

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 331/2024

Mr. Shaheedullah S/O Taj Ali Khan /Naib Qasid, O/o District Public Prosecutor Office, Karak

Petitioners.....


VERSUS

Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department through its
Secretary & Others.

Respondents.....

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(Muhammad Gulzar Ali)
Superintendent Legal
Directorate of Prosecution
Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 331/2024

Shaheed Ullah S/o Taj Ali Khan/Naib Qasid, Office of District Public Prosecution, Karak.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department through its Secretary & others.

..... RESPONDENTS

Comments On Behalf Of Official Respondents No.01 to 04

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the Appellant has already filed a Service Appeal No. 115/2024 on some cause of action, which is pending before this Hon'ble Tribunal (Annex-A).
2. That the instant Service Appeal is not maintainable in the eyes of law
3. That the Appellant has got no Cause of Action.
4. That the Appellant has concealed material facts from this Honourable Tribunal.
5. That the Appellant has challenged the promotion order dated 21.11.2023, with no realistic/cogent grounds.
6. That the Appellant is estopped by his own conduct to bring the present Appeal before this honourable Tribunal.
7. That the appeal is barred by law and limitation.

REPLY ON FACTS:

1. Pertains to record. However it is clarified that Appellant qualified Secondary School Certificate examination in year 2022.
2. Incorrect hence denied. Name of Appellant was inadvertently reflected at Serial No. 02 of tentative Seniority list (not final Seniority list) of class-IV, which was circulated to all the district formations of province, for objections/corrections, if any. After circulation of the tentative seniority list, some objections were received to the Directorate of Prosecution from field formations, against the position awarded to Appellant, on the ground that Appellant acquired the minimum qualification of Secondary School Certificate later than them i.e. in the year 2022. It is pertinent to mention here that as per Service Rules of Directorate of Prosecution, as amended in the year 2018 (**Annex-B**), a common seniority list of Naib Qasid, Chowkidar etc. is maintained with reference to the date of acquiring Secondary School Certificate. A Departmental Committee was constituted to discuss the objections/representations on tentative seniority list of Class-IV (Naib Qasid), which held that objections of officials against the Appellant are genuine and hence they were placed at their due positions in Final Seniority list as per rules. (Minutes of the Departmental Committee is **Annex-C**). The Appellant was correctly placed at serial No.86.
3. Incorrect hence denied. The Departmental Promotion Committee made its recommendation and promoted the respondents No.05 to 33 purely on merit on the basis of Service rules of Directorate of Prosecution amended in the year 2018 (**Annex-D**).
4. Pertains to record. As replied above.
5. As replied vide para 02 of para-wise reply.

6. No comments.


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GROUNDS


- A. Incorrect. Hence denied.
- B. Incorrect. Hence denied.
- C. Incorrect. Detailed reply already provided vide Para 02 of Para-wise comments.
- D. The para/ground is vague and cannot be commented upon, however, as already submitted at Para-02 of Para-wise reply of the seniority list was prepared/issued according to rules.
- E. Incorrect hence denied. Detailed reply at Para 02 of para wise reply. However, it is again clarified that as per rules of Directorate of Prosecution, seniority of class-IV for the purpose of promotion to the post of Junior Clerk is to be determined on the basis of the date of acquiring SSC certificate.
- F. Incorrect hence denied. Already replied vide para 02 of Para-wise comments and ground "E" above.
- G. Incorrect hence denied. Already replied vide para 02 of Para-wise comments and ground "E" above.
- H. Incorrect hence denied.
- I. Incorrect hence denied. Already replied vide para 02 of Para-wise comments and ground "E" above.
- J. Incorrect. Hence denied.
- K. Incorrect. Hence denied.
- K. Incorrect. Hence denied.

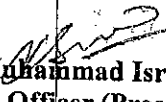
PRAYER:

In light of the above facts and circumstances of the case, the Service Appeal of Appellant is devoid of any merit and legal substance; therefore, the same may kindly be dismissed, please.


Muhammad Abid Majeed
Additional Chief Secretary
Home & Tribal Affairs Department
Government Khyber Pakhtunkhwa.
Respondent No. 1
Additional Chief Secretary
Home & Tribal Affairs Department
Government Khyber Pakhtunkhwa.


Muhammad Sikandar Khan
Deputy Director Admin,
Directorate of Prosecution
Home & Tribal Affairs Department
Government of Khyber Pakhtunkhwa.
Respondent No. 3.


Rubeen Haider Bukhari
Director General Prosecution,
Home & Tribal Affairs Department
Government Khyber Pakhtunkhwa.
Respondent No. 2


Muhammad Israr,
Section Officer (Prosecution)
Home & Tribal Affairs Department
Government of Khyber Pakhtunkhwa.
Respondent No. 4

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 115 /2023/

Shaheed Ullah..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa home & Tribal affairs Department through its secretary & others..... Respondents

I N D E X

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Appellant

Through

Dated 16.11.2023

Shahid Qayyum Khattak

Advocate

Supreme Court of Pakistan

Cell No.0333-9195776

SUPERINTENDENT
Directorate of Prosecution
Home & Tribal Affairs Department
KPK

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2023

Shaheed Ullah s/o Taj Ali Khan, Naib Qasid District public
prosecutor office District Karak..... **Appellant**

Versus

1. Govt. of Khyber Pakhtunkhwa home & Tribal affairs
Department through its secretary
2. Director General, Directorate of prosecution Home & Tribal
Affair department, Peshawar.
3. Director administration, Directorate of prosecution, Home
& Tribal department Peshawar
4. Assistant Director, Directorate of prosecution, Home &
Tribal department Peshawar..... **Respondents**

**Appeal u/s 4 of the Service Tribunal Act
KP Peshawar against the seniority list
issued on 08.09.2023 and against the
order dated 17.10.2023 whereby the
departmental appeal has been filed.**

Respected sir,

1. That the Appellant was appointed as Naib Qasid in the
Department of prosecution in 1994 and is having the
qualification of Matric, thus rules of promotion dully
applicable to the appellant.

SUPERINTENDENT
Directorate of Prosecution
Home & Tribal Affairs Department
KPK

That appellant filed an application on 21.11.2022 for correction in the seniority list and accordingly the necessary correction were made & his name was brought at serial No. 2 of the seniority list issued on 17.02.2023. **(Copy of application and Seniority list is attached as annexure "A" & "B")**

3. That the respondent No. 3 issued another list of seniority on 09.08.2023 where the appellant has been placed at serial No. 86 of the list **(Copy of the list is attached as annexure "C")**

4. That appellant filed departmental appeal against the above mentioned seniority list before the learned respondent No. 2 who vide order dated 17.10.2023 filed the same without providing any opportunity of hearing, nor the same order has been communicated to appellant but precluded the same today i.e. 16.11.2023. **(Copy of appeal & order are attached as annexure "D" & "E")**

5. That appellant is at serial No. 2 of the seniority list but has been placed at wrong place and now the department making process of promotion and appellant being on the verge of retirement will be badly effect from the whole process, hence having no other remedy approach this Hon'ble court on following amongst other.

SUPERINTENDENT
Directorate of Prosecution
Home & Tribal Affairs Department
KPK

GROUNDS:

- A. That the act of the respondents is the violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 wherein it is directed that all persons should be treated equally in accordance with law.
- B. That the act of the respondents violated the Article 40 of the Constitution of Islamic Republic of Pakistan, 1973, and all persons exercising the authority must do only in accordance with law.
- C. That the petitioner has the requisite qualification and most senior as per the seniority list of class IV prepared by the respondents department, therefore, eligible for promotion as Junior Clerk from Naib Qasid, thus now changing the seniority is based on malafide.
- D. That as it is very much clear that officials appointed in first batch will be rank senior to the official(s) appointed in the subsequent batch, irrespective of the date of acquisition of SSC, which was the clear cut directions of the additional Registrar (admin) Peshawar High Court but still Appellant has be placed at wrong place in seniority list.
- E. That respondents have not adopted proper procedure by subsequently changing the seniority list.
- F. That changing of seniority list once corrected is totally illegal & without adopting codal formalities.

SUPERINTENDENT
 Directorate of Prosecution
 Home & Tribal Affairs Department
 KPK

That this Hon'ble Tribunal has got ample jurisdiction to entertain and disposed off the instant Service appeal according to the facts and circumstances of the case in hand.

H. That any other ground or reasons if not mentioned at the time of hearing will be argued with the permission of this Hon'ble Tribunal.

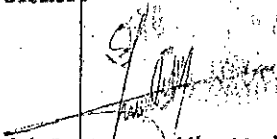
It is therefore, most humbly prayed that on acceptance of instant service appeal, the respondents may graciously be directed to promote the petitioner to the post of Junior Clerk (BPS-11) by making correction in the seniority list (as corrected seniority list issued on 17.02.2023) and the action of respondent by issuing wrong seniority list on 09.08.2023 be declare Illegal, void and without authority, as well as order dated 17.10.2023 be declare as illegal, void and without authority, hence liable to be set aside and the appellant being senior most is liable to be promoted.

Any other relief, if not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate.


Appellant

Through

Dated 16.11.2023


Shahid Qayyum Khattak
Advocate
Supreme Court of Pakistan
Cell No.0333-9195776

409 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY 16th February 2018

3.

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NO.	NOMENCLATURE	SCALE	MINIMUM QUALIFICATION	METHOD OF APPOINTMENT.	Age Limit.
1.	Director General Prosecution ¹	20		By transfer from amongst the officers of PCS/PMS/PAS. ²	
1A	Regional Director	20		By promotion, on the basis of merit-cum-fitness, from amongst the Senior Public Prosecutors, District Public Prosecutors and Directors in (BPS-19) with at least seventeen (17) years of service in BPS-17 and above subject to successful completion of Senior Management Course ³ .	
2	Senior Public Prosecutor (BS-19)/ District Public Prosecutor (BS-19) ⁴	19		By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Public Prosecutors (BPS-18) with at least twelve (12) years of service in BPS-17 and above ⁵ .	
3	Direct Legal (BS-19) / Director Admin (BS-19)/ Director Monitoring (BS-19) ⁵	19		By transfer, from amongst the Senior Public Prosecutors and District Public prosecutor (BS-19). ⁶	
4	Deputy Public Prosecutor (BS-18)	18		By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Public Prosecutor (BS-17) with at least five (05) years of service as such and ⁷	

¹ Substituted vide Notification No SO (Prosecution)/HD/1-5/2005/Vol. II dated 6th August, 2010
² Substituted vide Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 15th January, 2018.
³ Substituted vide Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 15th January, 2018
⁴ Substituted vide Notification No SO (Prosecution)/HD/1-5/2005/Vol. II dated 6th August, 2010.
⁵ Substituted vide Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 15th January, 2018
⁶ Substituted vide Notification No SO (Prosecution)/HD/1-9/2012/VOI-1/ dated 05 September, 2013
⁷ Substituted vide Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 15th January, 2018.
⁸ Substituted vide Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 15th January, 2018.

Designation	District	Objection	Remarks

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	Personal Assistant (BPS-16) ¹⁴				
J.	Senior Scale Stenographer (BPS-16)	16	<ul style="list-style-type: none"> i. At least Second-class Bachelor's degrees from a recognized University ii. A speed of 70 words per minutes in typing; and iii. Knowledge of Computer in using MS-Word, MS Excel 	<p>By promotion on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographer with at least three (03) years' of service as such</p> <p>By promotion on the basis of seniority-cum-fitness from amongst the holder of the post of Stenographer with at least five (05) years' service as such. Provided that if no suitable candidate is available for promotion, then by initial recruitment;</p>	
C.	Computer Operator (BPS-16) ¹⁵	16	<ul style="list-style-type: none"> (i) Second Class Bachelor's Degree in Computer Science /Information Technology (BCS/BIT four years) or its equivalent qualification from a recognized university; or (ii) At least Second-Class Bachelor's Degree from a recognized university with one-year Diploma in Information Technology from a recognized Board of Technical Education; 	"By initial recruitment.";	21-32 Year
9	Repeated				
10	Junior Scale Stenographer (BPS-14)	14	<ul style="list-style-type: none"> i) Intermediate OR equivalent qualification from recognized board; and ii) A speed of 50 words per minutes in shorthand in English and 35 words per minutes in typewriting & Knowledge of Computer in using of MS Word and MS Excel 	By initial recruitment	18-30 Year
	Data Entry Operator/Key Punch Operator (BPS-12) Deleted ¹⁶				

Notified vide Notification No. SO (Prosecution) 110/1-5/Rules/2018 dated 21st March, 2018
 Notified vide Notification No. SO (Prosecution) 443/1-5/Rules/2018 dated 21st March, 2018
 Notified vide Notification No. SO (Prosecution) 110/1-5/Rules/2018 dated 21st March, 2018

Name	Designation	District	Category	Remarks	Decision

14	Senior Clerk (BFS-11)	14				
11	Junior Clerk (BFS-11)	11	i) Secondary School Certificate or equivalent from a recognized Board and A speed of 30 words per minute in typing ii) Middle standard	By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least two years' service as such a) 67% by initial Recruitment b) 33% by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasid, Chowkidars & other employees in equivalent scales in the Department with at least two years' service as such having passed Secondary School Certificate;	18 to 30 Years;	
15	Naib Qasid	15	Middle standard			
16	Driver	16	Middle standard having valid LTV driving license and three years' experience	a) Fifty (50) per cent by initial Recruitment. b) Fifty (50) per cent by transfer from other eligible Class IV i.e. Chowkidars & Sweepers. By initial recruitment	18-40 Years	
17	Sweeper	17	Literate Literate	By initial recruitment By initial recruitment	18-40 Years 18-40 Years	

Note: For the Purpose of promotion to the post of Junior Clerk, there shall be maintained a common seniority lists of Naib Qasids, Chowkidar and other employees in equivalent scales in the Department with reference to the dates of their acquiring the Secondary School Certificate provided that:-

- i. If two or more officials have acquired the SSC in the same session, the official having long service shall rank senior to other officials.
- ii. Where a senior official does not possess the requisite experience at the time of filling up a vacancy the officials next junior to him possessing the requisite experience shall be promoted in reference of the senior officials.

1. Substituted vide Notification No. SO (Prosecution) HD/1-5/2005/Vol. II dated 6th August, 2010
2. Substituted vide Notification No. SO (Prosecution) HD/1-5/Rules/2018 dated 21st March, 2018.
3. Substituted vide Notification No. SO (Prosecution) HD/1-5/2019 dated 20th October, 2019
4. Substituted vide Notification No. SO (Prosecution) HD/1-5/Rules/2018 dated 21st March, 2018
5. Substituted vide Notification No. SO (Prosecution) HD/1-5/Rules/2018 dated 21st March, 2018.
6. Substituted vide Notification No. SO (Prosecution) HD/1-5/Rules/2018 dated 21st March, 2018.
7. Substituted vide Notification No. SO (Prosecution) HD/1-5/Rules/2018 dated 21st March, 2018.

Name	Designation	District	Objection	Remarks	Decision
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MINUTES OF THE DEPARTMENTAL COMMITTEE MEETING REGARDING SCRUTINY OF OBJECTIONS ON THE TENTATIVE SENIORITY LIST OF ASSISTANT (BPS-16), COMPUTER OPERATOR (BS-16), SENIOR CLERK (BS-14), JUNIOR CLERK (BS-11) AND CLASS-IV EMPLOYEES HELD ON 01-08-2023.

A meeting of the Departmental Committee was held on 01-08-2023 at 11:00 hours in the office of Director Administration, Directorate of Prosecution to discuss the objections/representations on the tentative seniority lists of Assistant (BPS-16), Computer Operators (BS-16), Senior Clerk (BS-14), Junior Clerk (BS-11) and Class-IV employees of the Directorate of Prosecution.

The following Officers attended the meeting:

Mulik Tariq Bakhsh,
Director Administration
Prosecution
Khyber Pakhtunkhwa.

(Chairman)

Mian Aziz Ahmad,
Director Legal Prosecution
Directorate of Prosecution.

(Member)

Muhammad Sikandar Khan,
Deputy Director Administration
Directorate of Prosecution.

(Member)

Syeda Alvina Shah,
Assistant Director Administration
Directorate of Prosecution.

(Member)

The committee discussed the following representations in detail and has taken the following decisions as mentioned against each:

<u>Name</u>	<u>Designation</u>	<u>District</u>	<u>Objection</u>	<u>Remarks</u>	<u>Decision</u>
	Assistant	Charsadda	The establishment Department has issued direction for correction/rectification in the seniority list of Assistant.	The tentative list of Assistant may be rectified according to the direction of the Department.	Request of the applicant seems genuine and necessary corrections will be made after issuance of Notification in light of minutes of the meeting of the Departmental Committee.

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8-12

Muhammad umar	Computer Operator	Nowshera	Qualification & date of entry into Govt. Service are incorrect in seniority list. Qualification is MS(CS)& joined Govt service in Education dept. as CT(IT) (BPS-12) on 28-08-2017	Attested documents are attached.	Request of the applicant for correction of qualification is accepted and entry will be made in the relevant column of Qualification. More so, the applicant was serving in (CT IT) since 24-08-2017 and thereafter he joined the Prosecution Department through proper channel, therefore, the said fact will also be incorporated in the relevant column by mentioning both the dates.
ana Khan	Computer Operator	Peshawar	Date of first entry into Govt service may be rectified in the seniority list as 04-05- 2019 instead of 13-05- 2022.	Attested documents are attached.	The applicant was serving in District Judiciary in (South Waziristan since 26- 04-2019 and thereafter she joined the Prosecution Department through proper channel. therefore, the said fact will also be incorporated in the relevant column by mentioning both the dates.
Wa mas			Qualification is incomplete	The applicant has attached relevant documents except D.I.T certificate.	Request of the applicant to the extent of addition of word "BS chemistry, BA (private) is accepted and entry will be made in the relevant column of Qualification

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					request for addition of "DIT" was accepted subject to provision of attested copy of DIT certificate.
Muhammad Imran Khan	Junior Clerk	Peshawar	Qualification is incorrect	Attested M. COM Degree is attached.	Request of the applicant for addition of qualification i.e. M. COM Degree in the relevant column is accepted.
Shahab Habib	Naib Qasid	Peshawar	My name is not mentioned in the seniority list.	Attested documents are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Sajid Khan	Naib Qasid	Peshawar	-do-	Relevant documents have not been provided.	The applicant has not provided the matric certificate, therefore, his name cannot be added in the seniority list of Naib Qasid as per Khyber Pakhtunkhwa Prosecution Service Rules, 2010.
Muhammad Ashfaq	Naib Qasid	Abbottabad	-do-	Matric certificate is not attached.	The applicant has not provided the matric certificate, however, he has provided the DIT therefore his name will be included in the seniority list of Naib Qasid.

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Phool Nawaz Khan	Naib Qasid	Mansehra	My name is not mentioned in the seniority list.	Attested documents are attached.	Request of applicant is accepted, and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Amir Aslam	Naib Qasid	-do-	-do-	Attested documents are attached.	The applicant has not provided the matric certificate; however, he has provided the attested copy of matric DMC; therefore, his name will be included in the seniority list of Naib Qasid, subject to provision of attested copy of matric certificate.
Muhammad Saif	Naib Qasid	Mardan	-do-	BA Degree is not attached.	The applicant has provided the matric certificate; however, he has not provided the attested copy of BA Degree; therefore, his name will be included in the seniority list of Naib Qasid, however, in the relevant column of qualification, the word "BA" will be included subject to provision of attested copy of BA Degree.
Rizwan Ullah	Naib Qasid	Mardan	-do-	Attested copy of F.A certificate is not attached.	The applicant has provided the attested copy of matric DMC.

CLC

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					he has not provided the attested copy of FA certificate; therefore, his name will be included in the seniority list of Naib Qasid, however, in the relevant column of qualification the word "FA" will be included, subject to provision of attested copy of FA certificate.
Naib Qasid	Lakki Marwat	My name is not mentioned in the seniority list.	Attested copies of matric and FA Certificate are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.	
Naib Qasid	Lakki Marwat	-do-	-do-	Request of the applicant is accepted, and his name will be included in the seniority list of Naib Qasid, at his rightful position.	
Sweeper	-do-	-do-	-do-	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.	
Naib Qasid	Charwadda	My name is previous seniority list at Serial No. 53 recently issued tentative list at my serial No. 60	NIL	The official has rightly been placed in the seniority list of Naib Qasid, and no illegality is found hence, filed.	

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<p>Muhammad Zubair</p>	<p>Chowkidar</p>	<p>D.I. Khan</p>	<p>My name is not mentioned in the seniority list.</p>	<p>F.A certificate is not attached.</p>	<p>The applicant has provided attested copy of matric certificate however, he has not provided attested copy of FA certificate therefore, his name will be included in the seniority list of Naib Qasid, however, in the relevant column of qualification the word "FA" will be included, subject to provision of attested copy of FA certificate.</p>
<p>Sartaj</p>	<p>Naib Qasid</p>	<p>Swabi</p>	<p>1. I was on serial no 18 at previous seniority list while Mr. Shahid Ullah was at serial no.66 in the previous seniority list and currently he is at Sr. No.02 due to which I have been moved to Sr. No.19</p> <p>2. Placement at serial No.03 from 19 due to Shahid Ullah (NQ) District Public Prosecutor Karak.</p>	<p>NIL</p>	<p>Request of the applicant seems genuine and he will be placed at his rightful position, in the seniority list of Naib Qasid, as Mr. Shahid Ullah, Naib Qasid had inadvertently been mentioned at Sr. No. 02 of the seniority.</p>

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13 17

Martaza Khan

Naib Qasid

RD Office Mardan

Name & Qualification are missing.

Attested relevant documents are attached.

Requests of applicant accepted. In addition of name and qualification in the relevant column of the seniority list of Naib Qasid.

Naib Qasid

RD Office Mardan

-do-

Attested copies of degrees are not attached.

Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position; however, in the relevant column of qualification "MA (IR)" will be included subject to provision of attested copies of relevant degrees.

Khyat

Sweeper

RD Office Mardan

-do-

Attested relevant documents are attached.

Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.

Driver

Mardan

-do-

The request of the applicant cannot be considered in light of the Khyber Pakhtunkhwa Prosecution Service Rules, 2010.

Muhammad

Naib Qasid

Mardan

1. My name is not mentioned in the seniority list.

The request of the applicant is accepted and his

			2. Name & Qualification (F.SC) not included in seniority list.		seniority list of Naib Qasid, with relevant qualification.
Ghansoor Thomas	Naib Qasid	Charsadda	My name is not mentioned in the seniority list.	Relevant documents not provided.	The applicant has not provided the matric certificate, therefore, his name cannot be added in the seniority list of Naib Qasid as per Khyber Pakhtunkhwa Prosecution Service Rules, 2010.
Naz Mir Khan	Naib Qasid	Bannu	Must be placed after Shahid Ullah.		Request of the applicant seems genuine and he will be placed at his rightful position, in the seniority list of Naib Qasid, as Mr. Shahid Ullah, Naib Qasid had inadvertently been mentioned at Sr. No. 02 of the seniority.
Ghaffar Ali	Chowkidar	Malakand	Place at serial No 04 from 02 due to Shahid Ullah (NQ) District Public Prosecutor Karak.		Request of the applicant seems genuine and he will be placed at his rightful position, in the seniority list of Naib Qasid, as Mr. Shahid Ullah, Naib Qasid had inadvertently been mentioned at Sr. No. 02 of the seniority.
Bakht Baland Shah	Sweeper	Buner	Place at serial No. 05 due to Shahid Ullah (NQ) District Public		Request of the applicant seems genuine and he will be placed at his rightful position, in the seniority list of Naib Qasid, as Mr. Shahid Ullah, Naib

			Prosecutor Karak		Qasid had inadvertently been mentioned at Sr. No. 02 of the seniority.
Naib Qasid	Nowshera		My name is not mentioned in the seniority list.	Attested copy of FSC (DMC) is attached.	The applicant has provided the F.sc DMC; however, he has not provided the attested copy of F.Sc certificate; therefore, his name will be included in the seniority list of Naib Qasid, subject to provision of attested copy of F.sc certificate.
Naib Qasid	Peshawar		-do-		Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Naib Qasid	Peshawar		-do-		Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Naib Qasid	Peshawar		-do-		Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.

Abul Fehad	Naib Qasid	Peshawar	-do-		The applicant has provided the attested copy of FA DMC; however, he has not provided the attested copy of FA/matric certificate.
Uzrat Sohail	Naib Qasid	Peshawar	-do-	Attested documents are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Mishkatullah	Naib Qasid	Peshawar	-do-	Attested documents are attached.	The applicant has provided the attested copy of matric certificate; his name will be included in the seniority list of Naib Qasid.
Faimoor	Naib Qasid	Peshawar	-do-	Attested documents are attached.	The applicant has provided the attested copy of matric certificate; his name will be included in the seniority list of Naib Qasid.
Adil Nawaz	Naib Qasid	Peshawar	-do-	Attested documents are attached.	The applicant has provided the attested copy of matric certificate; his name will be included in the seniority list of Naib Qasid.
Saeed Khan	Naib Qasid	Nowshera	My name is not mentioned in the seniority list.	Attested documents are attached.	The applicant has provided the attested copy of matric certificate; his name will be included in the seniority list of Naib Qasid.
Sajjad Ahmad	Chowkidar	Peshawar	Placement at right place in	Nil	Request of the applicant seems genuine and he will be placed at his

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			seniority list <u>like Shahid Ullah (NQ)</u> DPP Karak.		rightful position. in the seniority list of Naib Qasid, as Mr. Shahid Ullah, Naib Qasid had inadvertently been mentioned at Sr. No. 02 of the seniority.
Muhammad	Naib Qasid	D.I. Khan	My name is not mentioned in the seniority list.	MBA certificate is attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
	Naib Qasid	D.I. Khan	-do-	The applicant has attached Middle certificate.	The request of the applicant cannot be considered in light of the Khyber Pakhtunkhwa Prosecution Service Rules, 2010.
Muhammad	Naib Qasid	Charsadda	My name is not mentioned in seniority list	Attested copy of matric certificate is attached	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Ullah	Naib Qasid	Charsadda	He was on serial no 40 at previous seniority list due to which I have moved on serial no.45	Documents are not attached	The committee has examined the presentation and as per record he has rightly been placed in the seniority list of Naib Qasid, as his other colleagues were appointed prior to him and have been included in the seniority therefore no illegality is found. hence, filed.
Ullah	Naib Qasid	Bannu	Name and Qualification (Matric and	Attested relevant documents are	Request of the applicant for addition of qualifications. in

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			included in seniority list.		Naib Qasid is accepted and necessary entrance will be made.
Muhammad Ali	Naib Qasid	Directorate of Prosecution	Name and Qualification (BA, DAE, Matric and FA) is not included in seniority list.	Attested relevant documents are attached.	Requests of the applicant for addition of name along with relevant qualifications is accepted and necessary entrance will be made in relevant columns of the seniority list of Naib Qasid.
	Junior Clerk	Mardan	To review the final merit list of Junior Clerk.		The applicant is rightly placed in the merit list of Junior Clerk, as per merit list prepared by the DSC, and the committee has no mandate to revise the final merit list; therefore, the representation of the applicant cannot be entertained; hence, filed.
Abdul Samad	Naib Qasid	Peshawar	Name is not mentioned in seniority list		Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Muhammad Ahmad Saheed	Naib Qasid	Directorate of Prosecution	Name is not mentioned in seniority list		Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
Muhammad Rehman	Naib Qasid	Directorate of Prosecution	Name is not mentioned in seniority list		Request of the applicant is accepted and his name will be

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			seniority list of Naib Qasid, at his rightful position.
Naib Qasid	District Public Prosecutor office Hatipur	Name and Qualification (BA) is not included in seniority list	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position, as per his date of appointment and date of SSC; however, the word "BA" will be added in the relevant qualification column subject to provision of attested copy of BA degree.
Naib Qasid	Directorate of Prosecution	Adjustment on proper place on the basis of qualification criteria laid down in the notification of establish department for promotion of junior clerk to naib Qasid	The committee has examined the request of the applicant in light of the existing Khyber Pakhtunkhwa Prosecution Service Rules, 2010 and is unsustainable; hence, filed.
Chowkidar	District Public Prosecutor office Myrdan	Name is not mentioned in seniority list	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position, subject to provision of attested copy of Matric certificate.

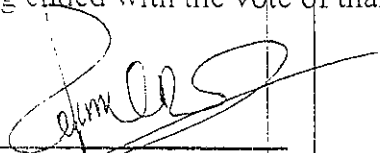
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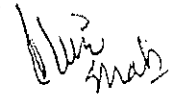
Farman Ullah	Naib Qasid	Regional Director Prosecution Peshawar.	Name is not mentioned in seniority list	Attested relevant documents are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
53. Mohammad Hisam	Naib Qasid	Regional Director Prosecution Peshawar	Name is not mentioned in seniority list	Attested relevant documents are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position.
54. Touqeer	Chowkidar	District Public Prosecutor office Haripur	Name and Qualification (BA) is not included in seniority list.	Attested relevant documents are attached.	Request of the applicant is accepted and his name will be included in the seniority list of Naib Qasid, at his rightful position, as per his date of appointment and date of SSC.

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


Mr. Malik Tariq Bakhsh,
 Director Administration Prosecution
 Khyber Pakhtunkhwa
(Chairman)


Muhammad Sikandar Khan,
 Deputy Director Administration
 Directorate of Prosecution
(Member)


Mian Aziz Ahmad,
 Director Legal Prosecution
 Directorate of Prosecution.
(Member)


Syeda Alyina Shah,
 Assistant Director Administration
 Directorate of Prosecution
(Member)

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

SERVICE APPEAL NO. 331/2024

Mr. Shaheed Ullah S/O Taj Ali Khan Naib Qasid, O/o District Public Prosecutor Office,
Karak

Petitioners.....

VERSUS

Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department through its
Secretary & Others.

Respondents.....

AFFIDAVIT

I, Sikandar Khan, Deputy Director Administration, Directorate
of Prosecution, Khyber Pakhtunkhwa (Respondent No. 03), do hereby solemnly affirm and
declare on oath that the contents of Service Appeal No. 331/2024, are true and correct to the
extent of office record and nothing has been concealed from Service Tribunal Khyber
Pakhtunkhwa. It is further stated on oath that, the replying respondents have neither been placed
ex-party nor their defense struck off/cost.


Deponent

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

SERVICE APPEAL NO. 331/2024

Mr. Shaheed Ullah S/O Taj Ali Khan /Naib Qasid, O/o District Public Prosecutor Office, Karak
Petitioners.....


VERSUS

Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department through its
Secretary & Others.

Respondents.....

AUTHORITY LETTER

Muhammad Gulzar Ali, Superintendent Legal, Directorate of Prosecution, Khyber
Pakhtunkhwa, is hereby authorized to submit Para Wise Comments in Service Appeal No.
331/2024, before the Hon'ble Service Tribunal, Peshawar, on behalf of Director General
Prosecution, Khyber Pakhtunkhwa.


Deputy Director Administration
Directorate of Prosecution
Home & Tribal Affairs Department
Khyber Pakhtunkhwa
Peshawar