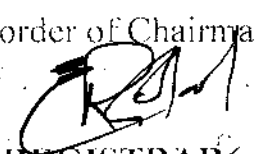


FORM OF ORDER SHEET

Court of _____

Appeal No. 703/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/05/2024	<p>The appeal of Mr. Waqar Ahmad resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 28.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Waqar Ahmad received today i.e on 09.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 4 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Check list is not attached with the appeal.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Annexures of the appeal are unattested.
- 5- Pages No. 5 to 12, 14, 16, 17 & 20 of the appeal are illegible be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 07 /Inst.KPST,

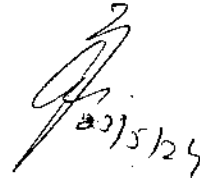
Dt. 10/5 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv.
High Court Peshawar.

R/Sir,

Resubmitted after necessary completion.


20/5/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 703 /2024

MR. WAQAR AHMAD

V/S

CONTROLLER, GOVT: PRINTING
PRESS

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5.	Copies of NOC, Merit list and Selection Committee members attendance	D-F	13-15
6.	Copy of minutes of selection meeting	G	16-17
7.	Copy of the orders and arrival report	H	18-20
8.	Copies of the order, grounds of writ petition and judgment dated 14/11/2023	I-K	21-37
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THROUGH:

APPELLANT

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 703 /2024

Diary No. 12652

Dated 09-05-2024

Mr. Waqar Ahmad, Junior Scale Stenographer (BPS-14),
Govt: Printing Press, Peshawar **APPELLANT**

VERSUS

- 1- The Secretary Industries, Commerce & Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
- 3- The Controller, Govt: Printing Press & Stationary Department, Peshawar.
- 4- The Manager Govt: Printing Press & Stationary Department, Peshawar. **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING SENIORITY FOR THE POST OF JUNIOR SCALE STENOGRAPHER (BPS-14) W.E.F. 26/03/2021 I.E. FROM THE DATE WHEN THE APPOINTMENT ORDER OF THE OTHER CANDIDATE NAMEDLY HASEEB KHAN HAS BEEN ISSUED AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD.

Prayer:-

That on acceptance of the instant service appeal, the appellant may kindly be granted/allowed seniority w.e.f. 26/03/2021 i.e. from the date when appointment order of the other candidate namely Mr. Haseeb Khan has been issued. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant.

R/SHEWETH:

On Facts:

Brief facts giving rise to the present appeal are as under:

- 1- That the petitioner has the qualifications of SSC, D.Com, BBA Hons: MBA, and Diploma in Shorthand & Hardware. Copies of degrees and certificates are attached as annexure.....**A**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. 703 /2024

Mr. Waqar Ahmad, Junior Scale Stenographer (BPS-14),
Govt: Printing Press, Peshawar APPELLANT

VERSUS

- 1- The Secretary Industries, Commerce & Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
- 3- The Controller, Govt: Printing Press & Stationary Department, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING SENIORITY FOR THE POST OF JUNIOR SCALE STENOGRAPHER (BPS-14) W.E.F. 26/03/2021 I.E. FROM THE DATE WHEN THE APPOINTMENT ORDER OF THE OTHER CANDIDATE NAMELY HASEEB KHAN HAS BEEN ISSUED AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD.

Prayer:-

That on acceptance of the instant service appeal, the appellant may kindly be granted/allowed seniority w.e.f. 26/03/2021 i.e. from the date when appointment order of the other candidate namely Mr. Haseeb Khan has been issued. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant.

R/SHEWETH:

On Facts:

Brief facts giving rise to the present appeal are as under:

- 1- That the petitioner has the qualifications of SSC, D.Com, BBA Hons: MBA, and Diploma in Shorthand & Hardware. Copies of degrees and certificates are attached as annexure.....**A**

2- The petitioner initially joined the Govt Printing Press as Binder BPS-14 in the year 2013 and due to his higher qualifications and efficient duty performance the appellant also performed duties as Budget Assistant and Controller. Copies of the orders are attached on annexure.....**B**

That on 25/12/2020, the Controller Govt: Press advertised various posts including the post of Jr. Scale Stenographer, BPS-14 for which the required qualifications were (a) Intermediate or equivalent qualification from a recognized board, (b) 50 W/M shorthand speed and 30 W/M typing speed and (c) Knowledge of computer in using MS word and MS Excel. Copy of the advertisement is attached as annexure.....**C**

4- That being eligible and qualified, the appellant also applied through proper channel with NOC of the Department. The appellant appeared in test and interview and became top of the merit by securing 155 marks, whereas one Haseeb Khan Candidate secured 152 marks. The Selection Committee was comprising of (i) Muhammad Hanif Khan Controller, (ii) Hameed Ullah Superintendent Rep: for Industries Department and (iii) Sahibzada, Manager. Copies of NOC, Merit list and Selection Committee members attendance are attached as annexure.....**D, E & F**

5- That the selection committee meeting was convened on 24/03/2021 and the appellant was recommended for appointment against BPS-16 post and one Haseeb Khan, who was the private respondent in the Writ Petition, the real son of a member of selection committee (Sahibzada) was recommended for the post of Junior Scale Stenographer (BPS-14), which was totally an illegal act on the part of selection committee. Copy of minutes of selection meeting is attached as annexure.....**G**

6- That on 26/03/2021 appointment order of the appellant was issued as Senior Scale Stenographer (BPS-16) and the appellant reported his arrival accordingly on 29/03/2021, but appellant's pay matter was referred to Accountant General there and then, the AG Office raised objection over his appointment (BPS-16) and due to that pay of appellant was not released. Copy of the orders and arrival report are attached as annexure.....**H**

7- That the appellant filed an application on 19/04/2021 for issuance of his appointment as per merit against the post of Junior Scale Stenographer, but instead of correcting the order, the appellant was posted as Binder on 26/04/2021. Feeling aggrieved from the order dated 26/04/2021, the appellant filed a Writ Petition No. 2050-P/2021 before the Peshawar High Court which was decided on 14/11/2023 in favour of the appellant. Copies of the order, grounds of writ petition and judgment dated 14/11/2023 are attached as annexure..... **I, J & K**

- 8- That vide judgment dated 14/11/2023, whereby appointment against the junior scale stenographer namely Haseeb Khan was declared illegal and the appellant was considered for the said post.
- 9- That in light of the judgment dated 14/11/2023 the respondents issued the office order dated 13.12.2023 whereby the appellant has been appointed as Junior Scale stenographer (BPS-14) with immediate effect, feeling aggrieved the appellant filed Departmental appeal for the grant of seniority w.e.f. 26.3.2021 i.e. from the date when the other candidate namely Haseeb Khan was appointed as Junior Scale Stenographer but of no avail. Copies of the appointment order and Departmental appeal are attached as annexure..... **L & M**

GROUND:

- A- That action and inaction of the respondents by not granting seniority to the appellant w.e.f. 26/03/2021 i.e. from the date when other colleagues of the appellant has been appointed as junior scale Stenographers (BPS-14) is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and malafide manner while not granting seniority to the appellant w.e.f 26/03/2021 i.e. from the date when other candidate was appointed as junior scale Stenographers (BPS-14).
- D- That the act of the respondents by not granting seniority to the appellant w.e.f 26/03/2021 i.e. from the date when other colleagues of the appellant has been appointed as junior scale Stenographers (BPS-14) is also against the principles of natural justice, hence not tenable and liable to be set aside.
- E- That, the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.
- F- That the appellant has been highly discriminated by the action and inaction of the respondents by not granting seniority to the appellant.
- G- That the act of the respondents by not granting seniority to the appellant is also against the spirit of judgment passed by Peshawar High Court in

Writ Petition No 263-M/2014 dated 16/10/2017. Copy of judgment dated 16/10/2017 is attached as annexure.....N

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for, please.

APPELLANT
[Signature]
WAQAR AHMAD

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

[Signature]
MAHMOOD JAN
ADVOCATE HIGH COURT

AFFIDAVIT:

I, Mr. Waqar Ahmad, Stenographer, Govt: Printing Press, Peshawar, do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



[Signature]

DEPONENT

S- "A" 9
S.No. 437:07

Roll No 11909

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



Board of Intermediate and Secondary Education
Peshawar



N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 2005-SUPPLEMENTARY
(Arts Group)

This is to Certify that Waqar Ahmad Son of Iftikhar Ahmad
and a resident of Peshawar District has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in October, 2004 as a Private
candidate. He obtained 520 Marks out of 1050 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|--------------------|------------------------|---------------------|---------------------|
| 1. English | 2. Urdu | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. General Science | 6. Art & Model Drawing | 7. Maths | 8. Islamic Studies |

Date of birth according to admission form March 2, 1988

Asslt Secretary

This certificate is issued without alteration or pressure

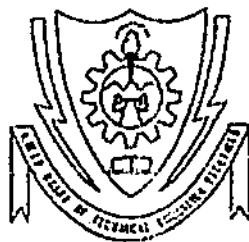
Secretary

-6-6-

(10)

Roll No. 22516

NWFP BOARD OF TECHNICAL EDUCATION



PESHAWAR (PAKISTAN)

Diploma in Commerce

Year 2008

(Annual / Supplementary)

Certified that Mr./Miss. SAZAR AHMAD

Son/Daughter of Mr. AF PERAAR AHMAD

Registration No. NCCM/P/AC/26-6587

of PUBLIN COLLEGE OF COMMERCE & MANAGEMENT PESHAWAR

has passed the Diploma in Commerce Examination held by the NWFP Board of Technical Education, Peshawar, in the month of APRIL 08

He/She secured 85.1 Marks out of 100 and has been placed in Grade "A"

In recognition thereof, this

Diploma in Commerce

(Accounts / Shorthand Group)

is awarded to him/her at Peshawar on the 27th day of JUNE 09

ASSISTANT SECRETARY

SECRETARY

This certificate / diploma is issued without any alteration or erasure.

U P B S
University
of IT & Emerging Sciences
Peshawar, Pakistan



*The University in accordance with the authority
vested in it hereby confers upon*

SS/O
Muzqar Ahmad
Mtehr Ahmad
the Degree of

Bachelor of Business Administration (BBA)
with specialization in Finance

with all the rights and privileges appertaining thereto.

Given at Peshawar on

16th April, 2013
Muhammad Aslam
Registrar



Dean

Registrar

President

The Registrar of the University of Peshawar is hereby notified that the above mentioned degree is hereby conferred upon the student mentioned above.

12

- 8 -

Affiliated with:



Institute of Technological Studies Peshawar

Serial No: 00020
Issued: 17-09-12

This is to acknowledge that

SHORTHAND & HARDWARE

This is to acknowledge that

Mr. Waqar Ahmad

has successfully completed all requirements and criteria for said certification through examination administered by Board of Examinations & Results of PUKHTOONS EDUCATION SYSTEM

Chief Executive
Pukhtoon's Education System

Father's Name:	Mikhar Ahmad	Date of Birth:	March 02, 1988
Registration No:	ITS/47/05	Department:	Information Technology
From: 06-02-2012 To 06-09-2012			

Director
Institute of Technological Studies

Grade Awarded: B

Chairman
Board of Examinations & Results



Contact for Verification:
I.T.S. City Circular Road,
Nishior Abad, Peshawar,
Pakistan. Ph 091-2591958
Fax 091-2591958

INSTITUTE OF TECHNOLOGICAL STUDIES, PESHAWAR

INSTITUTE OF TECHNOLOGICAL STUDIES, PESHAWAR

Departmental Selection Committee
Mr. Waqar Ahmad
School House

8
14

UB"
94



CONTROLLER

GOVERNMENT OF KHYBER PAKHTUNKHWA
PRINTING & STATIONERY DEPARTMENT

No _____ / I sll

Dated Peshawar, the _____ / _____ / 2013

OFFICE ORDER.

On the recommendations of the Departmental Selection Committee and on acceptance of the terms and conditions laid down in his offer of appointment, the Competent Authority is pleased to appoint Mr. Waqar Ahmad S/o Ifikhar Ahmad, Gulbahar No.4, Shinwari Town, near Sirsyed School House No 2 Peshawar city as Binder (BPS-02) in the Government Printing and Stationery Department Peshawar with immediate effect.

(KALIMULLAH KHAN BALOCH)
CONTROLLER

No 105-191

Dated Peshawar the 27-11-2013.

Copy for information and necessary action to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Accounts Officer, Government Press Peshawar
3. The Manager, Government Press Peshawar
4. The Establishment Assistant, Government Press Peshawar.
5. Mr. Waqar Ahmad S/o Ifikhar Ahmad, Gulbahar No 4, Shinwari Town, near Sirsyed School House No 2 Peshawar city

(KALIMULLAH KHAN BALOCH)
CONTROLLER

Government of Khyber Pakhtunkhwa
Printing & Stationary Department

No:- _____

Dated Peshawar the _____ / _____ /2013

OFFICE ORDER

On the recommendation of the Departmental Selection Committee and on acceptance of the terms and conditions laid down in his offer of appointment the Competent Authority is pleased to appoint Mr. Waqar Ahmad S/o Ifikhar Ahmad Gulbahar No 4 Shinwari Town, near Sir Syed School House NO 2, Peshawar City as Binder (BPS-02) in the Government Printing and Stationary Department Pesahwar with immediate effect.

Kalimullah Khan Baloch
Controller

No 105-19/

Dated Peshawar the 27.11.2013



Controller

GOVERNMENT OF
KHYBER PAKHTUNKHWA
PRINTING & STATIONERY DEPARTMENT

No. 1558 /CP&S

Dated Peshawar the 21.01/2018.

OFFICE ORDER

The following officials are hereby transferred with immediate effect:

S. N	From	Transferred
1	Mr. Issa Khan (Assistant)	As Establishment Assistant in addition to his own duties.
2	Mr. Fida Muhammad (Account Branch)	As Reconciliation Clerk
3	Mr. Sadaqat Ali (Record keeper)	Vice No.2
4	Mr. Abdul Salam (reconciliation clerk)	Vice No.3
5	Mr. Sadequallah (Binder- II)	As Diary/Dispatch Clerk
6	Mr. Sohail Iqbal (Diary Dispatch Clerk)	Vice No. 5
7	Mr. Adnan Ahmed (Assistant to B.A)	As Ledger Clerk in Raw Store
8	Mr. Haseebullah (Ledger Clerk)	As Bin Card Clerk in Raw Store
	Mr. Waqar Ahmed (Binder-II)	Vice No. 7

No 1559-78/CP&S

Copy is forwarded to:

1. Accounts Officer Govt. Press
2. Superintendent Govt. Press
3. All concerned
4. Personal files of the concerned.

(Muhammad Hanif Khan)
Controller

Dated Peshawar the 21.01/2018

(Muhammad Hanif Khan)
Controller

Government of Khyber Pakhtunkhwa

Printing & Stationary Department

No:- 1558/CP & S

Dated Peshawar the 02/01/2018

OFFICE ORDER

The following Officials are hereby transferred with immediate effect.

S. No	From	Transferred
1)	Mr. Essa Khan (Assistant)	As Establishment Assistant in addition to his own duties
2)	Mr. Fida Muhammad (Account Branch)	As reconciliation clerk
3)	Mr. Sadaqat Ali (Record Keeper)	Vice No 2
4)	Mr. Abdul Salam (Reconciliation Clerk)	Vice No 3
5)	Mr. Sadeequllah (Binder-II)	As Diary/Dispatch Clerk
6)	Mr. Sohail Iqbal (Diary Dispatch Clerk)	Vice No 5
7)	Mr. Adnan Ahmad (Assistant to B.A)	As Ledger Clerk in Raw Store
8)	Mr. Haseeb Ullah (Ledger Clerk)	As Ledger Clerk in Raw Store
9)	Mr. Waqar Ahmad (Binder-II)	Vice No 7

(Muhammad Hanif Khan)
Controller

No 1559-78/CP&S

Dated Peshawar 02/01/2018



GOVT. PRINTING & STATIONERY DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. 1477 /Estt

Dated Peshawar the 13/2/2019.

OFFICE ORDER

Mr. Waqar Ahmad Binder-II is hereby directed to perform duty of P.A. to Controller, Government Press Peshawar till further order.

(Muhammad Hazif Khattak)
Controller

No. 1478-52 /Estt

Dated Peshawar the 13/2/2019.

Copy for information and necessary action to:

1. The Manager, Government Press Peshawar.
2. The Superintendent (Admn) Government Press, Peshawar.
3. The General Foreman, Government Press Peshawar.
4. Mr. Waqar Ahmad Binder-II, Govt. Press Peshawar.
5. Office order file.

(Muhammad Hazif Khattak)
Controller

Better Copy

Page No

Government of Khyber Pakhtunkhwa
Printing & Stationary Department
No:- 1477EST
Dated Peshawar the 13/02/2019

OFFICE ORDER

Mr. Wasim Ahmad Binder-II is hereby directed to
perform duty of P.A to Controller Press Peshawar till further
order.

(Muhammad Hanif Khan)
Controller

Dated Peshawar 13/02/2019

No 1478-25-78/CP&S

SITUATION VACANT

The following posts are laying vacant in Government Printing and Stationery Department for which applications are invited within 20 days after the issuance of this advertisement through the Examiner Testing & Evaluation Services (Private Limited) (ETES) from the bona-fide residents of Khyber Pakhtunkhwa, who are fulfilling the academic qualification/technical expertise as per details given below.

12-11-20

S. NO.	NOMENCLATURE OF POST	BPS	ACADEMIC/ TECHNICAL QUALIFICATION	AGE LIMIT	NO. OF POSTS
1.	Computer Operator	16	Atleast 2nd class bachelor degree in Computer Science or Information Technology BSC/BIT four years from a recognized University with one year of diploma in Information Technology from a recognized board of technical education. Note: preference will be given to persons having experience in Graphic Art designing.	22-32	01
2.	Stenographer	14	Intermediate or equivalent qualification from a recognized board Speed of 50 word per minutes in short hand and 30 words per minutes in typing. Knowledge of computer in using MS Word and MS Excel.	18-30	01
3.	Junior Clerk / ASK	11	Secondary School Certificate with atleast 2nd division or equivalent qualification from recognized board. Speed of 30 words per minute in English typing.	18-30	01
4.	Revisor	07	Intermediate with atleast 2nd division or equivalent qualification from a recognized board having two years proof reading experience.	18-30	01
5.	Plate Maker	07	Intermediate with atleast 2nd division or equivalent qualification from recognized board with basic knowledge of Plate making. Note: preference will be given to diploma holder in Graphic Art with atleast 2 years experience in the relevant trade.	18-30	01
6.	Care Taker	07	Intermediate with atleast 2nd division or equivalent qualification from recognized board.	18-30	01
7.	Kaib	07	Atleast Secondary School Certificate with 2nd Division or equivalent qualification from a recognized board and two years experience in the relevant trade and must be computer literate.	18-30	01
8.	Compositor I	07	Intermediate with atleast 2nd division or equivalent qualification from recognized board having two years proof reading experience.	18-30	01
9.	Time Checker	07	Intermediate with atleast 2nd division or equivalent qualification from recognized board having two years proof reading experience.	18-30	01
10.	Duplicating Machine Operator	05	Secondary School Certificate with 2nd division or equivalent qualification from a recognized board with basic knowledge of binding.	18-30	01
11.	Counter	04	Secondary School Certificate with 2nd division or equivalent qualification from a recognized board with basic knowledge of binding.	18-30	02
12.	Pastor	05	Atleast Secondary School Certificate with 2nd division or equivalent qualification from a recognized board and two years experience in the relevant trade and must be computer literate.	18-30	01
13.	Press Inker	04	Middle pass with two years experience in the trade.	18-30	02
14.	Binder-II	04	Secondary School Certificate with 2nd division or equivalent qualification from a recognized board with basic knowledge of binding.	18-30	03

TERMS & CONDITIONS (MUST READ BEFORE APPLYING)

- Application Form along with online Bank slip amounting to Rs. 250/- as written/technical screening processing fee is available at ETES Website www.examiner.org.pk.
- Candidates are required to submit application along with original online Bank deposit slip, copy of CNIC, Domicile, Relevant attested Academic and experience Certificate to ETES office through P.O Box # 50 Peshawar Cantt.
- Candidates will be required to not give/mention their ported mobile number (which is converted from one network to another) so that # SMS delivery is ensured.
- ETES will issue Roll No./Information slip through SMS to each candidate or eligible candidates shall take print out of their electronic Roll No. slip (along picture of candidate from website of ETES for appearing in the test).
- Candidates provided information will be considered as final information for processing.
- Candidate will be self responsible for any information concealing the facts and will be withdrawn from the process at any stage.
- Short listed candidates as per rules will be called for interview by the office of Controller Government Printing and Stationery Department Peshawar.
- Age relaxation cases will be dealt with in accordance with the General rules.
- Candidates will update themselves from ETES website www.examiner.org.pk on regular basis for information and call on phone no. 03039376937 within official timing Mon-Fri: (09am -05pm)
- Posts can be increased or decreased at any stage.
- Selected candidates will bear the expenses on account of verification of their documents from the concerned Board/University.
- No. TA, DA will be paid to the candidates for screening/ Technical test and interview etc.
- Minority members, Disable persons and Transgenders having relevant proof are encouraged to apply.
- Females are also encouraged to apply.

INE# 4942/2020

Controller, Printing and Stationery Department

-13-4D

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GOVERNMENT PRINTING & STATIONERY DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 1160 /CP&S

Dated Peshawar the 8/01/2021

TO WHOM IT CONCERN

Subject: NO OBJECTION CERTIFICATE (NOC)


Reference application of Mr. Waqar Ahmad S/O Iftexhar Ahmad Binder (BPS-04) on the cited subject. This office has no objection on applying for the post of Stenographer (BPS-14).


(Muhammad Hanif Khan)
Controller

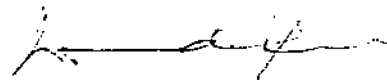
MERIT LIST FOR THE POST OF STENOGRAPHER (Total Marks = 200)

Sr	Name	s/Name	Prescribed Qualification	Higher Qualification	Experience	Test Marks	Interview Marks	Total
1	Waqar Ahmad	Iftexhar Ahmad	61	08 (2stages)	10	69	07	155
2	Haseeb Khan	Sahibzada	61	08 (2stages)	10	67	06	152
3	Hamza	Atlas Khan	70	08 (2stages)	00	65	03	146
4	Sajjad Ali	Gul zada	70	06 (1stage)	00	56	02	134
5	Ali Khan	Laiq shah	70	06 (1stage)	00	54	03	133
6	M.Sajid Noor	Noor Muhammed	70	06 (1stage)	00	52	05	133

-h/-
"E" "I"


(Hameedullah)
Superintendent (B&A)
For Section Officer (Admn)
Industries Department


(Sahibzada)
Manager,
Govt. Press Peshawar


(Muhammad Hanif Khan)
Contrôller
Govt. Press Peshawar



-15- "F"

GOVERNMENT OF KHYBER PAKHTUNKHWA
PRINTING AND STATIONERY DEPARTMENT PESHAWAR

Attendance Sheet for Meeting of Departmental Selection Committee
held on 24.03.2021 at 10 A.M

Sl #	Name of Participants	Designation	Signatures
1	Mr Muhammad Hanif Khan	Controller Government Press	
2	Mr Hameed Ullah	Superintendent Budget & Accounts for Section Officer (Admn) Industries Department.	 24/3/2021
3	Mr Sahibzada	Manager Government Press	



"9"

-16-

SUBJECT: MINUTES OF THE MEETING OF THE DEPARTMENTAL SELECTION COMMITTEE OF GOVERNMENT PRINTING & STATIONERY DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

A meeting of the Departmental Selection Committee was held on 24.03.2021 at 10.00 A.M under the Chairmanship of the Controller, Government Printing and Stationery Department, Khyber Pakhtunkhwa Peshawar in his office.

2. The following participated in the meeting:

1. Mr. Muhammad Hanif Khan,
Controller Government Printing and Stationery Department, Peshawar.
2. Mr. Hameedullah,
Superintendent (B&A) for SO (Admin),
Industries, Commerce and Technical Education Department, Peshawar.
3. Mr. Sahibzada,
Manager, Government Press, Peshawar.

3. The meeting was convened to carryout the Interview process for different posts lying vacant in Government Printing and Stationery Department. The Chair briefed the participants that seven well reputed Testing Agencies were invited to offer their bids to carryout process of screening test for recruitment from which The Examiner Testing and Evaluation Services were selected as per candidate charges were lower than the others to carryout the screening process. After this, different posts were advertised in the Dailies and the said Agency carried out the screening process of all the applicants. A list of short listed candidates has been provided to this Office.

4. The Committee members then carried out the Interview of the short listed candidates and the following appointments against the vacant posts were recommended based on the criteria given in the Esta Code.

5. Mr. Muhammad Junaid S/O Mr. Rehmat Shah (16201-98926535), Mr. Sabir ur rehman S/O Mr. Fazal Raheem (16201-42491431), Mr. Naimatullah S/O Mr. Fazl e mola (17301-78928053), Mr. Muhammad Yasir Khan S/O Mr. Muhammad Younus (16201-84017973), Mr. Muhammad Zaib S/O Mr. Mujahid Zaib (17202-03567453), Mr. Muhammad Amir Khan S/O Mr. Farhad Amin (17201-79733387), Mr. Abdul Rauf S/O Mr. Nisar Khan (16201-90012195), Mr. Khalid Usman S/O Mr. Misal Khan (17201-26191475), Mr. Sabir Ahmad S/O Mr. Sher Muhammad Khan (15202-86056835), and Mr. Fehadullah S/O Mr. Samaullah (17301-01719467) were recommended against the vacant posts of Binder (BPS-04).


6. Mr. Kashif Ahmad S/O Mr. Shamsuddin (17301-60744009), Mr. Muhammad Salman S/O Mr. Muslim Shah (16201-25497459), Mr. Arsalan Ahmad S/O Mr. Mushtaq Ahmad (17301-08922093), Mr. Saleem Iqbal S/O Mr. Khan Syed (17301-16217367), Mr. Meraj Muhammad S/O Mr. Ashar Khan (16201-06979473), Mr. Muhammad Kamran Abbasi S/O Mr. Israr Ahmad Abbasi (17301-21904001) and Mr. Attaullah S/O Mr. Ghulam Muhammad (11201-70048663) were recommended against the vacant posts of Press Inkers (BPS-04).


7. Mr. Jalal Hussain S/O Mr. Umar Hussain (16201-81054795), Mr. Kifayatullah S/O Amanullah Khan (17301-84567467) and Mr. Fawad Ali S/O Mr. Zulfiqar Ali (17301-48213279) were recommended against the vacant posts of Counter (BPS-04).


8. Mr. Taifullah S/O Mr. Inayatullah (17301-73451327) was recommended against the vacant post of Duplicating Machine Operator (BPS-05).

9. Mr. Saifullah S/O Nasir Khan (16201-39423755) and Mr. Muhammad Yasir Khan S/O Mr. Muhammad Younus (16201-84017973) were recommended against the vacant posts of Junior Clerk (BPS-11). Mr. Rizal Amin S/O Mr. Musharaf Khan (17201-21103857) was recommended against the vacant post of Assistant Store Keeper (BPS-07).

10. Mr. Ahsan Naveed S/O Mr. Humayun Khan (17301-13621899) and Mr. Abdul Razaq S/O Mr. Shams ur rehman (16202-47554647) were recommended against the vacant posts of Pastor (BPS-05).
11. Mr. Waqar Ahmad S/O Mr. Itikhar Ahmad (17301-23173003) was recommended against the vacant post of Senior Seale Stenographer (BPS-16) and Mr. Haseeb Khan S/O Mr. Sahibzada (17301-14032089) was recommended against the vacant post of Junior Seale Stenographer (BPS-14).
12. Mr. Muhammad Yasir S/O Mr. Qamar Zaman (17301-77482159), Mr. Hassaan Tariq S/O Mr. Tariq Pervez (17301-22291357) and Mr. Muhammad Tayyab S/O Mr. Akhter Hussain (16201-76588541) were recommended against the vacant posts of Computer Operator (BPS-16).
13. Mr. Jawad Ahmad S/O Mr. Naik Amal Khan (17202-03480295) was recommended against the vacant post of Care Taker (BPS-07).
14. Syed Haroon Badshah S/O Syed Karim Shah (17301-73829377) was recommended against the vacant post of Timer Checker (BPS-07).
15. Miss Reema Gul D/O Mr. Zahir Shah (17301-82836998) was recommended against the vacant post of Revisor (BPS-07).
16. Mr. Sami ul haq S/O Mr. Muhammad Idrees (17301-52296557) was recommended against the vacant post of Katib (BPS-07).
17. Mr. Muhammad Suleman S/O Mr. Ahmad Nadeem (17301-35862829), Mr. Danish Khan S/O Mr. Inayatullah (17301-02139731) and Syed Haider Hussain S/O Syed Guloon Shah (14101-74364767) were recommended against the vacant posts of Plate Maker (BPS-07).
18. Mr. Asim Mahmood S/O Mr. Muhammad Ghulam (11201-81963841) was recommended against the vacant post of Compositor-1 (BPS-07).


(Sahibzada)
Manager
Govt. Press Peshawar


(Hameedullah)
Superintend (B&A)
for Section Officer (Admn)
Industries Department


(Muhammad Hanif Khan)
Controller
Chairman of the Committee



"H" -18-

GOVERNMENT
PRINTING & STATIONERY DEPARTMENT
KHYBER PAKHTUNKHWA

No. 1652 /CP&S

Dated Peshawar, the 26 /03/2021

OFFER OF APPOINTMENT

On the recommendation of the Departmental Selection Committee held on 24.03.2021, the Competent Authority is pleased to offer the posts of Senior Scale Stenographer (BPS-16) to Mr. Waqar Ahmad S/O Mr. Istikhar Ahmad, *Gulbahar No.4 Shinwari Town near Sir Syed School House No.2 Peshawar.*

Terms and Conditions:

1. You will get pay at the minimum of BPS-16 including usual allowances as admissible under the rules. You will also be entitled to annual increment as per existing policy.
2. You will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
3. You will, for all intents and purpose, be civil servant as per current rules and regulations.
4. You will, initially, be on probation for a period of one year extendable for further period of one year. If your work during the period of probation is not found satisfactory, you will be terminated without assigning any reason.
5. In case you wish to resign at any time, one month's notice shall be necessary or in lieu thereof one month's pay shall be forfeited.
6. You will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar.
7. All documents/ testimonials/ experience certificates, produced along with application, will be verified from the concerned agencies / Institutions / organizations / Departments. In case of any discrepancy your services shall be liable to termination without any notice.
8. You will join duty at your own expenses.
9. If the post is acceptable to you on above conditions, you should report for duty to the undersigned within 30 days of the receipt of this offer and produce original certificates in connection with your qualification, domicile and age etc. Your appointment will be subject to verification of your degree / certificates.


(Muhammad Hanif Khan)
Controller



CONTROLLER

GOVERNMENT
PRINTING & STATIONERY DEPARTMENT
KHYBER PAKHTUNKHWA

No. 1774 /CP&S

Dated Peshawar the 31-03/2021

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OFFICE ORDER

On the recommendation of the Departmental Selection Committee and on acceptance of the terms and conditions laid down in his offer of appointment, the Competent Authority is pleased to appoint Mr. Wajid Ahmad S/O Mr. Itikhar Ahmad, Binder-II Government Press, CNIC No. 17301-2317300-3, Gulbahar No.4 Shinwari Town near Sir Syed School House No.2 Peshawar, as Senior Scale Stenographer (BPS-16) in the Government Printing and Stationery Department Peshawar against the vacant post with effect from the date of his assumption.

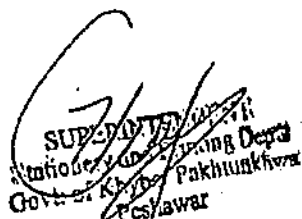

(Muhammad Hanif Khan)
Controller

No. 1775-78 /CP&S

Dated Peshawar the 31/03 /2021

Copy forwarded to:


1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Manager Government Press
3. The Establishment Assistant Government Press
4. Official concerned and his personal file.

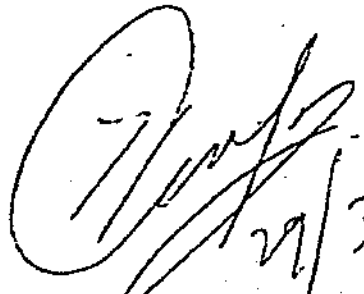


SUB-DIRECTOR
Printing Dept
Govt of Khyber Pakhtunkhwa
Peshawar


(Muhammad Hanif Khan)
Controller

CHARGE ASSUMPTION REPORT

In compliance with your offer of appointment vide letter No. 1652/CP&S dated 26/03/2021 of the Government Printing and Stationery Department, Khyber Pakhtunkhwa Peshawar, I accept all the terms and conditions laid down in the above mentioned letter and assumed the charge of the Post of Senior Scale Stenographer BPS-16 with effect from today on 29th March 2021.


29/3/21
Waqar Ahmad
Senior Scale Stenographer


29/3/21

Senior Scale Stenographer

- 21 - "I"

To


The Controller,
Government Printing & Stationery Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPOINTMENT AGAINST THE POST OF STENOGRAPHER (BPS-14)

It is humbly submitted that I applied against the post of Stenographer (BPS-14) advertised by your department.

I was shortlisted for the same post after taking screening test conducted by the Testing Agency and has been placed at the top of the merit list prepared by the Department (Annex-I). On 26-03-2021, an offers of appointment of Senior Scale Stenographer (BPS-16) was given to me (Copy at Annex-II) and the case was sent to Accountant General Office for processing of Salary against the post of Senior Scale Stenographer (BPS-16) but the case has been returned with the observation that Senior Scale Stenographer (BPS-16) must be advertised by the Khyber Pakhtunkhwa Public Service Commission whereas the case of 2nd position holder has been processed against the post of Stenographer (BPS-14).


In view of above, it is requested that being on top of the merit list prepared by your department for the post of Stenographer (BPS-14), my salary may be sent/ processed against the post of Stenographer (BPS-14)


Waqar Ahmad
Candidate for the post of
Stenographer (BPS-14)

Dated Peshawar, the 19/04/2021

PAK P S G S E P D P M A

Page No. 130
Date 19/04/2021


19/4/2021



GOVERNMENT OF KHYBER PAKHTUNKHWA
PRINTING & STATIONERY DEPARTMENT

CONTROLLER

No. 2072 /
Dated Peshawar, the March 20, 2021

OFFICE ORDER

In Supervision of Previous order, Mr. Waqar Ahmad, Binder-ij has been posted in form press Branch with immediate effect.

(Muhammad Hanif Khan)
Controller

Endst: No. 2173-70 ICP&S,

Dated Peshawar, the 26/4 /2021

Copy for information and necessary action to:

1. The Accounts Officer Government Press Peshawar.
2. The Superintendent, Government Press Peshawar
3. The Establishment Assistant Government Press Peshawar
4. All Concerned and their personal files.

(Muhammad Hanif Khan)
Controller

A. J. "J"
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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P NO. _____ -P/2021.

Waqar Ahmad S/O Ifikhar Ahmad,
Stenographer, Govt. Printing Press,
Peshawar.



.....Petitioner.

VERSUS

1. The Govt. of KP Through Secretary Industries, Civil Secretariat
Peshawar.

2. DG The Controller, Govt. Printing Press & Stationery Deptt: Peshawar.

3. The Manager Govt. Printing Press, Peshawar. ✓

4. Waseeb Khan S/O Sahibzada, Stenographer, Govt. printing Press,
Peshawar.

.....Respondents.

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN 1973 AS
AMENDED UP TO DATE.

R. SHEWETH.

Brief facts of the case are as under:

1- That the petitioner is the law abiding citizen of Pakistan and has every legal right duly protected under the Law of the Land.

ATTESTED
EXAMINER
Peshawar High Court

- 2- That the petitioner has the qualifications of SSC, D.Com, BBA Hons, MBA, and Diploma in Shorthand & Hardware. Copies of degrees and certificates are attached as Annexure - A.
- 3- That the petitioner initially joined the Govt. Printing Press as Binder BPS-02 in the year 2013 and due to his higher qualifications and efficient duty performance the petitioner also performed duties as Asstt. to BA, and P.A to Controller. Copies of the orders are attached as Annexure - B.
- 4- That on 25.12.2020, the Controller Govt. Press advertised various posts including the post of Jr. Scale Stenographer, BPS-14 for which the required qualifications were (a)- *Intermediate or equivalent qualification from a recognized board,* (b)- *50 W/M shorthand speed and 30 W/M typing speed and (c)- Knowledge of computer in using MS word and MS Excel.* Copy of the advertisement is attached as Annexure - C.
- 5- That being eligible and qualified, the petitioner also applied through proper channel with NOC of the Deptt. The petitioner appeared in test and interview and became top of the merit by securing 155 marks, whereas the private respondent No.4 secured 152 marks. The Selection Committee was comprising of (i)- Muhammad Hanif Khan Controller, (ii)- Hameedullah Supdt. Rep. for Industries Deptt. and (iii)- Sahibzada, Manager, Copies of NOC, Merit list and Selection Committee members attendance are attached as Annexure - D, E, & F.
- 6- That selection committee meeting was convened on 24.03.2021 and the petitioner was recommended for appointment against BPS-16 post and the private respondent who is the son of a member of selection committee (Sahibzada) was recommended for the post of Jr. Scale Stenographer BPS-14, which was totally an illegal act on the part of selection committee. Copy of the Selection Committee minutes is attached as Annexure - G.
- 7- That on 26.03.2021 appointment order of the petitioner was issued as Sr. Scale Stenographer BPS-16 and the petitioner reported for his arrival accordingly on 29.03.2021 but when the petitioner's pay matter was referred to Accountant General, there and then, the AG office raised objection over appointment of petitioner against BPS-

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Peshawar High Court



16 post and due to that pay of the petitioner was not released. Copies of the orders, and arrival report are attached as Annexure - H&I.

- 8- That the petitioner also filed application on 19.04.2021 for issuing his appointment order as per merit against the post of Jr. Scale Stenographer BPS-14, but instead of correcting the order, the petitioner was reposted as binder on 26.04.2021. Copies of orders are attached as Annexure - J&K.
- 9- That having no other remedy, the petitioner comes to this august Court on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated. 26.04.2021 and not issuing appointment order of petitioner as Jr. scale Stenographer according to merit position by the respondents, and appointment of Respondent No.4 in place of petitioner are against the law, facts, norms of justice and material on record, therefore, liable to be set-aside.
- B- That the petitioner has attained top position in merit and he is legally entitled to be appointed as such but inspite of top position of the petitioner, the respondent No.4 was appointed in a fanciful manner and such action was totally based on nepotism. Therefore the appointment of respondent No.4 is liable to be struck down being second in merit.
- C- That the as per justice and fair play, it was incumbent upon the respondent to issue correct order of the petitioner as Jr. Scale Stenographer BPS-14, but due to malice and nepotism the petitioner has been deprived form his right to appointment against a proper post which led to the non-payment of salaries to petitioner as well. Thus the respondents have not fulfilled their legal duty in accordance with law and rules.
- D- That being top of merit list, it is the right of the petitioner to be appointed as Jr. scale Stenographer BPS-14, but the respondents in order to accommodate blue eyed respondent No.4, wrongly issued

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Peshawar High Court

(9)

the order of petitioner against a promotion quota post of BPS-16 which needs correction by declaring such practice of the respondents as illegal and unlawful.

- E- That legally one of the selection committee's member (Sahibzada) was required to quit the meeting as his son (Respondent no.4) was also under considerations but instead of doing rightful act, the selection committee recommended respondent No.4 against the post for which the petitioner has topped the merit and the respondents are so adamant that they are not even providing the appointment order of respondent npo.4 to the petitioner. All this proves malice on the part of respondents.
- F- That keeping in view the above narrated position the appointment of respondent no.4 in place of petitioner is totally illegal and unlawful and liable to be set-aside.
- G- That the impugned action of the respondents is totally against the spirit of Articles- 2A, 4,9, 10A & 25 of the Constitution and even the petitioner has not been dealt with in accordance with law and norms of justice and fair play.
- H- That the petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this writ petition, the august Court may be pleased to:

- (I)- DECLARE the order dated. 26.04.2021 and not issuing the appointment order of the petitioner as Jr. Scale Stenographer BPS-14 despite on merit (Scored 155 marks) as illegal, unconstitutional, without lawful authority, violation of principle of Natural Justice, Article 2A, 4, 9, 10A and 25 of the Constitution, and based on malafide, therefore, liable to be set-aside being ineffective upon the right of petitioner.
- (II)- DIRECT the respondents to issue the appointment order of the petitioner as Jr. Scale Stenographer BPS-14 from his due date being on top of merit by cancelling the order

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Post

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of respondent no.4 who was having low score than the petitioner.

- (III)- SET-ASIDE the appointment order of the respondent NO.4 as Jr. Scale Stenographer being based on nepotism and also passed in violation of merit position.
- (III)- ANY other remedy which is not specifically prayed for, that may also be awarded in favour of petitioner.

INTERIM RELIEF:

The respondents may be restrained from actualizing the appointment order of the private respondent No.4 till the disposal of main writ petition OR releasing his salary as Hr. Scale Stenographer till the main decision of the writ petition.

[Signature]
PETITIONER

WAQAR AHMAD

THROUGH:

[Signature]

M. ASIF YOUSAFZAI

Advocate Supreme Court of Pakistan.

&
[Signature]

TAIMUR ALI KHAN

Advocate High Court

VERIFICATION:

It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.

[Signature]
DEPONENT

[Signature]
ATTESTED
EXAMINER

-28- "K" (13)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

W.P.No.2050-P of 2021 with interim relief.



Date of hearing: 14.11.2023.

Mr.Noor Muhammad Khattak,
advocate for the petitioner.

Mr.Asif Jalal, AAG for Provincial
Government.

Mr.Rab Nawaz Khan, advocate for
respondent No.4.

JUDGMENT

ABDUL SHAKOOR, J.-

Petitioner's prayer in the petition in
hand is as under:-

- i. Declare the order dated
26.04.2021 and not issuing
the appointment order of the
petitioner as Jr.Scale
Stenographer BPS-14 despite
on merit (scored 155 marks)
as illegal, unconstitutional,
without lawful authority,

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violation of principle of natural justice, Article 2A, 4, 9, 10A and 25 of the Constitution and based on malafide, therefore, liable to be set-aside being ineffective upon the right of petitioner.

- ii. Direct the respondents to issue the appointment order of the petitioner as Jr.Scale Stenographer BPS-14 from his due date being on top of merit by cancelling the order of respondent No.4, who was having low score than the petitioner.
- iii. Set aside the appointment order of the respondent No.4 as Jr.Scale Stenographer being based on nepotism and

(2)

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Peshawar High Court



also passed in violation of merit position.

2. In pursuance of the advertisement dated 25.12.2020, petitioner applied for the post of Junior Scale Stenographer BPS-14 and after going through the selection process secured first position in the merit list, however, to his utter surprise instead of issuing him appointment order as Junior Scale Stenographer in BPS-14, he was issued appointment order as Senior Scale Stenographer in BPS-16 whereas the private respondent No.4, who was at Sr.No.2 being the son of Sahibzada, Manager Printing Press, Peshawar, was issued appointment order as Junior Scale Stenographer BPS-14. Subsequently, an objection was raised by the Accountant General office, whereby it was held that as no

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Peshawar High Court

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post of Senior Scale Stenographer BPS-16 was advertised, therefore, the petitioner could not have been appointed against the said post, thus, he was reversed to his previous position as Binder Scale-II. Being aggrieved, he preferred application on the ground that he has wrongly been recommended for the appointment as Senior Scale Stenographer BPS-16 when neither he has applied for that nor such post was advertised in the advertisement and, therefore, he being first on the merit position is required to be issued an appointment order as Junior Scale Stenographer BPS-14 by cancelling the appointment order of private respondent, who was at Sr.No.2 on the merit list. The respondents having paid no heed to his request of issuance him appointment

PS

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-32- (17)

order for the post of Junior Scale Stenographer BPS-14, left him with no option but to invoke the Constitutional Jurisdiction of this Court through this petition.

3. In view of the averments made in the petition, comments were called from the respondents wherein they resisted the issuance of desired writ on the ground that petitioner himself has requested that he being first in the merit list be appointed against the post of Senior Scale Stenographer BPS-16, therefore, he was appointed as such and now he is estopped to ask for his appointment against the post of Junior Scale Stenographer BPS-14 against which respondent No.4 has been appointed.

ES

4. Arguments heard and record perused.


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5. Perusal of the record would show there is nothing in writing on the case file which could remotely suggest that petitioner has ever asked the respondents for his appointment as Senior Scale Stenographer BPS-16 on account of his securing first position in the merit list for the post of Junior Scale Stenographer (BPS-14). Nor any post of Senior Scale Stenographer was advertised in the advertisement pursuant to which petitioner had applied for appointment against one post of Junior Scale Stenographer, hence, we do not find any force in the so called contention of the respondents that petitioner was appointed as Senior Scale Stenographer on his request. This contention of the respondents is not only groundless but appears to be an eye-wash in order to cover up their



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-34- (19)

unjust and illegal act simply to retain the respondent No.4 as Stenographer. As he, in view of his merit position maintained by respondent No.1, could not have been appointed as Junior Scale Stenographer being second in the merit list. Further perusal of the record of the case file would show that respondent No.4 is son of one of the members of Selection Committee, namely, Sahibzada, Manager, Government Printing Press, Peshawar. Said Sahibzada was having no moral justification to sit in the meeting of the Selection Committee whereby he should have recommended his son for the appointment as Junior Scale Stenographer BPS-14 against which petitioner being first in merit was entitled to be recommended and appointed as such. This aspect of the

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~~ATTESTED
EXAMINER
Peshawar High Court~~

-35- (20)

case speaks volumes of the mala fide of respondents that they in order to adjust respondent No.4, who was second in the merit list, has invented the fake theory that they appointed the petitioner against the post of Senior Scale Stenographer BPS-16 on his request, whereas no post of Senior Scale Stenographer BPS-16 has ever been advertised. The conduct displayed by said Sahibzada, being member of the Selection Committee, is a classic example of nepotism and against the settled principle of fair play and justice which provides that no one should be a Judge in his own cause. Under the circumstances, hinted hereinabove and in no civilized society, where the supremacy of law exist, the appointment of respondent No.4 as Junior Scale Stenographer can

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ATTESTED
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be considered as just and legal. Hence, he has got no right to remain as Junior Scale Stenographer in the department, where the petitioner, despite securing the first position on merit, is forced to work as Binder in scale II. The same is a sheer exploitation of the petitioner, which is not permissible in terms of Article 3 of the Constitution of the Islamic Republic of Pakistan, which commands that "*the State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work*".

6. In the light of above discussion, we allow this petition, set aside the appointment order of respondent No.4 and direct the respondents to issue the appointment order of petitioner as

AS

ATTESTED
EXAMINER

Per _____ Surt

-37- (22)

Junior Scale Stenographer BPS-14
forthwith, having secured first position
in the merit list.


JUDGE


JUDGE

Announced.
14.11.2023.

Sadiq Shah, CS (DB) (Hon'ble Mr Justice Abdul Shakoor & Hon'ble Mr Justice Syed Arshad Ali)

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 0.7 of
the Qanun-e-Shahadat Act 1964

17 NOV 2023

19204

Date of Presentation of Application..... 16-11-2023
No of Pages..... 18
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Date of Preparation of Copy..... 17-11-2023
Date of Delivery of Copy..... 17-11-2023
Reviewed By.....



**DIRECTORATE GENERAL,
INDUSTRIES AND COMMERCE,
KHYBER PAKHTUNKHWA, PESHAWAR.**

Printing Press Building, Shaml Road, Peshawar

REGISTERED

11789-97
"L"
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No. 11789-97/1198-DI-Admn:

Dated Peshawar the, 12/12/2023.

ORDER

In pursuance to the Honorable Peshawar High Court, Peshawar Judgement dated 14.11.2023 in the Writ Petition No. 2050-P/2022 titled Waqar Ahmad Versus Government of Khyber Pakhtunkhwa through Secretary Industries and upon the recommendations of the meeting of Departmental Selection Committee of the Directorate General of Industries and Commerce, Khyber Pakhtunkhwa held on 04.12.2023, the Competent Authority is pleased to appoint Mr. Waqar Ahmad S/o Mr. Inikhar Ahmad, resident of Gulbahar No.4, Shinwari Town near Sir Syed School, House No.2, Peshawar, CNIC No.17301-2317300-3 as Junior Scale Stenographer-BPS-14 (22530-1740-74730) under the provisions contained in sub-section (2) of section-19 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973 (KPK Act No. XVIII of 1973) plus usual allowances as admissible under the Rules in the Directorate General of Industries & Commerce, Khyber Pakhtunkhwa against the vacant post of Junior Scale Stenographer (BPS-14) at Printing Press, Directorate General, Industries & Commerce, Khyber Pakhtunkhwa Hqtrs Office, Peshawar with effect from 01.12.2023 on the following terms and conditions that:-

1. He will be governed by the Khyber Pakhtunkhwa, Civil Servants Act, 1973 and all the Law, Rules & Regulations applicable to the Civil Servants and Rules made there-under by the Provincial Government from time to time.
2. He will, for all intents and purpose, be civil servant as per current rules and regulations.
3. He will initially, be on probation for a period of one year extendable for further period of one year. If his work during the period of probation is not found satisfactory, he will be terminated without assigning any reason.
4. He will be given minimum pay of the post in the Basic Pay Scale-14 (22530-1740-74730) per month with other allowances as may be admissible under the rules of the Provincial Government as per entitlement.
5. His service will be liable to termination on one month's notice from either side and in case of resignation at any time, one month's notice shall be necessary or in lieu thereof, one month's pay and allowances if any shall be forfeited to the Government.
6. He will be liable to serve anywhere in Khyber Pakhtunkhwa.
7. He will join duty at his own expenses.
8. His Inter Se-Seniority will be fixed from the date of regular appointment to the post.
9. He should report for duty to the undersigned within 30 days of the receipt of this order and produce original certificates in connection with his qualification, domicile and age etc. His appointment will be subject to verification of his degree / certificates. In case of non-joining the duty in the stipulated period of 30 days, the appointment order will be deemed cancelled.

**Director General, IC,
Khyber Pakhtunkhwa, Peshawar.**

Endst: No. & date even.

Copy of the above is forwarded to :-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director, Printing Press, Hqtrs Office, Peshawar.
3. PS to Director-General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. The Accounts Officer (Printing Press), Hqtrs Office, Peshawar.
5. The Manger Printing Press, Hqtrs Office, Peshawar.
6. Mr. Waqar Ahmad Khan S/o Mr. Inikhar Ahmad, resident of Gulbahar No.4, Shinwari Town near Sir Syed School, House No.2, Peshawar.
7. Personal file of the official concerned.
8. File 6/979 & 6/865-DI-Admn:


(Asif Zaidi)

**Administrative Officer,
Directorate General, Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar**

Charge Assumption Report

- 39 -

I Waqar Ahmad hereby assume the charge of Junior Scale Stenographer BPS-14 w.e. from 01-12-2023. in compliance with the office order no.11789-97/1/98-DI Admn, dated 13-12-2023 conditionally without prejudice to the Honorable Peshawar High Court Judgment order dated 14-11-2023 in writ petition No.2050-P/2021 title Waqar Ahmad versus Government and request the Competent Authority to grant me seniority and financial benefits from 26-3-2021, as allowed by Honorable Peshawar High Court Peshawar.


Waqar Ahmad 2/12/23
(Junior Stenographer-BPS-14)


No.

dated:

Copy is forwarded to: 12079-81

22-12-2023

1. The Deputy Director, Printing Press, Hqtrs Office, Peshawar
2. The PS to Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar
3. The Administrative Officer, Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar


Waqar Ahmad 2/12/23
(Junior Stenographer-BPS-14)

To

The Director General,
Directorate General, Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar.

Subject REQUEST FOR GRANT OF SENIORITY

R/Sir,

With due respect it is stated that post of junior Scale Stenographer (BPS-14) was advertised by Department. I applied for the said post and stood 1st in the merit list. However another candidate named Mr. Haseeb Khan was appointed against the subject.

In this regard I filed a writ petition in Honorable Peshawar High Court, Peshawar for appointment against the post of Junior Scale Stenographer with effect from 26.3.2021. The Honorable Peshawar High Court Peshawar accepted my appeal and directed Department to issue appointed order for junior scale stenographer.

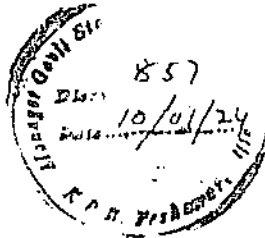
However the Department issued fresh appointed order from 13.12.2024 instead of 26.3.2021. Which is against the Civil Servant Act and Senlority Rules made there under.

Rule 17 (1) the inter se Seniority of Civil Servant (Appointment to post, Service or cadre) shall be determined:-

- (a) In the case of persons appointed by initial recruitment, In accordance with the order of merit assigned by the Commission (or as the case may be the Departmental Selection Committee).

It is therefore humbly requested that, my appointed order shall be issued from the date 26.3.2021 to maintain my rightful Seniority.

Waqar Ahmad
Stenographer



JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P.No. 228-M/2014
With Interim Relief

*Mst. Husna Razzaq d/o Abdur Razzaq, r/o Village Morani Payeen,
Tehsil Balabat, District Dir Lower.*

(Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary (E & SE)
Department, Khyber Pakhtunkhwa, Peshawar and 17 others*

(Respondents)

Present: *Nemo for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoab, A.D.O, Dir Lower for official
respondents.*

Date of hearing: 16.10.2017

JUDGMENT

IJAZ ANWAR, J.- Vide our detailed judgment in the connected W.P No. 227-M/ 2014, we allow this petition with direction to the official respondents to allow appointment of the petitioner against the post of P.E.T by considering her professional qualification of S.D.P.E and M.Sc in Health and Physical Education into her accumulative score. Needless to observe that the petitioner shall be appointed w.e.f the date her other colleagues were appointed pursuant to the same advertisement. The petitioner shall be entitled to seniority but not to arrears of salaries. Moreover, the candidates/private

respondents, if any, already appointed shall not be disturbed.

Announced
Dt: 16.10.2017

Mohammad Ibrahim Khan
JUDGE

Ijaz Anwar
JUDGE

(65)
(64)
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19/10
[Faint handwritten notes]

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**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)**

W.P No. 227-M/2014
With Interim Relief

*Mst. Saima Gul w/o Fayaz Ali Shah r/o Bambolai Payeen, Tehsil
Adenzai, District Dir Lower.* (Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education, Civil Secretariat Peshawar
and 04 others.* (Respondents)

Present: *Abdul Qayum, Advocate for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoab, A.D.O, Dir Lower for official
respondents.*

W.P No. 228-M/2014
With Interim Relief

*Mst. Husna Razzaq d/o Abdur Razzaq, r/o Village Morant Payeen,
Tehsil Balabat, District Dir Lower.* (Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary (E & SE)
Department, Khyber Pakhtunkhwa, Peshawar and 17 others* (Respondents)

Present: *Nemo for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoab, A.D.O, Dir Lower for official
respondents.*

W.P No. 251-M/2014
With Interim Relief

*Rabia Gul d/o Gul Sharif Khan r/o Mayar, Tehsil Samar Bagh,
District Dir Lower.* (Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education, Civil Secretariat Peshawar
and 04 others* (Respondents)

Present: *Mr. Abdul Qayum, Advocate for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoab, A.D.O, Dir Lower for official
respondents.*

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W.P No. 263-M/2014
With Interim Relief

*Mst. Aneela Sarwat w/o Waleed Zaman r/o Mohallah
Akhunzaddgan, Mayar, Tehsil Samar Bagh, District Dir Lower.*
(Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education, Civil Secretariat Peshawar
and 04 others*

(Respondents)

Present: *Mr. Abdul Qayum, Advocate for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoaib, A.D.O, Dir Lower for official
respondents.*

Date of hearing: 16.10.2017

JUDGMENT

IJAZ ANWAR, J.- Through this single judgment we intend to dispose of this petition i.e W.P No. 227-M/2014 as well as the connected petitions bearing W.P No. 228-M/2014, W.P No. 251-M/2014 and W.P No. 263-M/2014, as common questions of law and facts are involved in all these petitions.

2. As per assertions of petitioner in the instant writ petition, the respondent department advertised various posts including the post of Physical Education Teacher (P.E.T BPS-15) in G.G.M.S Bambolai, Dir Lower through advertisement on 5th January, 2014 published in daily "Aaj". Petitioner, being an active player of different games in her educational career and also an

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athlete besides, having the requisite qualification of M.Sc and Senior Diploma in Physical Education (S.D.P.E) alongwith experience applied for the said post. She secured 51/100 marks in NTS and obtained accumulative score of 104.34 and was optimistic for her appointment but astonishingly private respondent No.5 Mst. Lubnaz Begum was appointed as P.E.T in the mentioned school and the petitioner was ignored.

3. Petitioner Mst. Husna Razzaq in W.P No. 228-M/2014 has averred that she applied for the post of P.E.T having the requisite qualification and experience in the advertisement published on 05.01.2014 in daily "Aaj". She scored 107.24 marks in the NTS and stood 2nd amongst the candidates for the said post but private respondents No.4 to 18 were appointed and the petitioner was ignored despite she was higher in qualification than the candidates appointed vide order dated 03.05.2014.

4. Mst. Rabia Gul, who has filed W.P No. 251-M/2014, has asserted that she applied for the post of P.E.T in five different schools as per policy. After passing the N.T.S, the petitioner scored

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first position in G.G.M.S Shontala with accumulative score of 97.4 marks. She also signed an offer letter dated 29.04.2014 issued by Respondent No.3 for her appointment in G.G.H.S Badin but private respondents No. 4 and 5 were appointed as P.E.Ts in the mentioned schools and the petitioner was not considered for her appointment.

5. Similarly, petitioner Mst. Aneela Sarwat in W.P No. 263-M/2014 has averred that the respondent department advertised the posts of P.E.T (female) vide advertisement dated 04.01.2014 published in Daily Express. Petitioner having Senior Diploma in Physical Education and Master degree in Health and Physical Education, applied for five schools through N.T.S. and remained successful in the said test. Thereafter she was called for interview. Grievance of the petitioner is that she obtained accumulative score of 81.34, however, her Senior Diploma in Physical Education was not considered, hence, private respondents No. 4 & 5 were selected and the petitioner was ignored despite she was higher in qualification.

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6. Arguments heard. Record perused.

7. The common issue involved in all the cases is that petitioners are holders of the qualification of Senior Diploma in Physical Education (S.D.P.E) while the pre-requisite qualification for the post of P.E.T (BPS-15) has been mentioned in the advertisement as B.A/B.Sc from a recognized university with one year Junior Diploma in Physical Education (JDPE) or equivalent certificate from Army or other equivalent qualification. Admittedly, the petitioners have found their place in the appointment zone through their merit, however, they were denied appointment for not holding the qualification of Junior Diploma in Physical Education.

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8. The learned counsel for the petitioners has referred to different judgments of this Court whereby the same issue has repeatedly been decided in a number of cases and many a time it was maintained by the apex Court and it was held therein that Senior Diploma in Physical Education (S.D.P.E) is a higher diploma and the candidates possessing higher qualification cannot be deprived of their

(A) (B)
-48-

appointment against the posts of P.E.T. We have noticed that despite the decisions of this Court which have been maintained upto the apex Court, the respondents are continuously not adhering to the judgments of this Court that is why the candidates are approaching this Court again and again for this issue. The august Supreme Court of Pakistan in a celebrated judgment rendered in the case titled "Hameed Akhtar Niazi V/s. The Secretary, Establishment Division, Government of Pakistan and others" (1996 SCMR 1185) held that:-

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"We may observe that if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum".

The same view was followed by the apex Court in another judgment in the case titled "Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others V/s.

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Sameena Parveen and others" (2009
SCMR 1).

8. We have also noticed from perusal of the record that petitioners in all these writ petitions were not allowed the marks by respondents for holding the degree of Master of Health and Physical Education and they have also not considered their Senior Diploma in Physical Education. We, thus, are left with no other choice but to allow all these petitions with direction to the official respondents to allow appointment of petitioners against the posts of P.E.T by considering their respective professional qualification of S.D.P.E and M.Sc in Health and Physical Education into their accumulative scores. Needless to observe that the petitioners shall be appointed w.e.f the date their other colleagues were appointed pursuant to the same advertisement. They shall be entitled to seniority but not to arrears of salaries. Moreover, the candidates/private respondents, if any, already appointed shall not be disturbed.

2. Before parting with this judgment we may observe that this Court in judgment dated

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16.05.2013 rendered in the case titled "*Naqib Sultan V/s. Govt. of Khyber Pakhtunkhwa*" (W.P No. 264-M/2011), judgment dated 31.03.2004 in the case titled "*Jan Muhammad and others V/s. Govt. of NWFP and others*" (W.P No.1472/2003), judgment dated 28.06.2016 in the case titled "*Ijaz-ul-Haq V/s. Govt. of Khyber Pakhtunkhwa and others*" (W.P No. 644-P/2016), judgment dated 24.02.2009 in case titled "*Taj Pari V/s. Govt. and others*" (W.P No. 864/2007), judgment dated 28.05.2004 in case titled "*Masood Khan V/s. Govt. of NWFP and others*" (W.P No. 1484/2003) and judgment dated 02.05.2000 in case titled "*Muhammad Azam and others V/s. Govt. of NWFP and others*" (W.P No. 652-M/1999) discarded the objections of respondent department regarding non considering the qualification of S.D.P.E for the post of P.E.T and those judgments were either maintained by the apex Court or no appeal has been filed thereagainst and attained finality. For ready reference one judgment is referred which was delivered on 27.06.2006 by the apex Court in the case titled i.e "*Umair Wahid V/s. Govt of NWFP*" (C.P No. 193-P/2006) but

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despite this the department is repeating this objection. We, therefore, direct the Director of Elementary and Secondary Education to circulate this judgment to all the District Officers of Education Department of the Province with strict directions to consider the holders of higher qualification of S.D.P.E and M.Sc in Physical Education for the posts of P.E.T and not to force the candidates for approaching the Courts again and again for the decided issue.

Announced
Dt: 16.10.2017

Mohammad Ibrahim Khan
JUDGE

Ijaz Anwar
JUDGE

Office
19/10

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal _____ No _____ /2024

Waqar Ahmad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gout etc

(RESPONDENT)
(DEFENDANT)

I/we Waqar Ahmad
Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.


Dated. _____ / _____ /202



CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**


WALEED ADNAN


UMAR FAROOQ MOHMAND

&

**MEHMOOD JAN
ADVOCATES**

OFFICE:
Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)