the meeting:-

- | | |
|--|-----------------|
| 1. Muhammad Khalid Khan Umarzai Commissioner Hazara Division. | In chair |
| 2. Syed Imtiaz Hussain Shah District Coordination Officer, Abbottabad | Member |
| 3. Abdul Haleem Khan Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad | Member |

The vacancies of Computer Operators were advertised by this office in the Daily (Aaj) on 7th July; 2010. **Total 43 candidates** were called for the screening test held on 20-05-2011 while **33 appeared** for the test. Out of 33, 19 qualified the test. For the Practical Computer typing test, **19 candidates attended** which was held on 08-06-2011. Out of the 19 candidates, **only 5 qualified** who were called for interview today.

The committee interviewed all the 5 candidates, and at the end concluded that out of the 5 candidates, **the 2 at the top of the final merit list i.e. Ms. Farah Naz D/o Muhammad Ismail and Mr. Awais Qureshi S/o Wali Muhammad may be appointed** on the posts of Computer Operator keeping in view the emergent need of this office while **the remaining vacancy will be considered for filling later on either from the candidates on the present merit list or otherwise. The committee unanimously agreed** with this decision and approved accordingly.

The meeting ended with a vote of thanks from the chair.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad
(Member)

District Coordination Officer
Abbottabad
(Member)

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad
Attested

Commissioner
Hazara Division Abbottabad
(Chairman)

SUBJECT: WRIT PETITION NO. 712/16 FAIZA ABBASI V/S
GOVERNMENT OF KHYBER PAKHTUNKHWA

In compliance with the directions of the honorable tribunal dated: 08/05/2023 in respect of subject case, the following fact/report is submitted:

1. The relevant record has been checked which transpires that the recruitment process for the appointment of Computer Operators (BPS-12) was completed by the following dealing officers.

| S # | NAME OF OFFICER /DEALING OFFICER | TENURE | DATE OF TEST |
|-----|--|--------------------------------|--|
| 1 | Matloob ur Rehman (Then Assistant to Commissioner) Retired | 02/04/2011 to 30/09/2011 | Date of written test: 20/05/2011. Date of practical test: 08/06/2011. Date of interview: 25/06/2011 |
| 2 | Abdul Haleem Khan (Now serving as Deputy Secretary, Chief Minister's Secretariat, Peshawar) | 30/09/2011 to 19/10/2011 | DPSC meeting held on 03/10/2011 vide which Miss Farah Naz and Awais Qureshi were appointed |
| 3 | Adeela Hafeez (Now serving in Punjab) | 19/10/2011 to 31/12/2011 | DPSC meeting held on 16/12/2011 vide which Miss Faiza Abbasi was appointed. |

2. There is contradiction between constituted DPSC as Board of Revenue's Notification reveals that one member should be from Board of Revenue while notification issued by the then Commissioner Hazara Division excluded the Board of Revenue from DPSC and included the DCO Abbottabad as member which is violation of the Board of Revenue's notification.. (**Annex-A & B**)
3. Mr. Matloob ur Rehman has completed the entire process except interview but merit list of written test and computer typing test provided by the petitioner were signed by a single member i.e Mr. Matloob ur Rehman (ACR) not by all members of the DPSC.
4. Mr. Abdul Haleem then ACR who assumed charge on 30/09/2011 when the process of written test, typing test and interview were completed except meeting of DPSC, prepared all record again during his tenure which is doubtful as it is in contradiction with other merit lists prepared by his predecessor.
5. In present situation, this office cannot ascertain that which merit list is genuine as the entire recruitment process from beginning has procedural lapses and after lapse of 12 years; it is not possible to validate the said process or any part/document of it.


(Amer Sultan Tareen)
Commissioner
Hazara Division

ANNEX - 1.

216
76

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT
Peshawar dated the 06/12/2009.

NOTIFICATION

No. _____ /Admin:11. The Competent Authority in Revenue & Estate Department is pleased to constitute following Departmental Promotion Selection Committee for the offices of Divisional Commissioners in NWFP relating to the posts falling under their jurisdiction in BPS-1 to BPS-15:-

- | | |
|---|----------|
| 1. Commissioner | Chairman |
| 2. Assistant to Commissioner. (Rev.) | Member |
| 3. Representative of Board of Revenue, NWFP | Member |
| 4. (Not below the rank of BPS - 17) | Member |

ACR

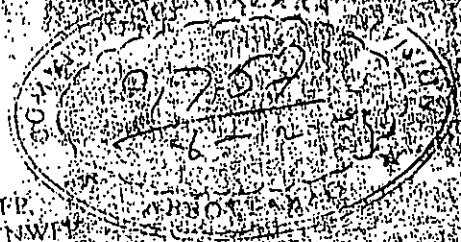
7-12-09

BY ORDER OF
SENIOR MEMBER
BOARD OF REVENUE NWFP

Order No. 31417-79 /Admin:11

Copy forwarded to the:-

- All Commissioners in NWFP.
- All District Coordination Officers in NWFP.
- All District Officers (R&E) Collectors in NWFP.
- All District Accounts Officers in NWFP.



ASSISTANT SECRETARY (CS) IN
BOARD OF REVENUE, NWFP

Volume

ANNEX-B

B.

(81) 219



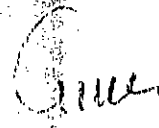
OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. 1/2-Estab: 6668
Dated Abbottabad the 22/7/2011

ORDER / NOTIFICATION:

In pursuance of Para-05 of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules 1989 and in supersession of all previous orders issued by this office in this behalf, the following noted Departmental Promotion and Selection Committee is hereby constituted/notified for this office with immediate effect:-


1. Commissioner Hazara Division Chairman
2. District Coordination Officer, Abbottabad Member
3. Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad Member


Commissioner
Hazara Division, Abbottabad

Endst: No. 6669-72

Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Establishment & Administration
Department, Peshawar.
2. Secretary to Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. District Coordination Officer, Abbottabad.
4. Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad.


Commissioner
Hazara Division, Abbottabad

* * * * *

**SUBJECT: WRIT PETITION NO. 712/16 FAIZA ABBASI V/S
GOVERNMENT OF KHYBER PAKHTUNKHWA**

compliance with the directions of the honorable tribunal dated: 08/05/2023 in respect of subject case, the following fact/report is submitted:

1. The relevant record has been checked which transpires that the recruitment process for the appointment of Computer Operators (BPS-12) was completed by the following dealing officers.

| S # | NAME OF OFFICER /DEALING OFFICER | TENURE | DATE OF TEST |
|-----|--|--------------------------------|--|
| 1 | Matloob ur Rehman (Then Assistant to Commissioner) Retired | 02/04/2011 to 30/09/2011 | Date of written test: 20/05/2011. Date of practical test: 08/06/2011. Date of interview: 25/06/2011 |
| 2 | Abdul Haleem Khan (Now serving as Deputy Secretary, Chief Minister's Secretariat, Peshawar) | 30/09/2011 to 19/10/2011 | DPSC meeting held on 03/10/2011 vide which Miss Farah Naz and Awais Qureshi were appointed |
| 3 | Adeela Hafeez (Now serving in Punjab) | 19/10/2011 to 31/12/2011 | DPSC meeting held on 16/12/2011 vide which Miss Faiza Abbasi was appointed. |

2. There is contradiction between constituted DPSC as Board of Revenue's Notification reveals that one member should be from Board of Revenue while notification issued by the then Commissioner Hazara Division excluded the Board of Revenue from DPSC and included the DCO Abbottabad as member which is violation of the Board of Revenue's notification.. **(Annex-A & B)**
3. Mr. Matloob ur Rehman has completed the entire process except interview but merit list of written test and computer typing test provided by the petitioner were signed by a single member i.e Mr. Matloob ur Rehman (ACR) not by all members of the DPSC.
4. Mr. Abdul Haleem then ACR who assumed charge on 30/09/2011 when the process of written test, typing test and interview were completed except meeting of DPSC, prepared all record again during his tenure which is doubtful as it is in contradiction with other merit lists prepared by his predecessor.
5. In present situation, this office cannot ascertain that which merit list is genuine as the entire recruitment process from beginning has procedural lapses and after lapse of 12 years; it is not possible to validate the said process or any part/document of it.


(Amer Sultan Tareen)
Commissioner
Hazara Division

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT
Peshawar dated the 05/12/2009

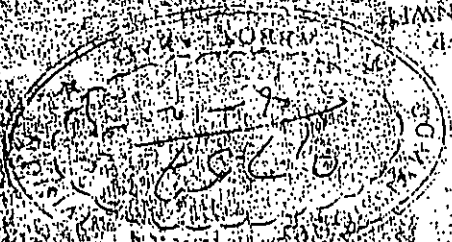
NOTIFICATION

No. Admitt. The Competent Authority in Revenue & Estate Department is pleased to constitute following Departmental Promotions Selection Committee for the offices of Divisional Commissioners in NWFP relating to the posts falling under their jurisdiction in BPS-1 to BPS-15.

- 1. Commissioner
- 2. Assistant to Commissioner (Rev.)
- 3. Representative of Board of Revenue, NWFP (Not below the rank of BPS - 17)
- 4. Chairman
- 5. Member
- 6. Member

BY ORDER OF

SENIOR MEMBER
BOARD OF REVENUE, NWFP



Admitt. No. 3147-79

Copy forwarded to the:

- 1. All Commissioners in NWFP
- 2. All District Coordination Officers in NWFP
- 3. All District Officers (R&E) Collectors in NWFP
- 4. All District Accounts Officers in NWFP

ASSISTANT SECRETARY (ASST)
BOARD OF REVENUE, NWFP

[Handwritten signature]

216
76

ANNEX - 1

7-12-09
ACR

ANNEX-B

B.

(81) 219



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

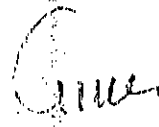
No.1/2-Estab: 6668

Dated Abbottabad the 22/7/2011

ORDER / NOTIFICATION:

In pursuance of Para-05 of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules 1989 and in supersession of all previous orders issued by this office in this behalf, the following noted Departmental Promotion and Selection Committee is hereby constituted/notified for this office with immediate effect:-


1. Commissioner Hazara Division Chairman
2. District Coordination Officer, Abbottabad Member
3. Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad Member


Commissioner
Hazara Division, Abbottabad

Endst: No. 6669-72

Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Establishment & Administration
Department, Peshawar.
2. Secretary to Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. District Coordination Officer, Abbottabad.
4. Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad.


Commissioner
Hazara Division, Abbottabad