



25.04.2018

Tour is hereby cancelled, Therefore the case is adjourned for the same on 30.07.2018 before D.B.


Reza
Camp court D.I khan

30.07.2018


Appellant present in person. Tour is hereby cancelled. Therefore the case is adjourned for the same on 10.09.2018 before D.B.


Reza
Camp court D.I khan

10.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the official respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on tomorrow i.e 11.09.2018 before D.B at Camp Court D.I.Khan.

(Ahmad Hassan)
Member
Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan


11.09.2018

Appellant Muhammad Hafeez in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 & 2 present. Appellant submitted an application for withdrawal of the appeal alongwith order dated 02.03.2018 whereby he has been promoted as Daftri. The same are placed on record. In this regard signature of the appellant was also obtained at the margin of order sheet as a token of proof.

In the light of the above, the present appeal is dismissed as withdrawn. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED
11.09.2018


(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

I want to withdraw my Present appeal. M. Hafeez

23.01.2018

Appellant in person and Mr. Farhaj Sikandar, Deputy District Attorney for respondents. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 20.02.2018 before D.B at camp court D.I.Khan.



(AHMAD HASSAN)
Member



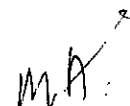
(M.AMIN KHAN KUNDI)
Member
Camp Court D.I.Khan

20.02.2018

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.03.2018 before D.B.



(AHMAD HASSAN)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER
Camp Court D.I.Khan

14.03.2018

None for the appellant present. Addl. AG for the respondents present. Adjourned. To come up for arguments on 25.4.2018 before the D.B at camp court, D.I.Khan.



Member



Chairman
Camp court, D.I.Khan

26.07.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 & 2 also present. Rejoinder not submitted. Appellant requested for adjournment. Adjourned. To come up for rejoinder on 27.09.2017 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

27.09.2017


Appellant in person present and Mr. Farhaj Sikandar, District Attorney for respondents present. Appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 28.12.2017 before D.B. at Camp Court D.I.Khan.



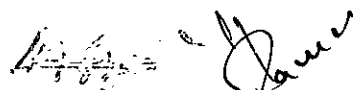
Member
(Judicial)
Camp Court D.I.Khan

28.12.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the official respondents present. Rejoinder not submitted. Appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 23.01.2018 before D.B at Camp Court D.I.Khan. Notice be also issued to the respondents for the date fixed.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan



(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

461/2015

27.09.2016

Counsel for the appellant and Mr. Farhaj Sikander, Government Pleader for the official respondents No. 1 & 2 present. Written reply on behalf of official respondents No. 1 & 2 has already submitted. None present on behalf of private respondents No. 3 to 14, therefore, fresh notices be issued to the said private respondents for submission of written reply/comments for 25.10.2016 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

25.10.2016

Appellant in person, Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 & 2 and counsel for private respondents No. 3 to 6 and 8 to 14 present. Wakalatnama alongwith written reply on behalf of private respondents No. 3 to 6 and 8 to 14 submitted by Saddam Hussain, Advocate. Written reply on behalf of official respondents has already submitted. None present on behalf of private respondent No. 7, therefore, fresh notice be issued to him. To come up for written reply/comments on behalf of private respondent No. 7 on 22.02.2017, before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

22.02.2017

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 & 2 present. None present on behalf of private respondent No. 7 despite issuance of notice for submission of written reply, hence proceeded ex-parte. Official respondents No. 1 & 2 and private respondents No. 3 to 6 and 8 to 14 have already submitted written replies. To come up for rejoinder on 26.07.2017 before S.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

26.04.2016

Appellant in person, Mr. Naveed-Ur-Rehman, COC for official respondents No.1 and 2 alongwith Mr. Farhaj Sikandar, GP for official respondents and private respondents No.3 to 14 in person present. Representative of the respondents needs time to submit written reply/comments. To come up for written reply/comments on 24.05.2016 at camp court D.I. Khan.


Member
Camp Court D.I. Khan

24.05.2016

Clerk to counsel for the appellant and Mr. Naveed-Ur-Rehman, COC for respondents No.1 and 2 alongwith Mr. Farkhaj Sikandar, GP for official respondents and private respondents No. 3 to 14 in person present. Written reply on behalf of respondent No.1 and 2 submitted. Private respondents requested for time to submit written reply. To come up for written reply on behalf of private respondents on 27.05.2016 at camp-court D.I. Khan.


Member
Camp Court D.I.Khan

Mr. Muhammad Hafeezullah

461/15

23.11.2015

Counsel for the appellant present and submitted that the appellant was recruited on 19.9.2003 but his seniority number reflected in the final seniority list of 2015 as at S.No. 13 and his other colleagues joined service much later than the appellant were made senior to the him. It was further submitted departmental appeal of the appellant was also not accepted, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The learned counsel further submitted that the seniority list maintained by the respondent-department is against the law/rules.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. Case to come up for written reply/comments at camp court, D.I.Khan on

26-1-2016.



MEMBER
Camp Court, D.I.Khan

Appellant Deposited
Security & Process Fee

26.01.2016

Appellant in person, Mr. Farhaj Sikandar, GP with Naveedur Rahman, Clerk of court for the official respondents No. 1 & 2 and private respondents No. 3, 5, 6, 7, 8, 11 and 14 in person present and requested for adjournment. None is available on behalf of other respondents. Fresh notices be issued to them. Case to come up for written reply on

26-4-16 at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

28.07.2015

Mr. Muhammad Anwar Awan, Advocate for appellant present and fresh Wakalatnama placed on file. He requested for adjournment to prepare the case. Therefore, case is adjourned to 24-08-2015 for preliminary hearing at camp court, D.I.Khan.



MEMBER
Camp court, D.I.Khan

26.10.2015

Appellant in person present and requested for time to produce his counsel. Therefore, case to come up for preliminary hearing at camp court, D.I.Khan on 23-11-15.






MEMBER
Camp Court, D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 461/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.05.2015	<p>The appeal of Mr. Muhammad Hafeezullah resubmitted today by Mr. Bilal Ahmad Kakaizai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-5-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	26.05.2015	<p>None present for appellant. Record perused. The appeal pertains to the territorial limits of D.I.Khan Division as such to be heard at D.I.Khan. Assigned to D.I.Khan Bench for preliminary hearing for 28.7.2015.</p> <p style="text-align: right;"> Chairman.</p>

appeal of Mr. Muhammad Hafeezullah Naib Qasid to CJ/JFC Dera Ismail Khan resubmitted to-
on 05.05.2015 is again returned to the counsel for the appellant with the remarks that the
es-E and G of the appeal are incomplete which may be completed and resubmit the same within
s.

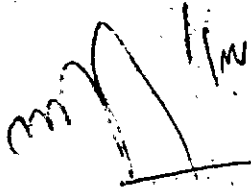
673 /S.T.

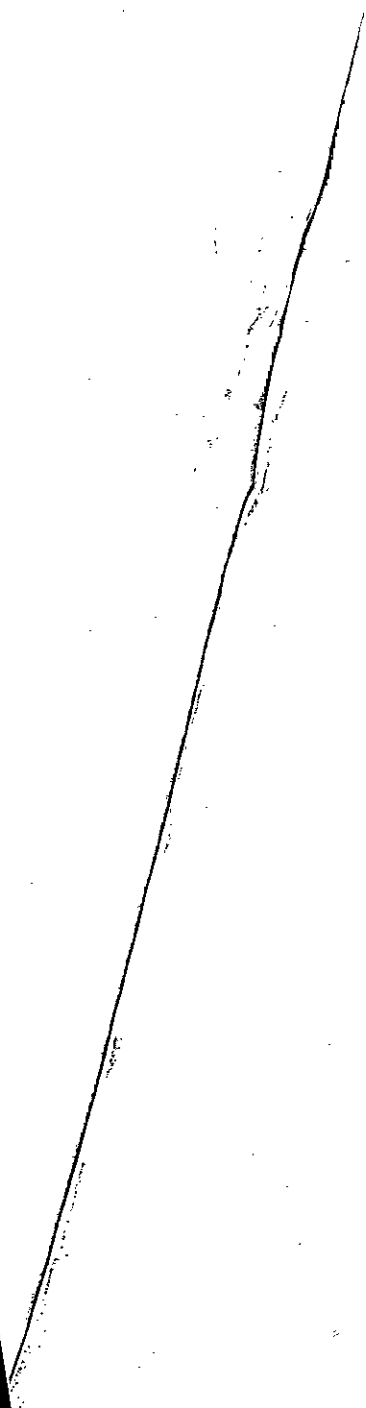
05/5 /2015.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bilal Ahmad Kakaizai Adv. Pesh.

Resubmitted as per objections.


/m



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10/2
142


107-2

The appeal of Mr. Muhammad Hafeezullah Naib Qasid to CJ/JFC-I dera Ismail Khan received to-day i.e. on 16.04.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Copy of Impugned seniority list dated 17.1.2015 mentioned in para- 4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Sixteen more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

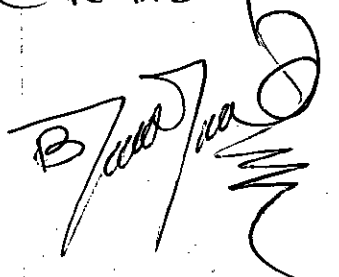
No. 594 /S.T,

Dt. 24/4 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bilal Ahmad Kakaizai Adv. Pesh.

Resubmitted as per objections.
Plz put before Primary Bench.



BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

A.W.F. Province
Service Tribunal
Diary No. 344
Dated 16-4-2015

Service Appeal No. 461 / 2015

MUHAMMAD HAFEEZ ULLAH V/s District & Sessions Judge etc.

I N D E X

Description of Documents		Page
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Affidavit		5
Addresses Sheet		6
Annexure-"A"	Appointment Order	7-8
Annexure-"B"	SSC Certificate	9
Annexure-"C"	Seniority List (SCJ)	10-12
Annexure-"D"	Seniority List (Impugned)	13
Annexure-"E"	... Appeal	14-15
Annexure-"F"	Order dt: 17-3-15	16-17
Annexure-"G"	Rules	18
Wakalat Nama		nil

Appellant

Through:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. 461 / 2015

K.W.P. Province
Service Tribunal
Dary No 344
dated 16/4/2015

MUHAMMAD HAFEEZ ULLAH,
Naib Qasid to CJ-IX / JFC - I, Dera Ismail Khan.

..... Appellant

VERSUS

1. DISTRICT & SESSIONS JUDGE,
Dera Ismail Khan.
2. SENIOR CIVIL JUDGE,
Dera Ismail Khan.
3. MUHAMMAD JAVED, Naib Qasid, District Judiciary, D.I.Khan
4. REHMATULLAH, Sweeper, District Judiciary, D.I.Khan.
5. GHAZANFARULLAH, Naib Qasid, District Judiciary, D.I.Khan.
6. ABDUL GHAFAR, Naib Qasid, District Judiciary, D.I.Khan.
7. HAFIZ SULTAN, Chowkidar, District Judiciary, D.I.Khan.
8. MUHAMMAD YAQOOB, Naib Qasid, District Judiciary, D.I.Khan.
9. ARSHAD BILAL, Naib Qasid, District Judiciary, D.I.Khan.
10. ADAM KHAN, Naib Qasid, District Judiciary, D.I.Khan.
11. MUHAMMAD MUSHTAQ, Naib Qasid, District Judiciary,
D.I.Khan.
12. MUHAMMAD TANVEER, Sweeper, District Judiciary, D.I.Khan.
13. FAZAL REHMAN, Naib Qasid, District Judiciary, D.I.Khan.
14. MUHAMMAD KASHIF, Naib Qasid, District Judiciary, D.I.Khan.

..... Respondents

As submitted to
and filed.

19/8/15

2

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974,
AGAINST OFFICE ORDER DATED 17.03.2015 WHEREBY THE
REPRESENTATION OF THE APPELLANT AGAINST THE IMPUGNED
TENTATIVE SENIORITY LIST HAS BEEN DISMISSED MOREOVER THE
IMPUGNED TENTATIVE SENIORITY LIST HAS ALSO BEEN DECLARED
AS FINAL SENIORITY LIST.

*Prayer: That, on acceptance of this Service Appeal, Impugned
Order dated 17.03.2015 be declared illegal, unlawful,
void and ineffective and Appellant be placed at right
place in the Seniority List i.e. above the name of
Respondent No. 3.*

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:-

- 1) That, Appellant was appointed as NAib Qasid on 19.09.2003, copy of the Appointment Order is attached as Annexure A.
- 2) That, during the course of employment Appellant improved his qualification by obtaining Matric Certificate / SSC in the year 2007, copy of the same is attached as Annexure B.
- 3) That, the Respondent No. 2 circulated the Final Seniority List of Establishment of the Senior Civil Judge, D.I.Khan as on 31.12.2014 wherein the name of the Appellant was correctly mentioned at Serial No. 7 of Naib Qasids Cadre, copy of the Seniority List of Establishment of Senior Civil Judge, D.I.Khan is attached as Annexure C.
- 4) That, on 17.01.2015 another common Seniority List of the holders of posts of Naib Qasid, Chowkidar, sweeper and Mali of District Level was issued by the Respondent No. 1 wherein the name of the Appellant has been shown at Serial No. 13 instead of Serial No. 1 i.e. above the name of the Mr. Javaid,

copy of the Impugned Seniority List is attached as Annexure D.

- 5) That, feeling aggrieved from the Impugned Seniority List, Appellant preferred his Representation to the Respondent No. 1, which was decided / dismissed on 17.03.2015, copy of the Representation and Impugned Appellate Order is attached as Annexure E & F, hence, this Service Appeal on the following amongst other grounds: -


GROUNDS

- A. That, Impugned Appellate Order as well as Impugned Seniority List, wherein the name of the Appellant is shown at Serial No. 13 instead of Serial No. 1 is illegal, unlawful, void and ineffective
- B. That, the same is against the principles of Natural Justice, also.
- C. That, as per law, the seniority of the incumbents / civil servants shall always be reckoned from the date of regular Appointment to the post or cadre and as per record of the case in hand Appellant has been inducted into the service of the Respondents No. 1 & 2 much earlier than the private Respondents.
- D. That, since the post of Naib Qasid / Chowkidar belongs to lowest cadre / Class IV, therefore, in order to encourage them for getting education, 30% quota has been reserved for those who acquire SSC Certificate earlier. It is important to mention here that instant condition of acquiring SSC Certificate is meant for in service employees, copies of the abstract of the Rules are attached as Annexure G.
- E. That, the acts and omission of the Respondents are against Article 4, 25 and 27 of the Constitution of Islamic Republic of Pakistan, 1973.

- F. That, the practice of the Respondents will demoralize the objective of Civil Servants who believe in hard work and supremacy of law both in theory and practice.
- G. That, the Impugned Appellate Order is against the section 24-A of the General Clauses Act.

It is, therefore, requested that Appeal be accepted as prayed for.


Appellant

Through, 
BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

5

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

Service Appeal No. _____ / 2015

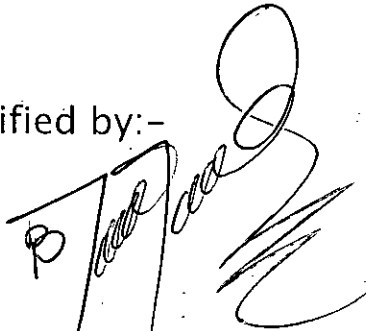
MUHAMMAD HAFEEZ ULLAH V/s District & Sessions Judge etc.

AFFIDAVIT

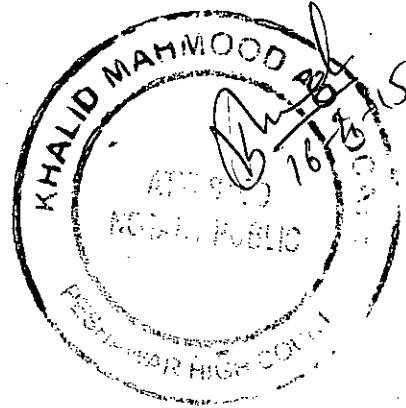
I, Muhammad Hafeez Ullah, Naib Qasid to CJ-IX / JFC - I, Dera Ismail Khan, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.


Deponent.

Identified by:-



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



(6)

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2015

MUHAMMAD HAFEEZ ULLAH V/s District & Sessions Judge etc.

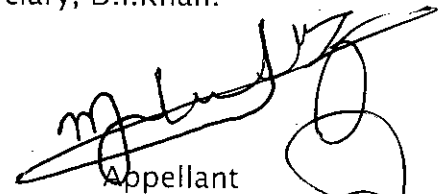
ADDRESSES OF PARTIES.

PETITIONER:


Muhammad Hafeez Ullah,
Naib Qasid to CJ-IX / JFC - I, Dera Ismail Khan.

RESPONDENT

1. DISTRICT & SESSIONS JUDGE, Dera Ismail Khan.
2. SENIOR CIVIL JUDGE, Dera Ismail Khan.
3. MUHAMMAD JAVED, Naib Qasid, District Judiciary, D.I.Khan
4. REHMATULLAH, Sweeper, District Judiciary, D.I.Khan.
5. GHAZANFARULLAH, Naib Qasid, District Judiciary, D.I.Khan.
6. ABDUL GHAFAR, Naib Qasid, District Judiciary, D.I.Khan.
7. HAFIZ SULTAN, Chowkidar, District Judiciary, D.I.Khan.
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9. ARSHAD BILAL, Naib Qasid, District Judiciary, D.I.Khan.
10. ADAM KHAN, Naib Qasid, District Judiciary, D.I.Khan.
11. MUHAMMAD MUSHTAQ, Naib Qasid, District Judiciary, D.I.Khan.
12. MUHAMMAD TANVEER, Sweeper, District Judiciary, D.I.Khan.
13. FAZAL REHMAN, Naib Qasid, District Judiciary, D.I.Khan.
14. MUHAMMAD KASHIF, Naib Qasid, District Judiciary, D.I.Khan.


Appellant

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

7
A

OFFICE OF THE SENIOR CIVIL JUDGE, De a Ismail Khan.

No: _____/G Dated D. I. Khan the _____/Sep 2003.

ORDER.

As per recommendations of the Departmental Selection committee vide its meeting held on 17-9-2003 the following selection order of various categories posts in BPS-1 is hereby accorded with immediate effect.

List of process servers selected.

- 1- Sanauallah s/o Amjad Ali.
- 2- Mohammad Ramzan s/o Ghulzm Qadir.
- 3- Arfan Ali Abbass s/o Ghazanfer Ali.
- 4- Javed Iqbal s/o Ghulam Qasim.
- 5- Malik Irfan Ali s/o Malik Nousher.
- 6- Sanauallah s/o Jaber Din.
- 7- Qmer Zaman s/o Mohammad Hanif.
- 8- Zafer Iqbal s/o Ghulam Rabbani.
- 9- Tufail Anwar s/o Rahim Bukhsh.
- 10- Saifur-Rehman s/o Khalifa Abdul Qayyum.
- 11- Tahir Nawaz s/o Allah Nawaz.
12. Naimat Ullah son of Mando.
13. Mohd: Saghir Ahmad son of Chaudhry Alimuddin.
14. Mohammad Umar Jehangir son of Malik Alamgir.
15. Saifur Hussain son of Amir Hussein.
16. Ishfaq Ali Ahmad son of Niaz Muhammad.
17. Syed Anis-ul-Hasnain shah son of S. Hashim Shah.
18. Syed Shah Ismail son of Syed Ibrahim Shah.
19. Muhammad Riawan son of Mohammad Usman Saduzai.
20. Muhammad Yousaf son of Zulficar Ali.
21. Asmat ullah son of Ghulam Yasin.
22. Khurshid Qayyum son of Abdul Qadir.
23. Ahmad Nawaz son of Haq Nawaz.
24. Aziz Ullah son of Aurangzeb.
25. Ghulam Rabani son of Haji Khan.

W
Certified to be
True Copy

P 80

LIST OF NAIB QASID, SELECTED IN BPS: 1.

- (8)
1. Mohammad Hafeez son of Muti Ullah.
 2. Munir Ahmad, son of Bashir Ahmad.
 3. Muhammad Ejaz son of Shah Nawaz.
 4. Zafran Shah son of Saidan Shah.
 5. Rana Muhammad Khalid son of Rana Sanauallah.

LIST OF CHOWKIDAR SELECTED IN BPS: 1:-

1. Khyzar Hayat son of Ghulam Hashim.
2. Kalim Ullah son of Hamid Ullah.

LIST OF SWEEPER IN BPS: 1:-

Irfan Masih son of Javed Masih.

NOTE:

1. All the above orders are purely on temporary basis and will be liable to termination with out Notice.
2. The above officials will remain on provision for one year and will be regularised after the completion of said period subject to there good performance and observations about there attituded .
3. 16 Process Servers, four Naib Qasid, one Chowkidar and one Sweeper appointed vide this order will be paid through the Budget Grant under head Access to Justice Program while the ~~order~~ others will be paid through regular Budget. The Clarafition about the payees of ~~Access to Justice Program and Regular Budget~~ will be ~~at~~ made in there posting orders.

(SYED ACEEL AJIZ)

SENIOR CIVIL JUDGE, DIKhan.

Endst: No: 599-635 G., dated DIKhan the 19/9/03

Copy forwarded to :-

1. The Worthy Registrar Peshawar High Court Peshawar.
2. Member Inspection Team, Peshawar High Court, DIKhan.
3. The Hon'ble District and Sessions Judge, Dera Ismail Khan.
4. The District Accounts Officer, DIKhan.

(SYED ACEEL AJIZ)
SENIOR CIVIL JUDGE, DIKhan.

Copy
True Copy

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
DERA ISMAIL KHAN N-W.F.P (PAKISTAN)

Serial No 16103

Roll No 15060

Group Arts



Session 2007 (Annual)

Registration No

Attempt

SECONDARY SCHOOL CERTIFICATE EXAMINATION
Part-I / II

REGISTERED MARKS OBTAINED

In favour of Mr./Miss. Muhammad Hafiz Ullah
Son / Daughter of Mr. Muti Ullah
who appeared for award of Secondary School Certificate at the
Examination held in the month of April 2007
as a Private Candidate from District D.I.Khan
securing 611 marks as per statement given below. He/She
has been placed in grade C representing Good

DUPLICATE

SUBJECT-WISE STATEMENT OF MARKS

Subject	Marks	Marks Obtained				Total	Grade
		Theory	Practical	Project	Portfolio		
1. English	150	41		30		71	
2. Urdu	150	46		52		98	
3. Islamiyat	75	41				41	
4. Pakistan Studies	75			44		44	
5. Mathematics	150	40		35		75	
6. General Science	150	40		41		81	
7. Islamic Studies	150	51		52		103	
8. Art & Model Drawing	150	22	25	23	28	98	

Total 1050

611

Remarks

(Marks in words) (Six Hundred & Eleven Only)

Date of declaration of result 16-07-2007

Date of Issue 16-07-2007

Prepared by Muhammad Ashfaq

Checked by Muhammad Ilyas

Note:

- This certificate is issued without alteration or erasure.
- Error / omission excepted.

Grading

- 80% and above A-1. (Exceptional)
- 70% and above but below 80% A. (Excellent)
- 60% and above but below 70% B. (Very Good)

CONTROLLER OF EXAMINATIONS
B.I.S.E. DERA ISMAIL KHAN

- 50% and above but below 60% C (Good)
- 40% and above but below 50% D (Fair)
- Below 40% to minimum Pass Marks E (Satisfactory)

Certified to be True Copy

2

SENIORITY LIST**Establishment of the Senior Civil Judge, DIKhan (as on 31/12/2014) (Final)**

S No	Name	Father's name	Date of Birth	Date of entry in Govt. Service	Date of appointment in this office	Firstly appointed as	Date of appointment on present post	25 years will be completed	60 years will be completed	Education	Remarks
CIVIL NAZIR (BPS-16)											
1	Umar Farooq	Umar Hayat	02.03.1962	05.11.1979	05.11.1979	P/Server	19.02.2014	04.11.2004	01.03.2022	Matric	Assesed to be true copy
NAIB NAZIRS (BPS-11)											
1	Nasir Zaman	Rabnawaz	01.04.1961	14.04.1980	14.04.1980	P/Server	15.02.1987	15.04.2005	31.03.2021	Matric	
2	Ghulam Shabir	Allah Bakhsh	15.12.1958	18.05.1978	18.05.1978	Naib Qasid	19.06.1996	17.05.2003	14.12.2018	Matric	
3	Fazal ur Rehman	Muhammad Bakhsh	17.04.1955	04.11.1979	04.11.1979	P/Server	23.05.1988	03.11.2004	16.04.2015	Matric	
4	Shamshad Hussain	Bakhtawar Khan	01.08.1960	04.11.1979	04.11.1979	P/Server	23.05.1988	03.11.2004	31.07.2020	Matric	30/1/2015
5	Aziz ur Rehman	Qureshi Abdul Hai	02.01.1960	01.08.1981	01.08.1981	P/Server	19.09.2003	31.07.2006	01.01.2020	Matric	
6	Muhammad Ilyas	Muhammad Ilyas	03.12.1964	20.09.1986	20.09.1986	P/Server	19.09.2003	29.09.2010	03.03.2024	D. Com	
7	Syed Sajjad Hussain Shah	Sharaf Hussain Shah	04.03.1962	01.03.1985	01.03.1985	P/Server	19.09.2003	29/2/2010	03.03.2022	Matric	
	Muhammad Rafique	Muhammad Siddique	20.03.1962	12.01.1987	12.01.1987	P/Server	19.09.2003	11.01.2012	19.03.2022	B.A.	
	Fazal Karim	Karim Dad	25.03.1965	30.07.1985	30.07.1985	P/Server	20/02/2008	29/07/2010	24/03/2025	Matric	
	Inayatullah	Ahmad Khan	02.06.1968	30/07/1985	30/07/1985	P/Server	20/06/2008	29/07/2010	02.05.2028	Matric	
	Abdul Waheed	Muhammad Ramzan	12.05.1968	06.04.1987	06.04.1987	P/Server	06.04.1987	05.04.2012	11.5.2028	F.A.	
	Muhammad Zulfah	Hamidullah	09.10.1970	01.02.1990	01.02.1990	P/Server	19.02.2014	19.01.2015	09.07.2030	Matric	

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Senior Civil Judge
Dera Ismail Khan.

(11)

S No	Name	Father's name	Date of Birth	Date of entry in Govt. Service	Date of appointment in this office	Firstly appointed as	Date of appointment on present post	25 years will be completed	60 years will be completed	Education	Remarks
36	Asad Nawaz	Allah Nawaz	03.01.1986	27/10/2007	27/10/2007	P/Server	27/10/2007	26/10/2032	28/2/2046	F.A.	
37	Rooh-ul-Amin	Muhammad Amin	11.01.1987	27/10/2007	27/10/2007	P/Server	27/10/2007	26/10/2032	01.10.2047	B.A.	
38	Muhammad Owais	Muhammad shabrooz	03.01.1988	27/10/2007	27/10/2007	P/Server	27/10/2007	26/10/2032	28/02/2048	Matric	
39	Faisal Amin	Muhammad Amin	10.01.1990	18/09/2008	18/09/2008	P/Server	18/09/2008	17/09/2022	01.09.2050	Matric	
40	Amanullah	Imam Bakhsh	18.01.1981	18.09.2008	18/09/2009	P/Server	18/09/2008	17/09/2033	17/01/2041	Matric	
41	Javeed Khan	Ghulam Rasual	20.10.1981	18/09/2008	18/09/2008	P/Server	18/09/2008	17/09/2033	19/10/2041	B.A.	
42	Abdul Qayyum	Muhammad Nawaz	03.12.1984	18/09/2008	18/09/2008	P/Server	18/09/2008	17/09/2033	03.11.2044	Matric	
43	Sajjad Hussain	Hussain Ahmad	04.05.1986	18/09/2008	18/09/2008	P/Server	18/09/2008	17/09/2033	05.03.2046	B.A.	
44	Muhammad Irfan	Salahuddin	30.12.1982	20/09/2008	20/09/2008	P/Server	20/09/2008	19/09/2033	29/12/2042	B.A.	
45	Naimat Ullah	Khuda Bakhsh	04.04.1981	26.9.2011	28/9/2011	P/Server	28/9/2011	25.9.2036	03.04.2041	Matric	
46	Alamgir Khan	Jahengir Khan	15.08.1981	26.9.2011	28/9/2011	P/Server	28/9/2011	25.9.2036	14.08.2041	B.A.	
47	Intazar Mehndi	Syed Maqbool Shah	02.03.1983	26.9.2011	28/9/2011	P/Server	28/9/2011	25.9.2036	01.03.2043	F.A.	
48	Shakeel Akhtar	Rahman Bakhsh	01.01.1984	26.9.2011	28/9/2011	P/Server	28/9/2011	25.9.2036	31.12.2043	Matric	
NAIB QASIDS (BPS-02)											
1	Gul Nawaz	Rabnawaz	June 1970	12.11.1987	12.11.1987	Naib Qasid	12.11.1987	June 2012	June 2030	Under-matric	
2	Muhammad Ashraf	Allah Bakhsh	1976	15.02.1997	15.02.1997	Naib Qasid	15.02.1997	2022	2036	Under-matric	

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30/10/2015

Senior Civil Judge
Dara Ismail Khan

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S No	Name	Father's name	Date of Birth	Date of entry in Govt. Service	Date of appointment in this office	Firstly appointed as	Date of appointment on present post	25 years will be completed	60 years will be completed	Education	Remarks
3	Muhammad Haneef	Muhammad Yousuf	1975	25.06.1998	25.06.1998	Naib Qasid	25.06.1998	2023	2035	Under-matric	
4	Allah Nawaz	Shahnawaz	1974	01.09.1999	01.09.1999	Naib Qasid	01.09.1999	2024	2034	Middle	
5	Abdul Aziz	Ghulam Yaseen	1971	23.02.2000	23.02.2000	Naib Qasid	23.02.2000	2025	2031	Under-matric	
6	Badar uz Zaman	Muhammad Ramzan	12.04.1978	01.10.2001	01.10.2001	Naib Qasid	01.10.2001	31/9/2026	11.04.1938	Middle	
7	Muhammad Hafeezullah	Matiullah	10.03.1984	19.09.2003	19.09.2003	Naib Qasid	19.09.2003	18.09.2028	09.03.2044	F.A.	
8	Shakir ullah Khan	Abdullah	10.05.1905	01.01.2002	02/06/2008	Naib Qasid	06.02.2008	31/12/2026	31/12/2016	Illiterate	
9	Azmat Ali Shah	Syed Hashmat Ali Shah	21/06/1976	26/10/2007	26/10/2007	Naib Qasid	26/10/2007	25/10/2032	20/06/2036	Under-matric	
10	Mohammad Javed	Bashir Ahmad	06.08.1971	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	05.08.2031	B.A.L.L.B	
11	Ghazanfer Ullah	Aziz Ullah	05.03.1977	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	04.03.2037	M.A	
12	Abdul Ghaffar	Umer Daraz	10.03.1980	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	09.03.2040	Matric	
13	Mohammad Mushtaq Haider	Mohammad Bashir	20.4.1974	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	19.04.2034	Matric	
14	Mohammad Kashif	Iltaf Hussain	20.03.1988	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	19.03.2048	B.A	
15	Usman Ghani	Malik Makhan	10.01.1992	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	09.01.2052	F.A.	
16	Zeeshan Muhammad	Atta Mohammad	01.01.1987	01.07.2010	01.07.2010	Naib Qasid	01.07.2010	30.06.2035	31.12.2046	Matric	
17	Shafqat Hussain	Karim Bakhsh	26.12.1979	09.12.2010	08.12.2010	Naib Qasid	08.12.2010	08.12.2035	25.12.2039	Matric	
18	Mohammad Yaqoob	Mohammad Yousaf	31.08.1980	09.12.2010	08.12.2010	Naib Qasid	08.12.2010	08.12.2035	30.08.2040	M.Com	

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30/01/2015

Senior Civil Judge

(13) D

**PROVISIONAL COMMON SENIORITY LIST OF THE HOLDERS OF POSTS OF NAIB QASID CHOWKIDAR & SWEEPERS/MALI
OF THE DISTRICT JUDICIARY, DERA ISMAIL KHAN, AS IT STOOD ON 31-12-2014**

S/No	Name of Govt. Servant	Father's Name	Designation	Date of Birth	Educational Qualification	Date of entry in Govt. Service	Date of acquiring Matric qualification	1st Appointment as	Date of Appointment to the present Post	Date of attaining super annuation	Remar
(1)	(2)	(3)		(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	M. Javaid	Bashir Ahmed	Naib Qasid	06-08-1971	B.A/LLB	01-07-2010	1987	Naib Qasid	01-07-2010	05-08-2031	Jan
2.	Rehmatullah	M.Ranzan	Sweeper	08-08-1974	Matric	01-10-2007	1991	Sweeper	01-10-2007	08-08-2034	
3.	Ghazanfarullah	Azizullah	Naib Qasid	05-03-1977	M.A	01-07-2010	1993	Naib Qasid	01-07-2010	04-03-2037	
4.	Abdul Ghaffar	Umer Daraz	Naib Qasid	10-03-1980	Matric	01-07-2010	1995	Naib Qasid	01-07-2010	09-03-2040	
5.	Hafiz Sultan	Ghulam Jilani	Chowkidar	08-12-1979	B.A	01-10-2007	1996	Chowkidar	01-10-2007	08-12-2039	
6.	M. Yaqoob	M. Yousaf	Naib Qasid	31-08-1980	M.Com	09-12-2010	1997	Naib Qasid	08-12-2010	30-08-2040	
7.	Arshad Bilal	M.Bilal	Naib Qasid	01-10-1982	Matric	23-09-2003	2000	Naib Qasid	01-10-2042	01-10-2042	
8.	Adam Khan	Nadir Khan	Naib Qasid	04-05-1980	Matric	23-09-2003	2003	Sweeper	26-05-2007	04-05-2040	
9.	Mohammad Mushtaq	Muhammad Bashir	Naib Qasid	20-04-1974	Matric	01-07-2010	2003	Naib Qasid	01-07-2010	19-04-2034	
10.	M. Tanveer	Hamidullah	Sweeper	03-01-1987	B.A	18-09-2008	2003	Sweeper	18-09-2008	28-02-2047	M.K
11.	Fazal Rahman	M.Hassan	Naib Qasid	04-10-1985	F.A	30-06-2010	2004	Naib Qasid	30-06-2010	04-10-2045	
12.	M. Kashif	Altaf Ahmed	Naib Qasid	20-03-1988	B.A	01-07-2010	2005	Naib Qasid	01-07-2010	19-03-2048	K.S.H
13.	M. Hafizullah	Matiullah	Naib Qasid	10-03-1984	F.A	19-09-2003	2007	Naib Qasid	19-09-2003	09-03-2044	
14.	M. Usman	M.Jan	Sweeper	15-02-1987	B.A	30-06-2010	2007	Sweeper	30-06-2010	15-02-2047	U.S.
15.	Usman Ghani	Malik Makhan	Naib Qasid	10-01-1992	F.A	01-07-2010	2008 ✓	Naib Qasid	01-07-2010	09-1-2052	U.S.M
16.	Zeeshan Muhammad	Atta Muhammad	Naib Qasid	01-01-1987	Matric	01-07-2010	2008 ✓	Naib Qasid	01-07-2010	31-12-2046	
17.	M. Parvez	Khuda Bakhsh	Sweeper	05-06-1982	Matric	26-10-2007	2009	Sweeper	26-10-2007	5-05-2042	

Dated: _____

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Attested

Superintendent
Session Court,
Dera Ismail Khan.

(Muhammad Rauf Khan)
District & Sessions Judge, DI Khan

(14) E

OFFICE OF THE DISTRICT & SESSIONS JUDGE
No. 285
Date 14-2-2015
DERA ISMAIL KHAN

To

The Honourable
District & Sessions Judge,
Dera Ismail Khan

Through proper channel

Subject: **REPRESENTATION AGAINST THE FIXATION OF SENIORITY LIST CIRCULATED VIDE OFFICE ORDER BEARING NO.245 DATED 17.01.2015**

Respected Sir,

The applicant submits the following few lines for hour sympathetic consideration please:-

1. That the applicant was appointed as Naib Qasid and accordingly joined the service as Naib Qasid on 19.09.2003.
2. That the applicant improved his qualification by obtaining Metric certificate/SSC in the year 2007 which is already available on record of service the applicant, however copy of the same is enclosed for your kind perusal.
3. That inspite of all these admitted facts, that the applicant joined the service on 19.09.2003, improved his qualification of SSC in the year 2007, the seniority of the applicant has wrongly been fixed in the provisional common seniority list issued on 31.12.2014 by placing the name of applicant at Serial No.13 instead of Serial No.01 of the seniority list as the person (Muhammad Javed) whose name has been placed at Serial No.01 has joined the service on 01.07.2010 much later than the applicant. The photocopies of S.S.C and intermediate certificates, seniority list issued by the learned Senior Civil Judge, D.I.Khan, Minutes of the Department

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office
For Report

DISTRICT & SESSIONS JUDGE
Dera Ismail Khan

Accepted

Signature
Senior Civil Judge
Dera Ismail Khan

15/A

Selection Committee and appointment letter are annexed as annexure "A" to "D".

4. That it is pertinent to mention here that the name of applicant is correctly placed at Serial No.07 in the seniority list prepared and issued by the learned Senior Civil Judge, D.I.Khan in respect of establishment of the learned Senior Civil Judge, D.I.Khan. Copy of the same is enclosed for kindly perusal.

5. That it is legal proposition of service laws that seniority is counted from the date/time of entry into service and not otherwise, but this settled principle of service laws and rules has not been observed while preparing the seniority list of the holders of the posts of Class-IV/Naib Qasids etc due to which irreparable loss has been caused to the applicant, hence, the instant representation.

In view of the submissions made above, it is, therefore, requested that the case of the applicant for fixation of seniority may please be reconsidered and seniority of the applicant may please be fixed in accordance with law and rules holding the field.

The applicant may be pleased provided an opportunity of personal hearing also.

Dt.11.02.2015.

Yours most obedient

Muhammad Hafeez Ullah
Naib Qasid to CJ-IX/JFC-I, D.I.Khan

Handwritten notes:
Certified to be True Copy
Submitted
Session Judge
Dera Ismail Khan

15

OFFICE OF THE SENIOR CIVIL JUDGE, D.I.KHAN

No. 216 /SCJ Dated D.I.Khan the 12 / 02 /2015.

Forwarded in original to Honourable District & Session
Judge D.I.Khan, please.

12.2.15
(SENIOR CIVIL JUDGE)
Dera Ismail Khan

W
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(16) F

No. 1261 /DSJ-Admn.

Dated D.I.Khan the 17/3/2015

OFFICE OF DISTRICT & SESSIONS JUDGE,
DERA ISMAIL KHAN

OFFICE ORDER
17.03.2015

After issuance of tentative seniority list of the establishment of the District Judiciary, D.I.Khan, one **Muhammad Hafeez Ullah**, Naib Qasid, submitted representation against the fixation of his seniority, circulated vide this Office order bearing # 245 dated 17.01.2015 inter alia on the ground that "he has been appointed in the year 2003 but his length of service has not been taken into consideration while determining his seniority in the joint seniority list of Naib Qasids, Malis, Chaukidars and Sweepers". The representation of petitioner was marked to the Office for report. The report of Superintendent of this Office is worth perusal.

Keeping in view the appendix to the Peshawar High Court, Peshawar (Subordinates Courts Staff) Recruitment Rules 2003, published in the Judicial Esta Code 2011, this office has correctly determined the seniority of the petitioner. Hence, his representation against the tentative seniority list already circulated, stands dismissed.

Since no other official has put-forth any objection on the tentative seniority list; therefore, the tentative seniority list, already circulated, stands declared as final seniority list.

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17/3/15
Supdt. Sessions
Distt. Dera Ismail Khan

9/11
(Muhammad Rauf Khan)
District & Sessions Judge
Dera Ismail Khan

1261
17/3/15

SIR

It is submitted that common Seniority List of Class-IV employees of the District Judiciary, DIKhan has been prepared in accordance with the Peshawar High Court (subordinate courts staff) Recruitment Rules, 2003 contained in Notification No. 39, dated 26/03/2003 issued and circulated by the Hon'ble Peshawar High Court, Peshawar for the purpose of promotion to various posts. In this context Para No.13 of the appendix referred to the above concerning appointment to the post of Junior Clerk is reproduced as under:

“

- i) *Not less than 70 percent by initial recruitment, and*
- ii) *Not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweepers, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.*

Note: For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter, and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:

- a. *If two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and*
- b. *Where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing preference to the senior official.*”

Sir, owing to the above criteria, the applicant (Hafizullah, Naib Qasid) has been rightly placed at S.No. 13 of the said Seniority List.

Report is accordingly submitted please.

[Signature]
Superintendent

DSJ, DIKhan

[Handwritten signature]
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[Handwritten signature]
Superintendent
Session Court
Dera Ismail Khan

Rules

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G

- i) Not less than 70 percent by initial recruitment, and
- ii) Not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweepers, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.

Note: For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter, and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:

- a. If two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
- b. Where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing preference to the senior official. ”


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Before KPK Service

بعدالت

Tribunal, Peshawar

Appellant

2 منجانب

District of Peshawar
Judge, D.I. Khan
etc

Muhammad Hafizullah

مورخہ
مقدمہ

دعوی

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے Bilal Akhbarizai Adv

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

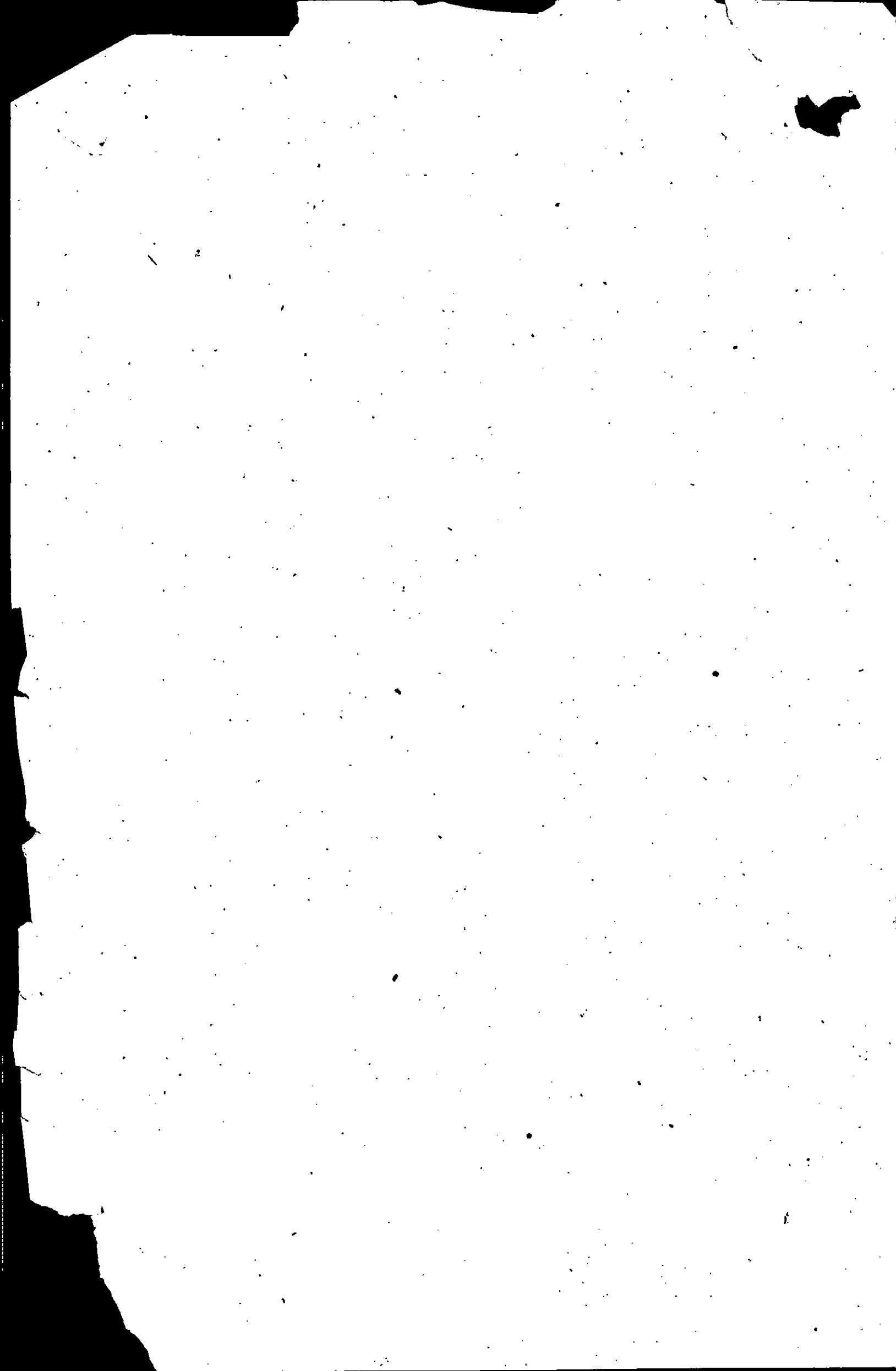
16 ماہ الحویل

المقوم

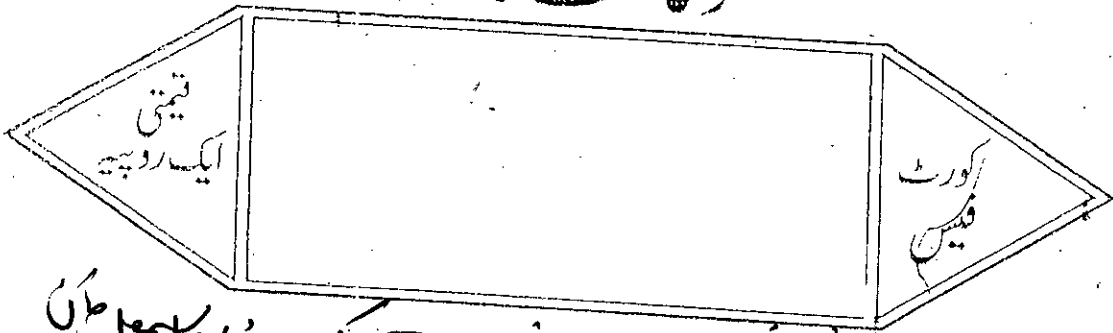
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وکالت نامہ



جناب روس ریجنل ایس ایچ آفیسر ایف ایف سی

منجانب ایف ایف سی

محمد حفیظ اللہ

ایف ایف سی

ڈوکی یا جرم

تفصیل ڈوکی یا جرم

باعث تحریر آنکہ

D. I. Khan

محمد الدردان ایجوکیشنل سروسز

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کی پیشگی یا تصفیہ مقدمہ نامہ
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشگی پر خود یا ہذا بذریعہ ذمہ برد عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارتے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشگی پر منظر حاضر نہ ہو اور مقدمہ بری غیر حاضری کی وجہ سے کسی طبع میرے خلاف ہو گیا تو صاحب
 موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف عدوت مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا چھپے یا بروز قہقہہ
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ عدوت کچہری کے علاوہ اور جگہ ساعت ہونے یا بروز قہقہہ یا کچہری کے اوقات کے آگے یا چھپے پیش ہونے
 پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا نجات نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بھ
 کوکل ساختہ پر داختر صاحب موصوف شکل کروں ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض ڈوکی یا جواب ڈوکی یا درخواست اجراء اسیلے ڈوکی
 نظر ثانی اپیل گرانٹی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر غائبی یا راضی ثابت و ایما بر ملک کرنے اتالی ڈوکی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیش مقدمہ مرکز بیرون از کچہری عدوت بیرونی مقدمہ مرکز نظر ثانی اپیل و گرانٹی و ہر قسم مقدمہ یا استوئی ڈوکی یک طرفہ یا درخواست حکم استیفاء یا قرض
 یا گرفتاری نقل از ایما اجراء ڈوکی بھی صاحب موصوف کو بشرط ادائیگی علیحدہ معاہدہ بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذت صاحب موصوف شکل کرو
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مرکز، یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
 اپیل گرانٹی یا دیگر معاوضہ و تذبذب نہ کروں کسی دوسرے وکیل یا بیرون کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں وہی اور دینے
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التزام پڑے جو صاحب موصوف کا حق ہو گا اگر
 صاحب موصوف کو پوری نہیں تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت
 میں ہیرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

28 جولائی 2015

مضمون وکالت نامہ میں لیا ہے اور اسی طرح لکھ لیا ہے اور منظور ہے

CHANEEL
 Adv
 28-7-2015

AW

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Subject:

REPLY ON BEHALF OF RESPONDENT NO.1 IN
RESPECT OF SERVICE APPEAL BEARING NO.461
OF 2015 TITLED AS "MUHAMMAD HAFEEZ ULLAH
VERSUS DISTRICT & SESSIONS JUDGE, ETC".

Respectfully Stated,

The Para wise reply to the **GROUND**s in service appeal titled above is as under:

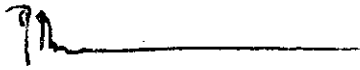
- A. That **Para-A** is wrong, misconceived and is denied.
- i. That appellant was appointed as Naib Qasid on 19/09/2003 in the establishment of Senior Civil Judge, Dera Ismail Khan and in this respect service seniority list was prepared by the Office of Senior Civil Judge, DIKhan on 31/12/2014, in which the name of appellant was mentioned at Serial No.7. Copy of same is enclosed herewith as Annex "A". The appellant was neither aggrieved from the above seniority list nor he has challenged it in any competent forum.
 - ii. That on 31/12/2014, the office of undersigned also prepared a common seniority list of Class IV officials and the name of appellant was also mentioned in this list at Serial No.13, upon which the said Naib Qasid was offended and challenged the common seniority list in the office of undersigned.
 - iii. That the Rules governing the seniority and other Service matters of the appellant are contained in Peshawar High Court (Sub-ordinate court staff) Recruitment Rules-2003. According to the rules *ibid*, it is incumbent upon the office of the undersigned to maintain separate "common seniority lists" for the purpose of Promotions to various posts mentioned in Para-13 to Para 19 of the Appendix annexed to the above referred rules.
 - iv. That the impugned seniority list was prepared only for the purpose of promotion. Otherwise the appellant falls in the establishment of Senior Civil Judge, DIKhan and has no concern with the permanent seniority list prepared by the undersigned every year. The impugned seniority list was temporarily prepared for promotion purpose and now the same is not in field. Moreover, common seniority list will again be prepared as and when promotion is required. Therefore, the appellant has no cause of action and his appeal may be treated as infructuous.

- B.** That **Para-B** is incorrect and misconceived. Hence, is denied. The details of mandate, principles and relevant procedure in respect of common seniority list has already been explained while replying Para-A.
- C.** That **Para-C** is denied being wrong and based on misconceived interpretation of relevant Rules regarding seniority. The details of such Rules, governing the appellant, has already been detailed and explained in reply of Para-A.
- D.** That **Para-D** is irrelevant to the undersigned and denied.
- E.** That **Para-E** is denied. There is no omission in respect of observing the relevant Rules governing the service matters of the appellant. The act of the undersigned in shape of preparation of common seniority list on 31/12/2014 was according to the true letter and spirit of the relevant Rules contained in Peshawar High Court (Sub-ordinate Courts Staff) Recruitment Rules-2003 and Constitution of Islamic Republic of Pakistan, 1973.
- F.** That **Para-F** is denied. The act of the undersigned, as impugned by the appellant, was according to the relevant Rules, Practice, and the Constitution of Islamic Republic of Pakistan, 1973.
- G.** That **Para-G** is denied and is based on misconceived interpretation of legal provisions. As mentioned hereinabove, the common seniority list prepared on 31/12/2014 by the undersigned was according to the Principles of Natural Justice, relevant Rules and Procedure.

In view of the above made submissions, it is, therefore, requested that the appeal of the appellant is against the law, Service Rules & Regulations; therefore, the same may be dismissed with costs.

Your Humble Respondent No.1,

Dated: 24/05/2016.


(District & Sessions Judge)
Dera Ismail Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Subject:


REPLY ON BEHALF OF RESPONDENT NO.2 IN
RESPECT OF SERVICE APPEAL BEARING NO.461
OF 2015 TITLED AS "MUHAMMAD HAFEEZ ULLAH
VERSUS DISTRICT & SESSIONS JUDGE, ETC".

Respectfully Stated,

The Respondent No. 2 fully relied upon the reply submitted by the
Hon'ble District & Sessions Judge, DIKhan/ Respondent No. 2.

Your Humble Respondent No.2

Dated: 23/01/2016.


(Senior Civil Judge)
Dera Ismail Khan.

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KHYBERPAKHTUNKHWA

Muhammad Hafeez Ullah

VERSUS

District & District & Session Judge, Dikhan & Others

Written Reply On Behalf Of Respondents No. 3 to 6, 8 to 14

Respectfully Sheweth,

Preliminary Objections:

1. That the instant appeal is not maintainable in the eyes of law.
2. That the Service Tribunal has got no jurisdiction to entertain the instant appeal. Reliance is placed on 2016 SCMR 1206.
3. That the appellant is stopped to file the instant appeal because of his own conduct.
4. That the appellant has got no cause of action against the Respondents.
5. That the appellant has not come with clean hands.
6. That the appeal is badly time-barred.

Para-wise Reply Of Facts:

1. Para No. 1 pertains to record. Hence, needs no comments.
2. Para No.2 needs to be investigated. Hence, needs no comments.
3. Para No. 3 pertains to record. However, the appellant is junior to the respondents. Reliance be placed in this regard on Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 also published in judicial ESTA Code, 2011. In the light of the said rules the one who has passed Matric earlier will stand senior.
4. Para No. 4 pertains to record. However, the Seniority List dated 17 – 01 – 2015 is correct and is prepared according to the law.
5. Para No. 5 pertains to record. Hence needs no reply. However, appellants appeal was dismissed in the light of relevant law.

Para-wise Reply Of Grounds:

- A. This Para is incorrect. Hence, not admitted. The appellant is junior to the respondents. Reliance be placed in this regard on Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 also published in judicial ESTA Code, 2011. In the light of the said rules the one who has passed Matric earlier will stand senior.
- B. This Para is incorrect. Hence, not admitted. All coddle formalities are completed for the impugned seniority list.

- C. This Para is incorrect. Hence, not admitted. The appellant is not a civil servant. This fact is well elaborated by the August Supreme Court of Pakistan in its recent three members' judgment reported in 2016 SCMR 1206. Wherein, it is authoritatively declared that the staff of the lower judiciary is not civil servant and the jurisdiction of the Honourable Service Tribunal is ousted in this regard. Further detail reply is given above.
- D. This Para is incorrect. Hence, not admitted. The special note at Annexure – G speaks volume about the criteria regarding preparation of seniority list. Where it is evident that those who acquire SSC certificate earlier will rank senior to the others.
- E. This Para is incorrect. Hence, not admitted. The impugned seniority list is prepared after following all coddle formalities.
- F. This Para is incorrect. Hence, not admitted. The appellant is not a civil servant. Detail reply is given above.
- G. This Para is incorrect. Hence, not admitted. The impugned seniority list is prepared after following all coddle formalities. Detail reply is given above.

It is, therefore, requested to please dismiss the instant appeal with special cost for the respondents.



Respondents No. 3 to 6, 8 to 14



Through Counsel

Sadam Hussain Zakori Advocate

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KHYBERPAKHTUNKHWA

Muhammad Hafeez Ullah

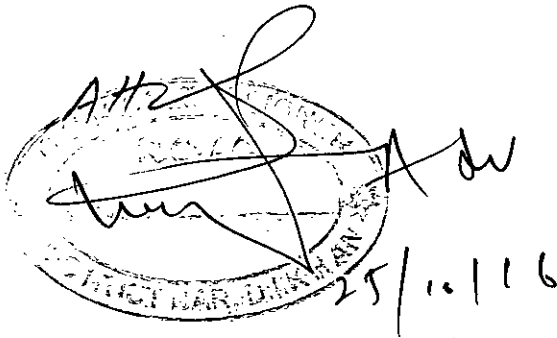
VERSUS

District & District & Session Judge, DIKhan & Others

AFFIDAVIT

I Ghaffar, Respondent No. 6, myself & on behalf of others do hereby solemnly affirm and declare that the contents of this Para-wise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.


Deponent


25/10/16

Service Appeal No: 3136/2010

Jamshed Khan DPE GHS Dhala District D I Khan.

.....Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.

.....Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-10.

Respectfully Sheweth:-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal, hence liable to be dismissed on this score.
- 4 That the Appellant has filed the instant appeal on malafide motives.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That this Honorable Tribunal has got no jurisdiction to adjudicate upon the present service appeal.
- 10 That the appeal is not maintainable in its present form & circumstances of the case.
- 11 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the instant Appeal is barred by law.
- 13 That the Notification dated 26-10-2010 is legally competent.
- 14 That the instant Service Appeal is barred by law.

ON FACTS

- 1 That Para-1, needs no comments being pertains to the academic & professional qualification of the appellant.
- 2 That Para-2, also needs no comments, being pertains to the service record of the appellant.
- 3 That Para-3 is correct to the extent that the appellant has been deferred for promotion against the DPE (B-16) post by the Respondent No: 4 for the want of ACRs of 2005 vide Notification dated 21-10-2006 in the light of the minutes of the Departmental Promotion Committee held under the Chairmanship of the Respondent No: 4 on the grounds that incomplete cases are not recommended / put up before the concerned DPC meeting, hence the Appellant has been deferred by the Respondent Department. (copy of the minutes is attached as Annexure-A).
- 4 That Para-4 is incorrect & misleading on the grounds that the case of the appellant for the grant of promotion from BPS-15 to 16 has been processed & submitted by the Respondent No: 3 to the Respondent-I. The Respondent No: 2 has then submitted his case on 10-7-2013 with the remarks vide Para-7 that the cadre of the appellant has been declared as "Dying cadre" in the light of the last DPC meeting held on 21-10-2006. But in spite of that the appellant has been promoted to the post of DPE in BPS-16 in the light of the DPC meeting held on 10-2-2014. And on the basis of the said DPC, the Respondents No: I has been pleased to promote / upgrade the Appellant in BPS-16 vide Notification dated 07-3-2014 with immediate effect. (Copies of the Notification is Annexure-B).
- 5 That Para-5 is correct to the extent that the post of DPE has been upgraded from BPS-16 to 17, which would be filled through initial recruitment from amongst the person who holds Master Degree in the relevant subject under the mentioned amended rules, dated 26-10-2010, whereas rest of the para is incorrect & denied on the grounds of being baseless & without legal force. Hence needs no further Comments.
- 6 That Para-6 is incorrect & denied. The appellant has been deferred for the grant of promotion / up gradation in BPS-16 against the DPE post in the light of the DPC meeting held on 21-10-2006 under the Chairmanship of the Respondent No: 4 for the want of ACRs pertaining to the year 2005. Hence the appellant has been upgraded vide Notification dated 07-03-2014 by the Respondent No: I in accordance with law, rules & upgradation policy & according to his seniority position in the said cadre. Hence the act of the Respondent is within legal parameter in the instant case.
- 7 That Para-7 is incorrect & denied. The statement of the appellant is against the law, facts & circumstances of the case as agitated in the foregoing paras of the instant reply.
- 8 That Para-8 is incorrect & denied, the appellant has been treated as per law, rules & policy vide the impugned Notification dated 26-10-2010 by the Respondents in the interest of justice, hence the plea of the appellant is not only illegal, but is also liable to be dismissed.
- 9 That Para-9 is legal, however the Respondents seek leave of this Honorable Tribunal to submit additional grounds and case law at the time of arguments.

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Prayer

In view of the above made submissions, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favour of the respondent Department.

28/2/2016
Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No: 2,3,4&9)

18/2/2016
Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1,7,8 &10).

[Signature]
Section Officer (SR-II)
(Finance) Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 5).

[Signature]
Section Officer (Reg:-I)
(Etab:) Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 6)

AFFIDAVIT

I, Khaista Rehman Asstt: Director (Lit: II) E&SE Department Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments in the titled Service appeal are true & correct to the best of my knowledge & belief & that nothing has been concealed from the ambit of this Honorable Tribunal.

[Signature]
Deponent



**KHYBER PAKHTUNKHWA
BAR COUNCIL**

SADAM HUSSAIN ZAKORI
Advocate
bc-14-4584
Date of Issuance: 18-03-2015
Valid upto: 18-03-2015



In the event of joining or carrying on any other profession, service or business, the holder shall be entitled to use this Card and shall forthwith surrender it to the KP Bar Council.

Father's Name: **Habib Ur Rehman Zakori**
Address: **H # 1, Khanqah Zakori Sharif
Din Pur Road, D.I.Khan.**
Office Tel: **0966850909, Cell: 0341-8283883**
Expiry Date L.C: **18-03-2015**
Place of Practice: **D.I.Khan**
Date of Birth: **17-01-1982**
Blood Group: **O+ve**
C.N.I.C No: **7301-147-212-9**

وکالت نامہ

تینتی
ایک روپیہ

تیس

Honorable Service Tribunal - KPK

Respondents No. 3 to 6, 8 to 14
Muhammad Hafeez Ullah Vs District & Session Judge, D.I.Khan & others
Appeal Under Section 4 of Service Tribunal Act 1974

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دہی برائے پیشی باقیہ مقدمہ بنام Dera Ismail Khan کیلئے
Sadam Hussain Zakori Advocate
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام چکری کے علاوہ یا چکری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر چکری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا چکری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برحلاف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از چکری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل گمرانی و ہر قسم مقدمہ یا منسوقی ذگری یک طرفہ یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساختہ پرواختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جات التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
2016/ 25

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

عبد (3) محمد جاوید
عبد (4) رحمت اللہ
عبد (5) زین العابدین
عبد (6) عبدالغفار
عبد (8) محمد یعقوب

Accepted
Sadam Hussain Zakori

حسن کا بیرسٹر اندرون سین زرار کیٹ با القابل جائز ہوئے ڈیرہ

13 خواجہ شفیق
12 نور محمد
11 محمد عثمان
10 محمد عثمان
9 ارشد اللہ
8 محمد یعقوب

BEFORE THE HON'BLE SERVICE TRIBUNAL D.I.KHAN

In Service Appeal

Muhammad Hafeez....Versus.....District Judiciary

APPLICATION FOR WITHDRAWAL OF APPEAL

Respectfully Sheweth,

The appellant respectfully submits as under:-

1. That the abovementioned appeal is fixed for today.
2. That the appellant has been promoted from Naib Qasid to Daftri. (*Copy of promotion order is enclosed herewith*).
3. That since the grievances of the appellant have been redressed, therefore, instant appeal may kindly be dismissed as withdrawn.

Yours humble appellant


Muhammad Hafeezullah

11/09/2018

CNIC No. 12101-8080819-1



OFFICE OF THE
DISTRICT & SESSIONS JUDGE,
DERA ISMAIL KHAN

Phone: 0966-9280228
Fax: 0966-9280025
Email: dsjdikhan@gmail.com

Dated: DIKhan the 02/03/2018

O R D E R

Consequent upon recommendations of the Departmental Promotion Committee, vide its meetings dated **10/02/2018**, held in the office of undersigned, **Muhammad Hafeez Ullah**, Naib Qasid of the establishment of Senior Civil Judge, DIKhan is hereby promoted as **Daftri (BPS-05)** with immediate effect subject to the following terms and conditions: -

1. He shall remain on probation for one year during which his performance in the post will be kept under observation.
2. He shall be entitled to regularization at the end of the said period unless extended.

Sd/-
(Inam Ullah Khan)
District & Sessions Judge
Dera Ismail Khan

Endst: No. 647-52 /DSJ-Admn Dated DIKhan the 02/3/2018.

Copy forwarded for information to: -

1. The Registrar, Peshawar High Court, Peshawar.
2. **Mr. Ghayyas Khan**, Senior Civil Judge, DIKhan.
(Nominee of the District & Sessions Judge, DIKhan)
3. **Syed Amin Shah**, Librarian PHC, DIKhan Bench,
(Nominee of the Peshawar High Court, Peshawar.
4. The District Comptroller of Accounts, DIKhan.
5. The Budget & Account Assistant of this Court.
6. Official concerned by name.

(District & Sessions Judge)

De Dera Ismail Khan 2/3/18