

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,**

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152 E-Mail:dslakki@yahoo.com

No. 3070 /DS/L.M

Dated 21 /11/2023

To

**The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

Subject: **JOINT PARA-WISE COMMENTS ON BEHALF OF  
RESPONDENTS NO.01 TO 04 IN SERVICE APPEAL  
NO.819/2023**

**"Akbar Zaman, Sweeper (BPS-03) District Courts, Lakki Marwat"**

(Appellant)


VS

- 1. The Registrar, Peshawar High Court, Peshawar.**
- 2. District & Sessions Judge, Lakki Marwat.**
- 3. Senior Civil Judge (Admn), Lakki Marwat.**
- 4. Departmental Promotion Committee  
through its Chairman, District Courts, Lakki Marwat (Respondents).**

Sir,

With reference to your office notice/letter dated 27-09-2023 on the subject noted above and in pursuance to the instructions contained in letter bearing No.9893/Admn, dated 08-11-2023 issued by the Hon'ble Peshawar High Court, Peshawar; I have the honour to submit the para-wise comments alongwith enclosures (01+03 sets) in the subject Service Appeal No.819/2023 after vetting by the Peshawar High Court, Peshawar for submission before the Hon,ble tribunal as ordered please.

Yours Faithfully

  
(KASHIF NADEEM)  
District & Sessions Judge,  
Lakki Marwat,  
Lakki Marwat

Endst: No. — DSJ/L.M

Dated Lakki the — -11-2023

Copy forwarded for information to

1. The Registrar, Peshawar High Court, Peshawar with reference to his letter bearing No.9893/Admn dated 08-11-2023 for information, please.
2. The Additional Advocate General, Khyber Pakhtoonkhwa Service Tribunal, Peshawar for information.

  
District & Sessions Judge,  
Lakki Marwat.

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,**

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dsjラクキ@yahoo.com

No      /DSJ/L.M

Dated      /11/2023

**OFFICE ORDER**

In pursuance to instruction contained in letter No.9893/Admn dated 08-11-2023 issued by the Hon'ble Peshawar High Court, Peshawar regarding submission of comments in the Service Appeal No.819/2023 titled "Akbar Zaman.....Vs..... The Registrar, Peshawar High Court, Peshawar etc", Mr.Taj Muhammad, Accountant (BPS-16) of this office is hereby deputed to submit the requisite comments in the said Service Appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar forthwith.

*sd*

**(Kashif Nadeem)**

District & Sessions Judge,  
Lakki Marwat.

Endst No: 3074-75 /DSJ/L.M,

Dated Lakki 21/11/2023.

Copy forwarded to

1. The Registrar Peshawar High Court Peshawar for information please.
2. Mr.Taj Muhammad, Accountant (BPS-16) of this office for compliance.

*[Signature]*  
District & Sessions Judge,  
Lakki Marwat.

**District & Sessions Judge**  
**Lakki Marwat**

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

**Service Appeal No. 819/2023.**


**"Akbar Zaman, Sweeper (BPS-03), District Courts, Lakki Marwat**

**VS**

1. **The Registrar, Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Lakki Marwat.**
3. **Senior Civil Judge (Admn), Lakki Marwat.**
4. **Departmental Promotion Committee**  
**through its Chairman, District Courts, Lakki Marwat.**

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2	Photocopy of Final Seniority List of all existing class-IV staff (Naib Qasid/Chowkidar/Mali/Sweeper of District Judiciary, Lakki Marwat) for the purpose of promotion to the post of Junior Clerk (BPS-11) when non-availability/non-suitability of Daftari/Record Lifter (BPS-05) as stood on 30-04-2022.	"A"	01	3-3
3	Photocopy of Final Seniority list of Daftari/Record Lifter (BPS-05) for promotion to the vacant post of Junior Clerk (BPS-11) as stood on 30-04-2022.	"B"	01	4-4
4	Photocopy of Final Seniority List of all existing class-IV staff (Naib Qasid/Chowkidar/Mali/Sweeper of District Judiciary, Lakki Marwat) for the purpose of promotion to the post of Daftari/Record Lifter (BPS-05) as stood on 30-04-2022.	"C"	01	5-5
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District & Sessions Judge  
Lakki Marwat.

①

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Subject: **JOINT PARA-WISE COMMENTS ON BEHALF OF  
RESPONDENTS NO.01 TO 04.**

Reference: **SERVICE APPEAL NO.819/2023**

**"Akbar Zaman, Sweeper (BPS-03) District Courts, Lakki Marwat"**

VS

1. **The Registrar, Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Lakki Marwat.**
3. **Senior Civil Judge (Admn), Lakki Marwat.**
4. **Departmental Promotion Committee  
through its Chairman, District Courts, Lakki Marwat.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9370

Dated 23-11-2023

Respectfully Sheweth.

That the respondents submit as under:-

**PRELIMINARY OBJECTIONS:**

- (1) That the appellant, namely, **Mr. Akbar Zaman, Sweeper (BPS-03)** has got no cause of action and locus standi to file the instant service appeal.
- (2) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- (3) That the appeal is barred by law and limitation.
- (4) That the appeal is bad for mis joinder and non-joinder of necessary parties.

**PARA-WISE REPLY ON FACTS: -**

1. **Para No.01** of the Service Appeal is correct to the extent that appellant was appointed as **Sweeper (BPS-03)** in District Courts, Lakki Marwat in the year 2017 and has also acquired Bachelor degree/ B.A during in service, as per record.
2. **Para No.02** of the Service Appeal is correct to the extent that the appellant was placed at serial No.02 in that seniority list of Class-IV which was prepared for the purpose of promotion to the post of Junior Clerk (BPS-11) when Daftari/Record Lifter (BPS-05) is not available or suitable in the District (**copy of the said seniority list is enclosed as annexure "A"**).
3. **Para No.03** of the Service Appeal is correct.
4. **Para No.04** of the Service Appeal is correct to the extent that the vacant posts of Assistant (BPS-16) and Senior Clerk (BPS-14) were filled in the DPC meeting held on 26-11-2022 and the promotions against three vacant posts of Junior Clerk (BPS-11) could not be made due to the lack of requisite requirements of the senior official amongst the Daftari/Record Lifter & other class-IV staff and similarly, the promotion of the appellant has also not been made as he was found to be having no knowledge of typing/ requisite requirement i.e typing speed 30 w.p.m as required under the Peshawar High Court, Peshawar (Subordinate Courts Staff) Rules-2003. It is also worth noting that Mr. Tariq Hamayoun, Naib Qasid (BPS-03) also placed the application before the Departmental Promotion committee regarding possessing the requisite qualification for the promotion to the resultant vacant post of Daftari/Record Lifter (BPS-05) i.e Certificate of Middle Standard Examination, if promotion is being made to the post of Junior Clerk (BPS-11) from the post of Daftari/Record Lifter (BPS-05) but in the seniority list he was mentioned as illiterate and this omission was also noted by the Departmental Promotion Committee in its meeting held on 26/11/2022. Thus, the seniority/right of Mr. Tariq Hamayoun, Naib Qasid (BPS-03) upon the mentioning as illiterate in the seniority list and Mr. Rizwan Ullah, Daftari (BPS-05) due to lack of his service length may be effected, therefore, the

promotions of Class-IV staff were deferred and it was concluded that afresh provisional seniority lists would be prepared for the purpose of promotions to the posts of Daftari/Record lifter (BPS-05) and Junior Clerk (BPS-11) and after preparation, the same would be circulated among the concerned i.e Daftari/Record Lifters, Naib Qasid, Chowkidar, Mali and sweeper working in District Judiciary Lakki Marwat with directions to file their objections (if any). In this scenario, the same posts remained vacant and it was found not appropriate to consider the Junior officials for promotions as the said requisite requirements could be fulfilled with the passage of time, therefore, it was decided to postpone the promotions to the vacant posts of Junior Clerk (BPS-11) and the same will be filled up with respect to its ratio of promotion and direct recruitment in the next DPC which will be conducted at appropriate time.

**(copy of the seniority list of Daftari/Record Lifter (BPS-05) for promotion to the vacant post of Junior Clerk (BPS-11), Copy of the seniority list of Class-IV staff for promotion to the vacant post of Daftari/Record Lifter (BPS-05), copy of the application submitted by Mr.Tariq Hamayoun, Naib Qasid (BPS-03) and minutes of the DPC meeting held on 26-11-2022 are enclosed as annexure "B", "C" , "D" & "E" respectively.**

- 5. Para No.05 of the subject service appeal is denied being meritless. The matter/case of appellant/Akbar Zaman, Sweeper (BPS-03) was purely treated in accordance with Law, Rules and Policy by the respondents No. 01, 02 & 03 i.e. Departmental Promotion Committee.
- 6. Para No.06 of the subject service appeal needs no comments as it does not relate to respondents No.02 & 03.
- 7. Para No.07 of the Service Appeal relating to appellant.

**PARA-WISE REPLY ON GROUNDS: -**

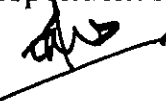
**A. Para-"A" of the subject service appeal is denied being meritless. The matter/case of appellant/Akbar Zaman, Sweeper (BPS-03) was purely treated in accordance with Law, Rules and Policy by the respondents No. 01, 02 & 03 i.e. Departmental Promotion Committee.**

**Reply of paras-B to L**

**B. Paras-"B" to "L" of the grounds of the subject service appeal are totally baseless hence, strongly denied to the extent that the Departmental promotion committee rightly deferred the promotions of all the class-IV staff including appellant as no fundamental rights of appellant, whatsoever have been infringed rather the promotions of Class-IV staff were only deferred and it would be made at appropriate time subject to fulfillment of all codal formalities/requirements as the detailed reply has already been given in Para No.04 on the facts of the Service Appeal, thus, repetition is being avoided for the sake of brevity.**

It is therefore, humbly entreated that the subject service appeal No. 819/2023 with aforementioned may kindly be dismissed with cost as the appellant has no right to avail his promotion in the circumstances, aforementioned.

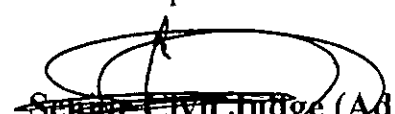
Respondent No.01

  
Registrar,  
Peshawar High Court,  
Peshawar.  
INAMULLAH KHAN

Respondent No.02

  
District & Sessions Judge,  
Lakki Marwat.  
KASHIF NADEEM

Respondent No.03

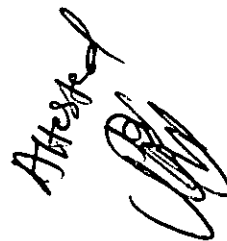
  
~~Senior~~ Civil Judge (Admn)  
Lakki Marwat.  
KHALID ANWAR

8

**Final Seniority List of all existing Class-IV staff (Chowkidar, Sweeper & Naib Qasid) for the purpose of promotion to the post of Junior Clerk (BPS-11) when non-availability/ non-suitability of Daftari/ Record Lifter (BPS-05) as stood on 30-04-2022.**

Sr.	Name of Official	Father's Name	Present Position Held	Academic Qualification	Date of Birth	Date of acquiring SSC	Date of 1st entry in Dist. Judiciary on regular Basis	Date of appointment in present position (BS-03)	Date of attaining Superannuation	Pertains to the Establishment of	Remarks
1	Kalim Ullah Khan	Hamid Ullah Jan	Naib Qasid (BPS-3)	MA	2/Apr/1984	2000 (Annual)	9/Jun/2015	9/Jun/2015	1/Apr/2044	SCJ	
2	Akhtar Zaman	Ghulam Jan	Sweeper (BPS-3)	BA	8/May/1978	1995 (Annual)	31/Jul/2017	31/Jul/2017	7/May/2038	DSJ	
3	Rafee Ullah Khan	Abdur Raheem Khan	Naib Qasid (BPS-3)	BA	1/Oct/1991	2008 (Supplementary)	31/Jul/2017	31/Jul/2017	30/Sep/2051	DSJ	
4	Fida Ullah	Muhammad Ishaq	Naib Qasid (BPS-3)	BA	14/Mar/1996	2015 (Annual)	26/Feb/2018	26/Feb/2018	13/Mar/2056	SCJ	
5	Ahmad Saleem Khan	Muhammad Saleem Khan	Naib Qasid (BPS-3)	FA	3/Mar/1999	2016 (Supplementary)	26/Feb/2018	26/Feb/2018	2/Mar/2059	SCJ	
6	Muhammad Munir	Abdul Ghani	Naib Qasid (BPS-3)	Matric	10/Oct/1987	2004 (Supplementary)	28/Feb/2018	28/Feb/2018	9/Oct/2047	SCJ	
7	Nasir Muhammad	Abdul Qayyum	Naib Qasid (BPS-3)	BA	9/Mar/1989	2007 (Supplementary)	28/Feb/2018	28/Feb/2018	8/Mar/2049	SCJ	
8	Mudasar Memir	Akhtar Munir	Chowkidar (BPS-3)	FA	11/Mar/2000	2016 (Annual)	27/Oct/2018	27/Oct/2018	10/Mar/2060	SCJ	
9	Arif Ullah	Abdul Kalam	Naib Qasid (BPS-3)	M.A	1/Apr/1987	2003 (Annual)	19/Oct/2020	19/Oct/2020	31/Mar/2047	DSJ	
10	Baber Zaman	Aziz Ur Rehman	Chowkidar (BPS-3)	Matric	11/Mar/1986	2021 (Annual)	19/Oct/2020	19/Oct/2020	10/Mar/2046	DSJ	

guznat  
District & Sessions Judge  
Lakki Marwat

Attested  


(6)

**Final Seniority List amongst the holder of the posts of Daftari/ Record Lifter (BPS-05) District Courts, Lakki Marwat for the purpose of promotion to the post of Junior Clerk (BPS-11) as stood on 30-04-2022**

Sr.	Name of Official	Father's Name	Present Position Held	Academic Qualification	Date of Birth	Date of 1st entry in Dist. Judiciary on regular Basis as	Date of promotion to the present position as Record Lifter/ Daftari (BS-05)	Date of attaining Superannuation	Pertain to the Establishment of	Remarks
1	Imam Ahmad Khan	Muhammad Ameen	Record Lifter (BPS-05)	Middle	30/Nov/1977	23-02-2013 Chowkidar	25/04/2022	29/11/2037	DSJ	
2	Rizwan Ullah	Badsha Khan	Daftari (BPS-05)	FA	8/Apr/1992	08-06-2015 Naib Qasid	25-Apr-2022	7/Apr/2052	DSJ	

*gusniel -*  
District & Sessions Judge  
Lakki Marwat

*Attested*  
*MB*

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Final Seniority List of all eligible/ existing Class-IV staff (Chowkidar, Sweeper & Naib Qasid) for the purpose of promotion to the post of Daftari (BPS-05)

Sr.	Name of Official	Father's Name	Present Position Held	Academic Qualification	Date of Birth	Date of acquiring SSC	Date of 1st entry in Dist. Judiciary on regular Basis	Date of appointment in present position (BS-03)	Date of attaining Superannuation	Pertain to the Establishment of	Remarks
1	Kalim Ullah Khan	Hamid Ullah Jan	Naib Qasid (BPS-3)	MA	2/Apr/1984	2000 (Annual)	9/Jun/2015	9/Jun/2015	1/Apr/2044	SCJ	
2	Akbar Zaman	Ghulam Jan	Sweeper (BPS-3)	BA	8/May/1978	1995 (Annual)	31/Jul/2017	31/Jul/2017	7/May/2038	DSJ	
3	Asad Raza	Ashiq Hussain	Sweeper (BPS-3)	Middle	25/Jan/1990	NA	31/Jul/2017	31/Jul/2017	24/Jan/2050	DSJ	
4	Rafee Ullah Khan	Abdur Raheem Khan	Naib Qasid (BPS-3)	BA	1/Oct/1991	2008 (Supplementary)	31/Jul/2017	31/Jul/2017	30/Sep/2051	DSJ	
5	Rafi Ullah	Umer Daraz	Naib Qasid (BPS-3)	Middle	1/Jun/1989	NA	26/Feb/2018	26/Feb/2018	31/May/2049	SCJ	
6	Fida Ullah	Muhammad Ishaq	Naib Qasid (BPS-3)	BA	14/Mar/1996	2015 (Annual)	26/Feb/2018	26/Feb/2018	13/Mar/2056	SCJ	
7	Muhammad Asad Ullah	Fateh Muhammad	Naib Qasid (BPS-3)	Middle	5/Apr/1998	NA	26/Feb/2018	26/Feb/2018	4/Apr/2058	SCJ	
8	Ahmad Saleem Khan	Muhammad Saleem Khan	Naib Qasid (BPS-3)	FA	3/Mar/1999	2016 (Supplementary)	26/Feb/2018	26/Feb/2018	2/Mar/2059	SCJ	
9	Muhammad Munir	Abdul Ghani	Naib Qasid (BPS-3)	Matric	10/Oct/1987	2004 (Supplementary)	28/Feb/2018	28/Feb/2018	9/Oct/2047	SCJ	
10	Nasir Muhammad	Abdul Qayyum	Naib Qasid (BPS-3)	BA	9/Mar/1989	2007 (Supplementary)	28/Feb/2018	28/Feb/2018	8/Mar/2049	SCJ	
11	Mudazir Munir	Akhtar Munir	Chowkidar (BPS-3)	FA	11/Mar/2000	2016 (Annual)	27/Oct/2018	27/Oct/2018	10/Mar/2060	SCJ	
12	Shoukat Ali	Nawab Ali Khan	Naib Qasid (BPS-3)	Middle	6/Sep/2001	NA	8/Oct/2020	8/Oct/2020	5/Sep/2061	SCJ	
13	Babar Zaman	Aziz Ur Rehman	Chowkidar (BPS-3)	Matric	11/Mar/1986	2021 (Annual)	19/Oct/2020	19/Oct/2020	10/Mar/2046	DSJ	
14	Arif Ullah	Abdul Kalam	Naib Qasid (BPS-3)	M.A	1/Apr/1987	2003 (Annual)	19/Oct/2020	19/Oct/2020	31/Mar/2047	DSJ	

  
 District & Sessions Judge  
 Lakki Marwat



بعدالت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب لکی مروت

بعضوان:- درخواست بابت درج کرنے متعلقہ تعلیمی اہلیت و شامل کرنے سرفہرست سناریائی لسٹ ڈی-پی-سی

بابت دفتری

جناب عالی!

گزارش ہے کہ من سائل 2008 میں بھرتی ہوا ہوں اور یہ کہ بھرتی کی وقت سائل نے کاغذات کے ساتھ آٹھویں جماعت پاس (نہویں جماعت زیر تعلیم) کا سرٹیفکیٹ بھی جمع کیا تھا۔ جو کہ درخواست ہذا کے ساتھ لف ہے۔ لیکن سناریائی لسٹ ڈی-پی-سی بابت دفتری میں من سائل کو بطور ان پڑھ درج کیا گیا ہے۔ اور ہر سال ڈی-پی-سی اور ترقی سے محروم رہ جاتا ہوں۔

لہذا آپ صاحبان سے گزارش ہے کہ سائل کا نام سناریائی لسٹ ڈی-پی-سی میں مطلوبہ تعلیمی اہلیت کے ساتھ درج کر کے من سائل کو سناریائی لسٹ ڈی-پی-سی بابت دفتری میں سرفہرست رکھ کر ترقی دی جائے۔

مورخہ: 21-11-2022

العارض

(Taj)

طارق ہالیون نائب قاصد، سول جج صاحب نمبر 3 لکی مروت

Be put up before the  
DPC meeting held on 26/11/22

Signature  
District & Session Judge  
Lakki Mawati  
22/11/22

Assessed  
Taj

لعدالت جناب ڈسٹرکٹ جج ایڈیشنل سیشن جج داد پور، اگر پروٹا  
درخواست برائے شامل کرنے مڈل سرٹیفکیٹ اور آئندہ DPC میں شامل کرنا

جناب علما!

گزارش ہے کہ من سائل ڈسٹرکٹ جج ایڈیشنل جج داد پور نائب  
قائد کا نام کرتا ہے۔

من نائب قائد خواندہ ہے اور آئندہ میں جماعت پاس ہے  
لیکن کلریکل غلطی کی وجہ سے من نائب قائد کا مڈل  
سرٹیفکیٹ سروس ڈکوینٹ میں شامل نہیں کیا گیا ہے  
جبکہ وجہ سے من نائب قائد بجھلے DPC میں پروٹا  
نہ ہو سکا۔ من سائل 26/12/2008 کو بھرتی ہوا ہے جو تاحال پروٹا نہ ہو سکا

لہذا استدعا ہے کہ من نائب قائد کا مڈل سرٹیفکیٹ  
سروس ڈکوینٹ میں شامل ہونے اور من نائب قائد کو  
آئندہ DPC میں شامل کرنے کے احکامات صادر فرمائیں۔  
(نوٹ) مڈل سرٹیفکیٹ نقل فراہم ہے۔  
میں نواز شہر ہو گا،

طاہر قیصر، داد پور، داد پور، داد پور، داد پور، داد پور

Attested

(نواز شہر)

*[Handwritten Signature]*

"E"

8

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,**

Office of the District & Sessions Judge, Lakki Marwat  
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@yahoo.com

No. 3925 /DSJ/L.M.

Dated: 12-12-2022

From **District and Sessions Judge,**  
Lakki Marwat.

To **The Registrar,**  
Peshawar High Court,  
Peshawar.

Subject: **MINUTES OF THE MEETING OF DEPARTMENTAL  
PROMOTION COMMITTEE HELD ON 26/11/2022 AT  
10:30 AM.**

Sir,

Enclosed please find minutes on the subject meeting for  
information.

Yours faithfully,

*Ijaz Rashid*  
(IJAZ RASHID)  
District & Sessions Judge,  
Lakki Marwat.

Endst: No. 3926-28 /DSJ/L.M.

Dated: 12 -12-2022

Copy forwarded to:

1. The Director Regulation, Secretariat of District Judiciary, Peshawar High Court, Peshawar for information please.
2. Mr. Mian Mahmood, Addl: District & Sessions Judge, D.I.Khan (Nominee of the Peshawar High Court, Peshawar) for information.
3. Mr. Khalid Anwar, Senior Civil Judge (Admn), Lakki Marwat (Nominee of the Chairman/ District & Sessions Judge, Lakki Marwat) for information.

*AAsted*  
*[Signature]*

*Ijaz Rashid*  
District & Sessions Judge,  
Lakki Marwat.

9

**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE**  
Held on 26<sup>th</sup> November, 2022 at 10:30AM in the office of the District & Sessions Judge, Lakki Marwat (Chairman)

Meeting of the Departmental Promotion Committee was held on 26-11-2022 at 10:30 AM to consider the promotions of Senior Clerk (BPS-14) against two vacant posts of the Assistants (BPS-16), promotion of Junior Clerks (BPS-11) against the two vacant posts of the Senior Clerks (BPS-14), promotion of Daftari & Record Lifter (BPS-05) or other Class-IV staff (i.e Naib Qasid, Mali, Chowkidar, Sweeper etc) against the two vacant posts of Junior Clerks (BPS-11) and promotion of Naib Qasid, Chowkidar, Sweeper etc (BPS-03) against the post of Daftari/ Record Lifter (BPS-05) subject to fulfillment of the requisite requirements on the basis of Seniority cum fitness. The vacant posts fall in the establishment of District & Sessions Judge and Senior Civil Judge (Admn), Lakki Marwat.

The following attended the meeting:

1. **Mr. Ijaz Rashid**, District & Session Judge, Lakki Marwat  
(Chairman of the Departmental Promotion Committee.)
2. **Mr. Mian Mahmood**, Addl: District & Session Judge, D.I.Khan  
(Nominee of the Hon'ble PHC, Peshawar as nominated by the Peshawar High Court, Peshawar vide letter bearing No.15961/SDJ/HRW/ADMIN dated 25/11/2022 as a member)
3. **Mr. Khalid Anwar**, Senior Civil Judge (Admn), Lakki Marwat,  
(Nominee of the Chairman of DPC, Lakki Marwat as a member)

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

**AGENDA NO. 01**

**PROMOTIONS TO THE 02 VACANT POSTS OF ASSISTANT (BPS-16)**

**DETAIL OF VACANT POSTS:** 01 post became vacant on the retirement of Mr.Mir Abbas, Ex-Assistant from his service in the Establishment of the District & Sessions Judge, Lakki Marwat and 01 post became vacant in the Establishment of the District & Sessions Judge, Lakki Marwat on the reversion of Mr.Said Ahmad from the post of Assistant (BPS-16) to his original position of Senior Clerk (BPS-14). This post of Senior Clerk (BPS-14) was a newly created post vide the Peshawar High Court, Peshawar letter bearing Endst: BO-II/FD/3-14/SNE/PHC/2022-23 dated 11/10/2022 in the Establishment of SCJ (Admn).

The criteria for the Post of Assistant (BPS-16) under Serial No. 4 of the schedule to the Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 is:

Nomenclature of post	Method of recruitment
Assistant/ Reader (BPS-16)	i. Twenty five percent by initial recruitment; and ii. Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant posts of Assistant (BPS-16). Total sanctioned strength in both the Establishments i.e. District & Sessions Judge & Senior Civil Judge (Admn), Lakki Marwat is 04, out of which 03 posts are to be filled through promotion and 01 post through direct recruitment/appointment. Total vacant posts of Assistant (BPS-16) at

present are 03 while only one post is working under promotion quota and as per the calculation, it would be 03 posts under the promotion quota, so, 02 more posts will be filled through promotion for fulfilling the requisite quota under the promotion category as one post is already in promotion category.

**Final Seniority List for the year 2022 of the Senior Clerks (BPS-14) of both the Establishments i.e District & Sessions Judge & Senior Civil Judge (Admn) Lakki Marwat is Annexure-"A"**

After examining the service records of prospective officials from amongst holders of the posts of Senior Clerk (BPS-14) for promotion to the vacant posts of Assistant (BPS-16) and common Seniority List prepared for the purpose of promotion to the posts of Assistant (BPS-16), the senior most officials amongst the Senior Clerks (BPS-14) in the said seniority list for the year 2022 for the purpose of promotion to the posts of Assistant (BPS-16) were interviewed one by one and their academic/professional records were also examined and it was revealed that the officials as mentioned at serial No.01 & 02 in the common seniority list prepared for the purpose of promotion to the vacant post of Assistant (BPS-16), namely, Mr. Sami Ullah, Senior Clerk (BPS-14) and Mr. Muhammad Iqbal, Senior Clerk (BPS-14) had been dropped from promotion to the vacant post of Assistant (BPS-16) due to lack of requisite qualification for the post i.e. Bachelor Degree in the previous DPC meeting held on 19-12-2019 and the official namely, Mr. Said Ahmad, Senior Clerk (BPS-14) placed at serial No.03 in the seniority list was promoted to the said vacant post of Assistant (BPS-16) as he possessed Bachelor Degree. Mr. Sami Ullah, Senior Clerk (BPS-14) being aggrieved filed departmental appeal against the proceedings of said DPC vide bearing No.03/2020 before the Hon,ble Peshawar High Court, Peshawar which was dismissed on 13/09/2021 and then he filed Service Appeal bearing No.7508/2021 before the learned Khyber Pakhtunkhwa Service Tribunal, Peshawar for promotion to the post of Assistant (BPS-16) being deserving and eligible cum fit official . The learned Khyber Pakhtunkhwa Service Tribunal, Peshawar disposed of the said Service Appeal on 29-06-2022 with the following observations/decision.

*Gaming*

“..... (8). In view of the discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is held entitled to be promoted to the post of Assistant (BPS-16) with effect from 20-12-2019 with all consequential benefits”.

*Attended*  
*VTS*

In compliance with the order of the learned Khyber Pakhtunkhwa Service Tribunal, Peshawar passed on 29-06-2022 in the said Service Appeal No.7508/2021 titled “Sami Ullah Vs District & Sessions Judge, Lakki Marwat”, Mr. Sami Ullah, Senior Clerk (BPS-14)) is promoted and considered as Assistant (BPS-16) w.c.f. 20-12-2019 with all back benefits.

Therefore, after examining the service records of prospective officials and considering their qualification as per requirement under the rules of Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003 for the purpose of promotion to

the vacant posts of Assistant (BPS-16), the Committee unanimously recommended the following two officials named below, in order of seniority, for promotion against the 02 vacant posts of Assistant (BPS-16) on the basis of seniority-cum-fitness with immediate effect.

S. No.	Name of Official	Promoted		With effect from	Remarks
		From the post	To the post		
1.	Mr. Sami Ullah	Senior Clerk (BPS-14)	Assistant (BPS-16)	20-12-2019 As per the Service Appeal No.7508/021	Against vacant post of Mr. Mir Abbas, Ex-Assistant on his retirement from his service under the establishment of District & Sessions Judge, Lakki Marwat
2.	Muhammad Iqbal			Immediately	Against vacant post of Mr. Said Ahmad on his reversion to his original position from the post of Assistant (BPS-16) to the post of Senior Clerk (BPS-16) under the establishment of District & Sessions Judge, Lakki Marwat

#### AGENDA NO. 02

#### PROMOTIONS TO THE 02 VACANT POSTS OF SENIOR CLERK (BPS-14)

**DETAIL OF VACANT POSTS:** 02 posts of Senior Clerks (BPS-14) became vacant in the Establishment of SCJ (Admn) Lakki Marwat on the promotion of Mr. Sami Ullah and Muhammad Iqbal, Ex-Senior Clerks (BPS-14) to the posts of Assistants (BPS-16) during the current DPC meeting.

The criteria for the Post of Senior Clerk (BPS-14) under the Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules, 2003 is:-

Nomenclature of post	Method of recruitment
Senior Clerk (BPS-14)	By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Junior Clerks (BPS-11), at Serial No. <u>13 to 18</u> (all BPS-11) with at least three years' service as such.

**Final Seniority List as stood on 31-12-2021 of the Junior Clerks (BPS-11) of both the Establishments i.e District & Sessions Judge & Senior Civil Judge (Admn) Lakki Marwat is Annexure-"B"**

After examining the service record of prospective officials from amongst holders of the posts of Junior Clerk (BPS-11) and after perusal of common Seniority List prepared for the purpose of promotion to the posts of Senior Clerks, the senior most officials amongst the Junior Clerks (BPS-11) in the said seniority list as stood on 31-12-2021 for the purpose of promotion to the posts of Senior Clerk (BPS-14) were interviewed one by one and their academic/professional records were also examined.

Subsequently, in the light of requirements under the Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003 for the purpose of promotion to the vacant posts of Senior Clerk (BPS-14), the Committee unanimously recommended the following officials named below, in order of following seniority, for promotion against the

02 vacant posts of Senior Clerks (BPS-14) on the basis of seniority-cum-fitness with immediate effect.

S. No	Name of Official	Promoted		W.E.F	Remarks
		From the post	To the post		
1.	Hafiz Latif-Ur-Rehman	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)	Immediately	Against the vacant post of Mr. Sami Ullah, Ex-Senior Clerk (BPS-14) on his promotion to the post of Assistant (BPS-16) during the instant DPC meeting under the establishment of SCJ (Admn), Lakki Marwat.
2.	Mati Ullah				Against the vacant post of Mr. Muhammad Iqbal, Ex-Senior Clerk (BPS-14) on his promotion to the post of Assistant (BPS-16) during the instant DPC meeting under the establishment of SCJ (Admn), Lakki Marwat.

**AGENDA NO. 03**

**PROMOTIONS TO THE 03 VACANT POSTS OF JUNIOR CLERK (BPS-11)**

The criteria for the post of Junior Clerk (BPS-11) under the rules of Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules, 2003 is:

Nomenclature of post	Method of recruitment
Junior Clerk (BPS-11)	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, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant posts of Junior Clerk (BPS-11). Total sanctioned strength in both the Establishments i.e. District & Sessions Judge & Senior Civil Judge (Admn), Lakki Marwat is 41, out of which 12 posts are to be filled through promotion and 29 posts through the direct recruitment/appointment. After promotion to the posts of Senior Clerks (BPS-14), total number of vacant posts of Junior Clerk (BPS-11) becomes 15 while the available working posts under the promotion quota is 09 and as per the calculation, it would be 12 posts under the promotion quota, so, 03 more posts will be filled through promotion to fulfill the requisite quota under the promotion category.

*Attested*  
*[Signature]*

Final common Seniority list of Daftari/ Record Lifter (BPS-05) for the purpose of promotion to the posts of Junior Clerk (BPS-11) of the Establishment of District & Sessions Judge, Lakki Marwat is Annexure-"C"

Final common Seniority List of other class-IV Staff i.e Naib Qasid, Chowkidar and Sweeper (BPS-03) for the purpose of promotion to the posts of Junior Clerk (BPS-11) when Daftari/ Record Lifter (BPS-05) is not available/ suitable, of both the Establishments i.e District & Sessions Judge and Senior Civil Judge (Admn) Lakki Marwat is Annexure. "D"

After examining the service records of prospective officials from amongst holders of the posts of Daftari/ Record Lifter (BPS-05) and other Class-IV employees for promotion to the posts of Junior Clerk (BPS-11) and after perusal of the common Seniority Lists prepared for the purpose of promotion to the posts of Junior Clerks (BPS-11) (annexures "C" & "D") the senior most officials/ holders of the posts of Daftari & Record Lifter (BPS-05) and other Class-IV staff in the seniority lists as stood on 30-04-2022 for the purpose of promotion to the posts of Junior Clerk (BPS-11), were interviewed one by one and their academic/professional records were also examined, objectively.

Considering the service record and qualifications of officials as per requirement under the Peshawar High Court, Peshawar (Subordinate Court Staff) Recruitment Rules-2003, the committee found that:

*Signature*

1. The senior most official amongst the holders of Record lifter/ Daftari (BPS-05) named Mr.Imam Ahmad does not possess the requisite qualification so he lost entitlement for promotion to the required slot of Junior Clerk.
2. The next official named Mr. Rizwan Ullah, Daftari (BPS-05) being junior official mentioned at Serial. no. 02 does not possess the requisite requirements i.e. lack of required service length of 03 years as he was promoted to the present post on 25-04-2022.

The committee, therefore, unanimously decided that name of official at Serial no. 01 be dropped where as the official at serial no. 02 is not eligible for promotion at this stage.

*Attended*

Thereafter, merits/ eligibility of officials next in the row amongst holders of the posts of Chowkidar, Naib Qasid & Sweeper etc were discussed. Although they have requisite qualification but the committee decided that their promotion could not be made due to the reason that by doing so the seniority/ right of Mr. Rizwan Ullah, Daftari (BPS-05), who was recently promoted to the present post of Daftari (BPS-05) on 25-04-2022, may be effected unjustifiably. Similarly in the same column of seniority Mr. Akbar Zaman, Sweeper (BPS-03) was found to be having no knowledge of typing. Therefore, the committee concluded that the promotions from the posts of Daftari, Chowkidar, Naib Qasid & Sweeper etc should be deferred and guidance in the matter for removal of anomaly in the seniority of officials should be sought from the Hon'ble Peshawar High Court, Peshawar after which the vacant posts of



Junior Clerk (BPS-11) under promotion quota will be filled in the next DPC to be conducted at proper time.

It is also worth noting that the office placed the application of Tariq Humayun, Naib Qasid (BPS-03), before the Departmental Promotion Committee as he submitted that he had passed Middle Standard Examination, which is the required qualification for promotion to the post of Daftari/ Record Lifter, but in the seniority list he was mentioned as illiterate. He, though, had been acknowledging the provisional seniority list when ever it had been circulated.

On examination of common seniority list, it was revealed that the same needs to be prepared subject to proper verification in accordance with Hon'ble Peshawar High Court, Peshawar (Subordinate Courts Staff) Recruitment Rules-2003 notified vide notification No. J-39 dated 26-03-2003 and read with guide lines of Peshawar High Court, Peshawar circulated vide notification no. 2315/49/SDJ/Reg dated 29-04-2019.

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



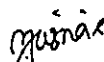
(MIAN MAHMOOD)

Add: District & Sessions Judge, D.I.Khan  
(Nominee of the Hon'ble PHC, Peshawar as a member)



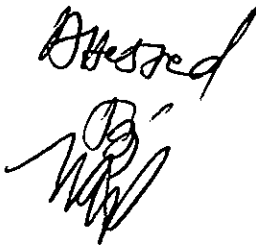
(KHALID ANWAR)

Senior Civil Judge (Admn), Lakki Marwat,  
(Nominee of the D&SJ/Chairman DPC, Lakki Marwat as a member)



(IJAZ RASHID)

District & Session Judge, Lakki Marwat  
(Chairman, DPC)



**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Reference: SERVICE APPEAL NO.819/2023.

"Akbar Zaman, Sweeper (BPS-03) District Courts, Lakki Marwat

(Appellant)

VS


1. The Registrar, Peshawar High Court, Peshawar.
2. District & Sessions Judge, Lakki Marwat.
3. Senior Civil Judge (Admn), Lakki Marwat.
4. Departmental Promotion Committee  
through its Chairman, District Courts, Lakki Marwat (Respondents).

**AFFIDAVIT**


We, Kashif Nadeem, District & Sessions Judge, Lakki Marwat and Khalid Anwar, Senior Civil Judge (Admn), Lakki Marwat do hereby declare and affirm on Oath that the contents of these comments are true and correct to the best of our knowledge and belief, and nothing has intentionally or deliberately been concealed or with-held from this Hon'ble Tribunal. *It is further stated on oath that in this appeal the answering respondents have neither been placed ex parte nor their defense has been struck off/cost.*

Dated: 20/11/2023

Deponents No. 02

  
District & Sessions Judge  
Lakki Marwat.  
(Chairman DPC)  
KASHIF NADEEM

Deponent No. 03

  
Senior Civil Judge (Admn)  
Lakki Marwat.  
(Member DPC)  
KHALID ANWAR

