


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1074/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.09.2024	<p>The implementation petition of Mst. Faiza Abbasi submitted today by Mr. Ahmad Saleem Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on 30.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL, PESHAWAR.

Petition
Execution NO. *1074/2024*

FAIZA ABBASI

V/S

GOVT OF KPK AND OTHERS

**APPLICATION FOR FIXATION OF THE ABOVE
TITLED PETITION AT PRINCIPAL SEAT, PESHAWAR.**

Respectfully Sheweth:

1. That the above mentioned petition is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of most of the respondents concerned are at Peshawar and Peshawar is also convenient to the petitioner/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is, therefore prayed that on acceptance of this application the petition may please be fixed at principal seat Peshawar for the Convenience of parties and best interest of justice.

DATED:19-09-2024

THROUGH

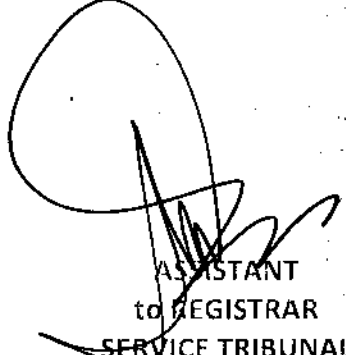
PETITIONER/APPLICANT
Ahmed Saleem Khan
AHMED SALEEM KHAN
ADVOCATE SUPREME COURT, PAKISTAN.

The C.M in appeal no. 712/2016 received today i.e. on 20-8-2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures are unattested.
2. All the annexure shall be properly flagged.
3. Eight more copies along with annexures be provided.
4. Wakalatnama is not attached with file.

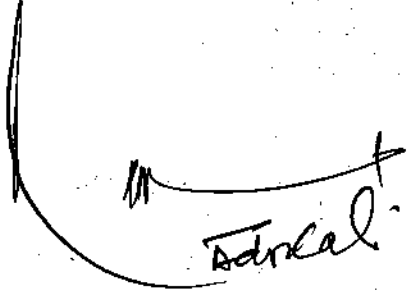
No. 676 /S.T,

Dt. 9/9 /2024


ASSISTANT
to REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Ahmed Salim Khan, Advocate Supreme Court.

19/9/2024 Needful done & Re submitted


Ahmed Salim Khan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHAWA PESHAWAR**

EP
~~CM~~ No. 1074/2024

IN

E.P No. 257/2024

In S. Appeal No. 712/16

Miss. Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony Mandian Tehsil & District Abbottabad, presently working in the office of Commissioner Hazara Division Abbottabad.

....PETITIONER

VERSUS

Govt. of KPK through Secretary Board of Revenue, Peshawar & others.....RESPONDENTS

PETITION FOR IMPLEMENTATION/EXECUTION

APPLICATION FOR STATUS QUO

INDEX

<i>S#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexures</i>
1	Petition alongwith affidavit	1 to 5	
2	Copy of implementation petition	6 to 10	"A"
3	Copy of judgment dated 27/09/2023	11 to 26	"B"
4	Copy of minutes of meeting	27 to 31	"C"
5	Copy final seniority list	32	"D"
6	Copy of merit list	33	"E"
7	Copy of letter dated 02/01/2024	34	"F"
8	Copies of letter dated 07/08/2024 alongwith minutes of meeting	35 to 38	"G" & "H"
9	Vakalatnama	39	

Faiza Abbasi
Miss. Faiza Abbasi
D/o Jan-e-Alam Abbasi
.....Petitioner

Through counsel

Dated: 20/8/2024

Ahmed Saleem Khan
Ahmed Saleem Khan
ASC

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHAWA PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

EP
E.P. No. 1074/2024

Diary No. 15078

IN

E.P. No. 257/2024

Dated 20/8/24

In S. Appeal No. 712/16

Miss. Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony Mandian Tehsil & District Abbottabad, presently working in the office of Commissioner Hazara Division Abbottabad.

....PETITIONER

VERSUS

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

...RESPONDENTS

PETITION FOR IMPLEMENTATION/EXECUTION

APPLICATION FOR GRANT OF STATUS QUO AND SUSPENSION OF OPERATION OF LETTER NO.ESTT;II/SA/712/2016/FAIZA ABBASI/ 17952, DATED 07/08/2024 ISSUED BY RESPONDENT NO.3 AND MINUTES OF MEETING DATED 18-07-2024 AND RESTRAINING THE RESPONDENT NO.4 FROM TAKING ANY PROCEEDING IN THE LIGHT OF ABOVE MENTIONED LETTER ETC. TILL FINAL DECISION OF TITLED IMPLEMENTATION PETITION/ EXECUTION.

Respectfully Sheweth;-

1. That the titled implementation/execution petition is pending adjudication before this Honourable Court and is fixed for

25/09/2024. Copy of implementation petition is annexed as Annexure "A".

2. That the petitioner filed service appeal No.712/2016 which was decided by this Honourable Court vide judgment and order dated 27/09/2023 directing the respondents to fix/determine the seniority in accordance with Section 08 of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 17(a) of Khyber Pakhtunkhwa Civil Servant (appointment of promotion and transfer) Rules 1989 and then issue final seniority list and properly notify the same in the official gazette as required by law and rules. It was also held in the said judgment and order that the petitioner as well as official/respondents was appointed in the same selection process. Copy of judgment of this Honourable Court dated 27/09/2023 is annexed as Annexure "B".
3. That in compliance of judgment dated 27/09/2023, as per record the meeting was held under the chairmanship of respondent No.4/Commissioner Hazara Division Abbottabad, wherein the final seniority list of computer operators working in Commissioner Office Hazara Division Abbottabad was prepared in the light of Judgment and order dated 27-09-2023 passed by this Honourable Tribunal stood on 31/12/2014 and merit list was determined by respondent No.4 and sent the same to respondent No.2 for publishing of same in official gazette vide letter No.CHD/Estb/1/2/71-73, dated 02/01/2024. The respondent No.4 also requested to respondent No.2 that the promotion made by Board of Revenue may be reviewed in the light of judgment and order of this Honourable Court. Dated 27-09-2023. Copies of minutes of meeting, final seniority list, merit list and letter dated 02/01/2024 are annexed as Annexure "C", "D", "E"& "F".
4. That after the issuance of final seniority list by respondent NO.4/Commissioner Hazara Division Abbottabad

respondents No. 1 to 3 as per letter dated 02-01-2024 published the same in official Gazette but the respondents No.1 to 3 despite publishing the same and complying the judgment of this Honourable Court acted beyond their jurisdiction and started self made proceeding beyond the directions of this Honourable Court passed in the judgment dated 27/09/2023, which is clear act of contempt of this tribunal.

5. That in the judgment dated 27/09/20223 this Honourable Court has already held that the petitioner as well as respondents No. 6 & 7 were selected in the "same selection process", therefore, there remains no room for anybody to question the legality of order of this Court except to Honor the same i.e.

i. Determining the seniority of the computer operators as per Judgment dated 27-09-2023 as has been done by Respondent No. 4.

and

ii. Its publication in official Gazette.

Thereafter, any deviation from above is contempt of this Tribunal as has been done by Respondent No. 1 & 2.

6. That the respondent No.1 to 3 were bound to publish the seniority list issued by competent authority/respondent No.4 in the official Gazette raising to the ground all the earlier seniority lists to Ground as per Judgment of this Honourable Court.

7. That respondents No.1 to 3 conducted all the proceedings beyond the directions and in utter disregard of this Honourable Tribunal order dated 27-09-2023 and issued letter No.Estt; II/ SA / 712/ 2016/Faiza Abbasi/17952, dated

07/08/2024 and minutes of meeting, violating the directions passed in Judgment and Order dated 27-09-2023 of this Honourable Court regarding the same selection process and by issuing the letter dated 07-08-2024 and straight away disobey the directions of this Honourable Court regarding same selection process. Copy of letter dated 07/08/2024 alongwith minutes of meeting is enclosed herewith as Annexure "G" & "H".

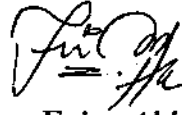
8. The respondents No.1 to 3 categorically stated in minutes of meeting that interpretation of "same selection process" is not correct which amounts to contempt of this tribunal as this Honourable tribunal has already held in the judgment dated 27/09/2023 that the petitioner and official respondents No.6 to 7 were selected in the same selection process. When this Honourable tribunal has already interpreted the word of same selection process in the judgment then the respondents No.1 to 3 have no power to change the decision of this Honourable tribunal.
9. That as the Judgment and Order dated 27-09-2023 passed by this Honourable Tribunal has attained finality, therefore, respondents had got no authority to challenge its correctness or to non-implement the same.
10. That vide judgment of this Honourable Court the point of same selection process has already been decided and the competent authority/respondent No.4 has already complied the judgment and issued the final seniority list and merit list, therefore, respondents No.1 to 3 have no authority/power to act beyond the directions of this Honourable Court and interference of respondents No.1 to 3 in the final seniority list and merit list issued by competent authority / respondent No.4 is result of malafide and amounts to contempt of court of judgment of this Honourable Court.

11. That the respondents No.1 to 3 are doing beyond the directions issued by of this Honourable tribunal to deprive the petitioner from her valuable rights.

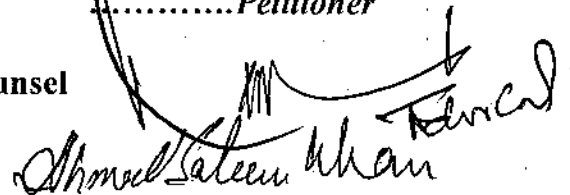
12. That if the status quo is not granted and operation of letter dated 07/08/2024 is not suspended, petitioner shall suffer irreparable loss and filing of implementation petition / execution will become infructuous.

13. That the status quo is necessary in the instant case till the final decision of implementation / execution petition.

It is therefore, requested that, on acceptance of the instant application, the status quo may kindly be granted and operation of letter No.Estt; II/SA/712/2016/Faiza Abbasi/ 17952, dated 07/08/2024 issued by respondent No.3 and minutes of meeting be suspended by restraining the respondent No.4 from taking any proceeding in the light of above mentioned letter till final decision of titled implementation petition/ execution.


Miss. Faiza Abbasi
D/o Jan-e-Alam Abbasi
.....Petitioner

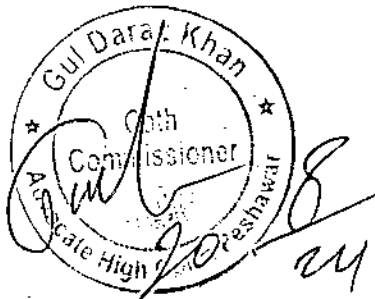
Through counsel


Ahmad Saleem Khan

Dated: 20/8 /2024

AFFIDAVIT: -

I do hereby solemnly affirm and declare on Oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal. No such like application has earlier been filed nor decided by any court.




DEPONENT

(06)

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA PESHAWAR**

Annex-A

Miss Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony,
Maidian Tehsil and District Abbottabad, presently working in the office of
Commissioner Hazara Division Abbottabad.

...PETITIONER.

*attested to be
true copy*

VERSUS

Government of KPK through Secretary Board of Revenue, KPK, Peshawar and others.

...RESPONDENTS.

APPLICATION FOR EXECUTION/ IMPLEMENTATION

INDEX

S#	Description	Page #	Annexures
1	Application along with Affidavit.	1 to 4	
2	Attested Copy of Judgment and Order dated 27-09-2023.	5 to 20	"A"
3	Copy of minutes of meeting.	21 to 25	"B"
4	Copy of Merit List.	26 to 27	"C"
5	Copy of Seniority List.	28	"D"
6	Copy of letter sent to the Respondent No. 2 for publishing the Seniority List in the official gazette	29	"E"
7	Copy of letter dated 12-02-2024.	30 & 31	"F"
8	Copy of letter dated 21-02-2024.	32 & 33	"G"
9			
10	Wakalat Nama.	34	

Faiza Abbasi

MISS FAIZA ABBASI

DATED: 04-02-2024

Through *Sajjad Ahmed Abbasi*
SAJJAD AHMED ABBASI ADVOCATE
SUPREME COURT OF PAKISTAN
AT ABBOTTABAD

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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA PESHAWAR

Miss Faiza Abbasi daughter of Jun-e-Alam Abbasi, resident of Sir Syed Colony,
Mandian Tehsil and District Abbottabad, presently working in the office of
Commissioner, Hazara Division Abbottabad.

...PETITIONER.

VERSUS

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

...RESPONDENTS.

APPLICATION UNDER SECTION 7 OF KP SERVICE TRIBUNAL
ACT 1974 FOR ISSUANCE OF DIRECTIONS TO THE
RESPONDENTS NO. 1 AND 2 TO EXECUTE/ IMPLEMENT THE
JUDGMENT AND ORDER DATED 27-09-2023 OF THIS
HONOURABLE TRIBUNAL PASSED IN APPEAL NO. 712/2016
TITLED AS "*MISS FAIZA ABBASI VERSUS GOVERNMENT OF KPK
ETC.*"

RESPECTFULLY SHEWETH:

1. That the Petitioner filed a Service Appeal before this Honourable Tribunal wherein she challenged the merit list of computer operators.

8

2

2. That the Respondents were put on notice and after procuring replies from the Respondents arguments of counsels for the parties were heard by the Honourable Tribunal.
3. That on 27-09-2023 the Appeal No. 712 of 2016 filed by the Appellant and connected Appeal No. 7313 of 2021 filed by the one Abdul Wahab was disposed of wherein this Honourable Tribunal issued directions to the Respondents to fix/ determine the seniority of the parties and then issue final seniority list and properly notify the same in official gazette. It was also held by this Honourable Tribunal in the Judgment and Order dated 27-09-2023 that the promotions or further career progression of any of the parties secured on the basis of disputed/ individual/ unauthentic seniority list has to raze to the ground. Copy of Judgment and Order dated 27-09-2023 is annexed as annexure "A".
4. That the August office of Commissioner Hazara Division Abbottabad/ Respondent No. 5 has implemented the Judgment of this Honourable Tribunal after affording an opportunity of hearing to the concerned parties, prepared a merit list and issued a merit list on the basis of merit list by placing the Petitioner/ Appellant at the top. Copies of minutes of meeting is annexed as annexure "B", copy of merit list is annexed as annexure "C" whereas copy of seniority list is annexed as annexure "D".
5. That office of Commissioner Hazara Division Abbottabad/ Respondent No. 5 sent a letter to the Senior Member Board of Revenue / Respondent No. 2 for publishing the Seniority List in the official gazette and for reviewing the promotions in the light of Judgment of this Honourable Tribunal. Copy of letter is annexed as annexure "E".

(3)

(9)

6. That the Assistant Secretary to Respondent No. 2 issued a letter dated 12-02-2024 addresses to the Secretary Commissioner Hazara Division for re-examination of case. Copy of letter is annexed as annexure "F".
7. The office of Commissioner Hazara Division vide letter No. 2535 dated 21-02-2024 Addressed to the Assistant Secretary to Respondent No. 2 conveyed to the Respondent No. 2 that merit/ seniority list has been prepared in accordance with the Judgment of Tribunal. Copy of letter is annexed as annexure "G".
8. That despite lapse of almost five months, Respondent No. 2 is reluctant to execute/ implement the Judgment and Order of this Honourable Tribunal, therefore, as a last resort the Petitioner is approaching this Honourable Tribunal for implementation of the Judgment and Order of this Honourable Tribunal dated 27-09-2023.
9. That as per the information of Petitioner the Judgment and Order date 27-09-2023 passed by this Honourable Tribunal has not been challenged before Supreme Court of Pakistan, therefore, the Judgment and Order dated 27-09-2023 has attained finality.
10. That valuable rights of the Petitioner are involved.
11. That this Honourable Tribunal has Jurisdiction.

IT IS THEREFORE HUMBLY PRAYED THAT THE TITLED APPLICATION MAY KINDLY BE ALLOWED AND THE RESPONDENTS NO. 1 & 2 BE DIRECTED TO EXECUTE/ IMPLEMENT THE JUDGMENT AND ORDER DATED 27-09-2023

(9)

(10)

PASSED IN SERVICE APPEAL NO. 712 OF 2016 IN LETTER IN SPIRIT.

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MISS FAIZA ABBASI

DATED: 4-03-2024

Through

Handwritten signature

SAJJAD AHMED ABBASI ADVOCATE
SUPREME COURT OF PAKISTAN
AT ABBOTTABAD

AFFIDAVIT:

I do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal. No such like application has earlier been filed nor decided.

Handwritten signature
DEPONENT.

Handwritten signature
04/03/24

Attested to be true copy
M
Admiral

Service Appeal No. 112/2016 filed by Miss Faiza Abbasi & others vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others" decided on 27.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah-Ud-Din, Member of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Camp Court, Abbottabad.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR AT CAMP COURT, ABBOTTABAD**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN
SALAH-UD-DIN ... MEMBER(Judicial)

[Service Appeal No. 712/2016]

Date of presentation of Appeal.....20.06.2016
Date of Hearing.....26.09.2023
Date of Decision.....27.09.2023

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

Versus

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

Present:

Mr. Sajjad Ahmad Abbasi, Advocate.....For the appellant
Mr. Asad Ali Khan, Assistant Advocate GeneralFor official respondents
Mr. Arshad Khan Tanoli, Advocate.....For private respondent No.5
Syed Raza Shah, Advocate.....For private respondent No.6

Service Appeal No. 7313/2021

Date of presentation of Appeal.....24.08.2021
Date of Hearing.....26.09.2023
Date of Decision.....27.09.2023

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner Hazara Division, Abbottabad.....Appellant

Versus

1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Hazara Division
3. Awais Ahmad Qureshi, Computer Operator, Commissioner Office, Hazara Division, Abbottabad..... (Respondents)

ATTESTED
[Signature]
Khyber Pakhtunkhwa Service Tribunal Peshawar

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Service Appeal No 712/2016 titled "Miss Faiza Abbasi Vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 27.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Sukhr-Ul-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar in Camp Court, Abbottabad.

Present:

Sardar Muhammad Irshad, Advocate.....For the appellant
Mr. Asad Ali Khan, Assistant Advocate GeneralFor official respondents
Mr. Arshad Khan Tanoli, Advocate..... For private respondent No.3

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment the above two appeals are going to be decided as decision of the both is interdependent, therefore, can be conveniently taken up and decided together.

2. Brief facts of the appeals are as under:

ISA No.712/2016 Miss Faiza Abbasi:

The appellant was appointed as Junior Clerk in BPS-07 in the office of Commissioner, Hazara Division Abbottabad; that vide advertisement dated 07.07.2010 in the Urdu daily "AAJ", applications were invited for the vacant posts of Computer Operators in the office of Commissioner, Hazara Division. The appellant applied for the same and vide order dated 16.12.2011 she was appointed as Computer Operator in BPS-12 in the office of Commissioner Hazara Division, Abbottabad; that on 16.12.2015 the official respondents issued tentative seniority list of Computer Operators working in BPS-12 but service of two and half years of the appellant as Junior Clerk was not included and she was placed at Serial No.3; that the appellant filed objection petition against the said tentative seniority list on 29.12.2015; that despite her objection, she was placed at the same serial i.e. Serial No.3 in the impugned seniority list dated 08.01.2016. Feeling aggrieved, she filed

ATTESTED
[Signature]
Secretary
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. 12/2016 filed "Alta Fatah Abbasi Vs. & others -vs- Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kulsoo Arshad Khan, Chairman, and Mr. Sukh-Indra Member Judicial Khyber Pakhtunkhwa Service Tribunal, Peshawar or Camp Court, Abbottabad.

departmental appeal on 08.01.2016 which was dismissed on 19.05.2016, hence the instant service appeal.

ii: S.A No.7313/2021 Abdul Wahab:

Appellant joined the respondent department as Junior Scale Stenographer (BPS-14) w.e.f 27.02.2018 on regular basis. While serving there, two sanctioned posts of Senior Scale Stenographer became vacant and for filling of post, criteria set was that 60% by promotion on the basis of seniority-cum-fitness from amongst the Junior Scale Stenographers with at least five years service and 40% by promotion on the basis of seniority-cum-fitness from amongst the Computer Operators with at least five years service. That the seats were filled by Mr. Aminul Haq Junior Scale Stenographer on the basis of 60% promotion quota and Mr. Awais Ahmad Qureshi, Computer Operator (private respondent) on the basis of 40% quota, on 21.09.2016; that at the relevant time, the quota reserved for Junior Scale Stenographer was 1.2 while the 0.8 for Computer Operators; later on, Mr. Aminul Haq was promoted as Private Secretary (BPS-17) and the post of Senior Scale Stenographer (BPS-16) became vacant against which, Mr. Muhammad Faisal, Junior Scale Stenographer was promoted; that on reversion of Mr. Awais Ahmad Qureshi from Senior Scale Stenographer to the post of Computer Operator, the Senior Scale Stenographer seat became vacant; that against the said post, Miss Farah Naz Computer Operator was promoted and upon her further promotion to the post of Private Secretary (BPS-17), the post of Senior Scale Stenographer again fell

ATTESTED
[Signature]
Secretary
Khyber Pakhtunkhwa
Service Tribunal

Notes: Appeal No. 112/2016 titled "Miss Fizza Akhbar Vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 21.09.2021 by Division Bench consisting of Mr. Khatun Arshad Khan, Chairman, and Mr. Saif-Ullah, Member. Federal Khyber Pakhtunkhwa Service Tribunal, Peshawar as Camp Court, Islamabad.

vacant and a DPC was convened for filling of the said post; that the case of the appellant was also placed before the Committee, but instead of the appellant, Mr. Awais Ahmad Qureshi (private respondent) was promoted on Acting Charge Basis vide impugned order dated 29.12.2020. Feeling aggrieved, the appellant filed departmental appeal which was rejected vide order dated 27.07.2021, hence, the instant service appeal.

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant, learned Assistant Advocate General for the official respondents and learned counsel for private respondent(s), on different dates and also sought assistance of the Commissioner, Hazara Division.

5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General assisted by learned counsel for private respondent(s), controverted the same by supporting the impugned order(s).

6. Before proceeding ahead, we would like to give certain facts brought on record by the parties. After the advertisement, receipt of applications of the candidates for appointment against the post of Computer Operator, written tests & Computer Practical Test etc., two

ATTESTED

[Signature]
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Service Appeal No. 712/2016 titled "Miss Farah Abbasi P.L. & others vs Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 27.09.2023 by Division Bench comprising of Mr. Kalam Arshad Khan, Chairman, and Mr. Suleh-Ul-Din, Member Justice, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

meetings of the Departmental Selection Committee were held. One meeting was held on 03.10.2011, which was attended by Mr. Muhammad Khalid Khan Umarzai, the then Commissioner Hazara Division, Syed Imtiaz Hussain, the then District Coordination Officer, Abbottabad and Mr. Abdul Haleem Khan, the then Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad and the minutes were recorded in the following manner:

"The vacancies of Computer Operators were advertised by this office in the Dail (Aaj) on 7th July, 2010. Total 43 candidates were called for the screening test held on 20.05.2011 while 33 appeared for the test. Out of 33, 19 qualified the test. For the Practical Computer typing test, 19 candidates attended which was held on 08.06.2011. Out of the 19 candidates, only 5 qualified who were called for interview today.

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



ATTESTED

Kalam Arshad Khan
Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(16)

Service Appeal No 712/2016 titled "Miss Faiza Abbasi Vs. A. Umar vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 27.09.2023 by Division Bench (comprising of Mr. Kalam Arshad Khan, Chairman, and Mr. Saad-ul-Latif, Member Adjud. Khyber Pakhtunkhwa Service Tribunal, Peshawar vs. (Comp Court, Abbottabad)

While the second meeting was held 16.12.201², which was attended by Mr. Muhammad Khalid Khan Umarzai, Commissioner Hazara Division, Syed Imtiaz Hussain, District Coordination Officer, Abbottabad and Miss. Adeela Hafeez, Assistant to Commissioner (Rev/GA) Hazra Division, Abbottabad and the minutes were recorded in the following manner:

APPOINTMENT AGAINST THE POST OF COMPUTER

OPERATOR (BPS-12)


The vacancies of Computer Operators were advertised by this office in the Daily (Aaj) on 7th July, 2010. Total 43 candidates were called for the screening test held on 20.05.2011 while 33 appeared for the test. For the Practical Computer typing test, 19 candidates attended which was held on 08.06.2011.

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

APPOINTMENT AGAINST THE POST OF JUNIOR

CLERK (BPS-07)

Consequent upon the appointment of Miss. Faiza Abbasi Junior Clerk as Computer Operator (BPS-12) one

ATTESTED

OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No. 712-2010 titled "Miss Faiza Abbasi Vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 27.09.2023 by Division Bench comprising of Mr. Khalid Arifud Din, Chairman and Mr. Sidik-Us-Din, Member and ad. Khyber Pakhtunkhwa Service Tribunal, Peshawar in Camp Court, Abbottabad

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

7. From the record placed before the Tribunal, it seems undisputed that the appellant and private respondent No.6 were candidates and were selected and appointed as Computer Operator (BPS-16) in the same selection process, initiated in response to the same advertisement published in Urdu Daily "Aaj" dated 07.07.2010. On 27.04.2023, learned counsel for the appellant submitted a detailed application alongwith list of 43 shortlisted candidates for the post of Computer Operator, call letters for written test bearing No.CHD/1/2-Estab:4966 dated 03.06.2011, issued to the appellant for computer practical test, computer practical result sheet dated 08.06.2011, some note parts of the relevant file of the office of the Commissioner, Hazara Division, call letter No.CHD/1/2-Estab:5569-71 dated 21.06.2011, issued to the appellant for her appearance in interview, merit list of only 4 candidates named Faiza Abbasi, Noman Khan, Awaiz Qureshi and Zia Ul Haq signed by the Assistant to Commissioner (Rev-GA) Hazara Division, (it is pertinent to mention here that the list does not contain the name of private respondent,

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

12821

Service Appnt No.712/2016 titled "Miss Faiza Abbasi Vs. & other -vs- Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kalam Arshad Khan, Chairman, and Mr. Saleh-Ul-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar or Camp Court, Abbottabad.

Miss. Farah Naz), an order No.CHD/Estab/2/3/5027-34 dated 01.08.2017, enquiry proceedings conducted by Tasleem Khan, Deputy Commissioner, Haripur. It was observed by the Tribunal that although the question before ^{is} ~~the~~ it was the claim of seniority of the appellant, yet undisputedly the appellant and private respondent No.6 were appointed through initial recruitment, the process of which was initiated as a result of the same advertisement. In case of initial recruitment the seniority is to be determined under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, while the only criterion, for fixation of seniority, of the persons, appointed through initial recruitment, provided in the rules, is the merit order assigned to the candidates, by the Selection Committee. The Tribunal directed the Commissioner, Hazara Division to produce all the record of recruitment process, right from the advertisement, applications, list of eligible candidates, list of candidates, who appeared for tests and interviews etc. till appointment date and in case no such record was found, as was evident from the different documents, produced before the Tribunal, a detailed report, in writing, or an authentic merit list duly certified by the Commissioner, should be submitted, enabling the Tribunal for further proceedings in the matter. The case was adjourned to 08.05.2023.

8. On 08.05.2023, following order sheet was passed:

"1. Learned counsel for the appellant present Mr. Fazal Shah Mohmand, Additional Advocate General alongwith

ATTESTED
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No 712/2016 filed "Miss Fizza Idris Vs. A officer - Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kalim Aslam Khan, Chairman, and Mr. Saif-ur-Rahman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar or Coram Court, Abbottabad

Syed Asif Iqbal, Assistant to Commissioner for the respondents present.

2. In compliance with the previous order sheet dated 27.04.2023 Syed Asif Iqbal Assistant Commissioner (Political) Office of Commissioner Hazara Division submitted a report alongwith some documents with some irregularities and malpractice stated in the report regarding misplacement of the record of recruitment process, however, the authentic merit list, of the candidates who had applied, appeared and competed in the selection process, has not been produced before the Tribunal rather the two lists, available on the record of the Commissioner Hazara Office as mentioned in the previous order sheet, were again produced. It is observed in the previous order sheet that the case in the Tribunal is one of the seniority of the persons as to determine the seniority under section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, wherein the sole criteria and the criteria is merit order. There are two merit lists produced before the Tribunal one is containing four names without the name of private respondent No.6, while the other produced by the private respondent No.6, as representative of respondents containing five names. Therefore, we would like to direct Commissioner Hazara

ATTESTED

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 712/2016 titled "Miss Fatma Abbas Fa. & other -vs- Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kalan Arshad Khan, Chairman, and Mr. Saleh-Ud-Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

Division to produce a certified merit list duly signed by him of all the candidates not from the record available in his office and already produced before the Tribunal as that is not reliable containing two different merit lists but from the record of the selection process on or before 24.05.2023 before D.B at Camp Court, Abbottabad."

9. On the next date i.e. on 24.05.2023, Syed Asif Iqbal, Assistant to Commissioner submitted written report of the Commissioner, Hazara Division. On 19.06.2023, the Commissioner, Hazara Division sought some time to assist the Tribunal but thereafter, no assistance was given.

10. Written report of the Commissioner Hazara Division was also submitted which is reproduced as under:

"In compliance with the directions of the Honorable Tribunal dated 08.05.2023 in respect of subject case, the following fact/report is submitted:

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

S #	NAME OF OFFICER/DEALING OFFICER	TENURE	DATE OF TEST
1.	Mutloob ur Rehman (Then Assistant to Commissioner) Retired	02.04.2011 to 30.09.2011	Date of written test: 20.05.2011

TESTER
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No. 712/2016 titled "Miss Faiza Abbasi Vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Khatir Arshad Khan, Chairman, and Mr. Sakht-Ud-Din, Member Jalandar, Khyber Pakhtunkhwa Service Tribunal, Peshawar in Civil Court, Abbottabad.

			1. Date of practical test: 08.06.2011
			1. Date of Interview: 25.06.2011
2	Abdul Haleem Khan (Now serving as Deputy Secretary, Chief Minister's Secretariat, Peshawar)	30.09.2011 to 19.10.2011	DPSC meeting held on 03.10.2011 vide which Miss Farah Naz and Awaiz Qureshi were appointed
3	Adeela Hafeez (Now serving in Punjab)	19.10.2011 to 31.12.2011	DPSC meeting held on 16.12.2011 vide which Miss Faiza Abbasi was appointed

ATTESTED
[Signature]
Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2. There is contradiction between constituted DPSC as Board of Revenue's Notification reveals that one ~~member~~ ^{member} should be from ~~member~~

Service Appeal No 713-2016 titled "Miss Fizza Abbasi & other -vs- Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kalan, Arshad Khan, Chairman, and Mr. Saleh-Ull-Din, Additional Judge of Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

Board of Revenue while notification issued by the then Commissioner Hazara Division excluded the Board of Revenue from DPSC and included the DCO Abbottabad as member which is violation of the Board of Revenue's notification.

3. Mr. Matloob ur Rehman has completed the entire process except interview but merit list of written test and computer typing test provided by ^{the} petitioner were signed by a single member i.e. Mr. Matloob ur Rehman (ACR) not by all members of the DPSC.

4. Mr. Abdul Haleem then ACR who assumed charge on 30.09.2011 when the process of written test, typing test and interview were completed except meeting of DPSC, prepared all record again during his tenure which is doubtful as it is in contradiction with other merit lists prepared by his predecessor.

5. In present situation, this office cannot ascertain that which merit list is genuine at the entire recruitment process from beginning has procedural lapses and after lapse of 12 years; it is not possible to validate the said process or any part/document of it".

11. It is reflected from the record that vide order dated 01.08.2017, Mr. Tasleem Khan, Deputy Commissioner, Haripur was appointed as Inquiry Officer. The said order stated that a meeting of the Departmental Selection Committee for appointment of Computer Operator was reportedly held on 03.10.2011; that while processing an appeal of the seniority of Computer Operators, it was found that original record of the said DSC was not available in the office, consequently, the subject appeal

ATTEST

Officer in Charge
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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could not be disposed due to non-availability of relevant record. It was further stated that misplacement of recruitment list of subject DSC was due to negligence/inefficiency on the part of the dealing hand/officials, who remained posted in the Establishment Branch of the Commissioner Office. Following officials were stated to be posted

- 1. Mr. Awas Ahmad, Assistant.
- 2. Mr. Muhammad Babar, Assistant.
- 3. Mr. Awas Qureshi, Computer Operator
- 4. Mr. Obaid ur Rehman Senior Clerk.
- 5. Mr. Fazal ur Rehman, Assistant.
- 6. Mr. Muhammad Shoaib, Junior Clerk.
- 7. Miss. Farah Naz, Computer Operator

12. Mr. Tasleem Khan, DC, Hanspur conducted detailed inquiry and submitted findings/recommendations which are reproduced as under

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

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

2. Ms. Farah Naz, Computer Operator whose name appeared in the muster of DPSC dated 03.10.2011 and does not figure in the Attendance Sheet and Call Letter seemed to be interested for

Service Appeal No. 712/2016 filed "Miss Faiza Abbasi (s) & other vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", decided on 27.09.2023 by Division Bench comprising of Mr. Kallat Arshad Khan, Chairman, and Mr. Salah-Ud-Din, Member. Justice, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad

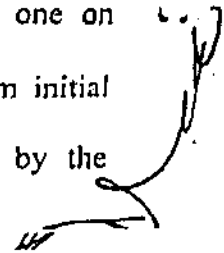
promotion as Senior Scale Stenographer (BPS-16) instead of Mr. Awais Qureshi might have misplaced the service record while posted in Establishment Branch for declaring herself to be senior in the respective cadre. She may be proceeded against independently for misplacement of relevant record (form) ^{from} the main file, since she did not file appeal well in time and to cover the lacuna as the misplacement was in her best interest. She did so after misplacing the record on the basis of her vested interest in the matter, which has been established from the file to get benefit herself from the situation. Moreover, some copies of Note Sheets produced during the course of investigation by Mr. Awais Qureshi would further corroborate the involvement of Ms. Farah Naz, Computer Operator rendering her for disciplinary action under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011."(underlining is own).

No further proceedings appear to have been done by the Deputy Commissioner, Haripur nor by anybody else, as nothing was produced before the Tribunal in that respect. So it is unknown as to what had happened thereafter.

ATTORNEY


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

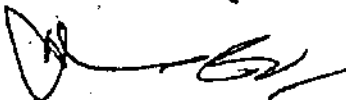
13. Be that as it may, it is nowhere denied by anybody that the appellants and private respondent, were initially appointed as Computer Operators in the same selection process though for the unknown reasons two meetings of the DSC were held on two different dates i.e. one on 03.10.2011 and the second was on 16.12.2011. That right from initial recruitment, until date, no effort seems to have been done by the

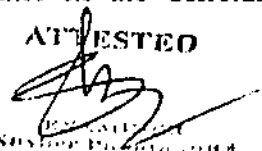


Service Appeal No. 712/2016 titled "Miss Fatma Abbasi Vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others". Decided on 27.09.2021 by Division Bench comprising of Mr. Khatir Javed Khan Chairman and Mr. Sahibullah Khan Member, Khyber Pakhtunkhwa Service Tribunal, Peshawar in Computer Operators, Abbottabad.

department to determine the seniority under section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Despite giving a number of opportunities to the Commissioner Hazara Division, the Tribunal was also not provided any authentic and single merit list or one signed or certified by him, to decide the issue in accordance with law & rules nor any seniority list had been shown to have been notified in the official gazette as required by law.

The Commissioner, instead, vide his report in writing, also raised doubts on the entire selection process and could not confirm any of the two merit lists produced by the appellants and private respondent, to be the valid merit list of the candidates, who appeared in the process of selection, against the post of Computer Operators, in the office of Commissioner, Hazara Division advertised on 07.07.2010 in Daily "Aaj". Because of this situation, especially, in absence of authentic/valid or duly signed/certified merit list or missing of the said merit list, the Tribunal could not decide the matter in accordance with law & rules and thus has no other way but to send the matter back to the authorities concerned with the direction to fix/determine the seniority strictly in accordance with Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and then issue final seniority list and properly notify the same in the official gazette as required by law & rules.



ATTESTED

Khyber Pakhtunkhwa Service Tribunal
Peshawar


..... (respondents) 

Service Appeal No. 712/2016 titled "Miss Farah Naz vs. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others", declared on 27.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah-Ud-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar in Camp Court, Abbottabad.

14. As to the connected appeal, since, the private respondent of the above appeal No.712/2016 named Miss Farah Naz was promoted on the basis of the unauthentic/invalid seniority list, as per findings made hereinabove, therefore, this matter is also remitted to the official respondents to decide it in accordance with the final and duly notified seniority list and the relevant rules. Needless to say that the promotions made in the meantime or further career progression of any of the parties, secured on the basis of disputed/invalid/unauthentic seniority list has to raze to the ground, and in the interest of justice, the person(s) who become senior after the above exercise would have right to such career progression subject to their otherwise entitlement under the relevant rules. Copy of this judgment be placed in the connected Service Appeal No.7313/2021 titled "Abdul Wahab Vs. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar & others". Consign.

15. Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 27th day of September, 2023.


KALIM ARSHAD KHAN
Chairman


SALAH-UD-DIN
Member (Judicial)

Muttazem Shuh

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 17-10-23
Number of Pages 16
Copying Fee 80/-
Urgent 50/-
Total 130/-
Name of Copyholder
Date of Completion 17-10-23
Date of Delivery 17-10-23

(27)

Annex-“C”

Attested to be true copy.

Adm
Khan



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Eatb/ 1/2/26--29
Dated 01/11/2024

MINUTES OF THE MEETING HELD ON 13/12/2023 AT 12:00 (NOON)
REGARDING CONSOLIDATED JUDGMENT IN SERVICE APPEALS NO.
712/2016 & NO. 7313/2021

In compliance with the Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad judgment, dated 27/09/2023 in service appeal No.712/2016 titled Miss. Faiza Abbasi Computer Operator VS Government of Khyber Pakhtunkhwa and service appeal No.7313/2021 titled Abdul Wahab, Junior Scale Stenographer V/S Government of Khyber Pakhtunkhwa, a meeting was held on 14/12/2023 under the Chairmanship of the Commissioner, Hazara Division in his office in order to finalize the seniority list of the computer operators of Commissioner Office, Hazara Division.

The following attended the meeting:

- | | |
|----------------------------------------------------------|---------------|
| 1. Commissioner, Hazara Division | (In Chair). |
| 2. Secretary to Commissioner, Hazara Division. | |
| 3. Assistant to Commissioner(Poll/Dev), Hazara Division, | |
| 4. Miss. Faiza Abbasi, Computer Operator | (Appellant). |
| 5. Miss. Farah Naz, Private Secretary (ACB), | (Respondent). |
| 6. Awais Ahmed Qureshi, (SSS), | (Respondent). |
| 7. Abdul Wahab, Junior Scale Stenographer | (Appellant). |



Meeting started with the recitation of the few verses from "The Holy Quran" The Secretary to Commissioner along with Assistant to Commissioner (Poll/Dev) presented the matter in light of the following Judgment of the Service Tribunal dated 27/09/23.

"The appellant and private respondent, were initially appointed as Computer Operators in the same selection process though for the unknown reasons, two meetings of the DSC were held on two different dates i.e one on 03.10.2011 and the second was on 16.12.2011. That right from initial recruitment, until date, no effort seems to have been done by the department to determine the seniority under section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Despite giving a number of opportunities to the Commissioner Hazara Division, the Tribunal was also not provided any authentic and single merit list or one signed or certified by him, to decide the issue in accordance with law & rules nor any seniority list had been shown to have been notified in the official gazette as required by law. The Commissioner, instead, vide his report in writing, also raised doubts

on the entire selection process and could not confirm any of the two merit lists produced by the appellants and private respondent, to be the valid merit list of the candidates, who appeared in the process of selection, against the post of Computer Operators, in the office of Commissioner, Hazara Division advertised on 07.07.2010 in Daily "Aaj". Because of this situation, especially, in absence of authentic/valid or duly signed/certified merit list or missing of the said merit list, the Tribunal could not decide the matter in accordance with law/rules and thus has no other way but to send the matter back to the authorities concerned with the direction to fix/determine the seniority strictly in accordance with Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and then issue final seniority list and properly notify the same in the official gazette as required by law & rules.

As to the connected appeal, since, the private respondent of the above appeal No.712/2016 named Miss Farah Naz was promoted on the basis of the unauthentic/invalid seniority list, as per findings made here in above, therefore, this matter is also remitted to the official respondents to decide it in accordance with the final and duly notified seniority list and the relevant rules. Needless to say that the promotions made in the meantime or further career progression of any of the parties, secured on the basis of disputed/invalid/unauthentic seniority list has to be set aside to the ground, and in the interest of justice, the person(s) who become senior after the above exercise would have right to such career progression subject to their otherwise entitlement under the relevant rules.

Attested
 Commissioner Hazara Division
 No. 457
 Date 5-1-24
 Abbottabad

The Chair heard the following officials in person regarding the subject case.

8

Miss. Faiza Abbasi (Computer Operator)

Miss. Faiza Abbasi personally appeared and presented the following stance before the Chair.

"She applied for the post of Computer Operator (BPS-12) in the year, 2011, and appeared in written test, practical test and interview. The then DSC prepared merit list in which she was placed at serial No. 1. Later on a DSC meeting was held on 03/10/2011 in which a candidate namely Miss. Farrah Naz D/O Muhammad Ismail was recommended for appointment as Computer Operator. The documents along with merit list prepared by the DSC wherein her name was placed at serial No.4, was contrary to the facts.

She further informed the Chair that a second DPSC meeting was held on 16/12/2011 vide which she was appointed against the vacant post of Computer

Operator. Since, she topped the written/practical tests and stood on first position, therefore, seniority list may also be compiled as per actual record based on facts.

She further added that she knocked the door of court with the pray that her seniority may be incorporated from date of appointment as Junior Clerk but later on when the facts pertaining to the merit list and seniority list were disclosed before the Service Tribunal, the same seniority list was quashed by the Service Tribunal with the directions to prepare merit/seniority list in light of Section-8 read with rules 17(a) of Appointment, Promotion and Transfer Rules, 1989.

She pleaded that merit/seniority list may be prepared in light of record provided by her and on the basis of Service Tribunal Judgment. Moreover, as per merit list of written test & typing/practical test, which were prepared and signed by then ACR Mr. Matloob-ur-Rehman, she was on first position but after the first DSC, new lists for written & practical test were compiled by new ACR Mr. Abdul Haleem wherein, she was allegedly demoted and Miss. Farah Naz was elevated to top despite the fact that she neither applied for the job nor appeared in any process of recruitment.

Miss. Farah Naz (Private Secretary) (ACB)

tested
Commissioner Hazara Division
to 458
Date 5-1-24
Abbottabad

03

Miss. Farah Naz personally appeared and presented her plea before the Chair that she applied for the post of Computer Operator and personally appeared in the entire process of the recruitment completed by the then DPSC. In the light of recommendations made by the DPSC in meeting held on 03/10/2011, she was appointed as Computer Operator vide order No.4050-54 dated 06/10/2011. Furthermore, on the basis of seniority circulated by the office of Commissioner, Hazara Division she was promoted as Senior Scale Stenographer (BPS-16) on regular basis vide Board of Revenue order No.3935-37 dated 09/01/2018 and later on after two and half year, she was promoted as Private Secretary (BPS-17) on ACB vide Board of Revenue order No. 29203-06 dated 12/11/2020. She further clarified that inquiry was conducted by the Deputy Commissioner, Haripur regarding misplacement of relevant record from Establishment Section of this office. Resultantly, the Board of Revenue vide letter No.Est:II/Seniority List/24197 dated 06/11/2017 had already disposed of the issue and directed the Commissioner Office that no further action was required to be taken. Since, the matter has already been decided, therefore, the seniority list may be prepared in light of available record provided by her.

Awais Ahmed Qureshi, (Senior Scale Stenographer)

Mr. Awais Qureshi appeared in person and asserted that both the merit lists are prepared fraudulently and relevant record was engineered deliberately in order to adjust Miss. Farah Naz who neither applied for the job nor appeared

in any process of recruitment. Moreover, first merit list was signed by only one member of DSC while second merit list was prepared by the DSC members in which he was placed at serial No.2 and Miss. Farah Naz was wrongly and illegally placed at serial No.1.

He further asserted that Mr. Faiza Abbasi was appointed in 2nd DSC, two months later than his appointment. Since the Service Tribunal quashed the seniority list, he should be placed at the top of the seniority list, being the rightful and the deserving one in light of Section-8 of Civil Servant Act, 1973.

Abdul Wahab, Junior Scale Stenographer

Mr. Abdul Wahab personally attended the meeting and presented his stance that as per prevailing rules, 60/40 quota was reserved for JSS and Computer Operators for further promotion as Senior Scale Stenographers (BPS-16). A working paper was prepared in the light of prevailing rules for the promotion of JSS/Computer Operator to the post of Senior Scale Stenographer in which the JSS was to be promoted as SSS but due to lack of required length of service his case was deferred and Mr. Awais Qureshi was promoted as Senior Scale Stenographer. Mr. Abdul Wahab further stated that promotion of Mr. Awais Qureshi was in violation of the rules in vogue. Since, his required length of service was less than three years, which was admissible for promotion on acting charge basis therefore, he should be promoted from JSS to SSS as the working paper of DPC reflected the turn of JSS for promotion to the post of SSS.

Tester
Commissioner (Para) Division
No. 459
Date 5-1-24
At Manshra

DECISIONS:

After hearing the arguments and record presented by the appellant and the respondents and in light of the Judgment of Service Tribunal dated 27/09/2023 in cases No.712/2016 & 7313/2021, the following decision were made:

03

1. The seniority list in respect of Mr. Awais Qureshi, Miss. Farah Naz & Miss. Faiza Abbasi will be prepared afresh in light of section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 and Rules-17(a) of Khyber Pakhtunkhwa, (Appointment, Promotion/Transfer Rule-1989).
2. The seniority list will be finalized on the basis of ESTA Code & Merit List of Departmental Selection Committee as available and produced before Service Tribunal.
3. Since, there are two conflicting merit lists produced before the Tribunal, therefore, the lists of then ACRs, Member of DSC, corresponding to their period in this office will be considered authentic and final.
4. The Deputy Commissioner, Manshra will initiate inquiry against the alleged appointment of Miss. Farah Naz as it is apparent that she has been appointed without fulfillment of due process. The process of enquiry shall be completed within one month.

5. Regarding connected service appeal of Mr. Abdul Wahab, the same will be reviewed in light of the recent notification of Board of Revenue No. Estt:II/SSRC/Div:/CMSR/2023/25494-502 dated 20/11/2023.

Secretary to Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded to:

1. Senior Member, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Mansehra for further necessary action on decision No.4, please.
3. Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar w/r to his letter No: Estt:I/SA/712/2016/Faiza Abbasi/25391-93 dated 07/11/2023.
4. PS to Commissioner, Hazara Division. Abbottabad.

Attestert

Office of the Commissioner Hazara Division
Abbottabad

No. 460
Date 5-1-24

Secretary to Commissioner
Hazara Division Abbottabad

"D"

Annex - "D"

**FINAL SENIORITY LIST OF COMPUTER OPERATOR (BS-12)
WORKING IN COMMISSIONER OFFICE HAZARA DIVISION, STOOD ON 31-12-2011**

S.#	Name	Date Of Birth	Qualification	Date of first entry into Govt. service	Date of Regular Appointment /Promotion as Computer Operator	Method of recruitment	Office	Remarks
1.	Miss. Faiza Abbasi	19.04.1984	MA/BIT	30.06.2009	30.12.2011	Direct	Commissioner's Office Hazara Division	
2.	Awais Qureshi	17.05.1985	BA/DIT	06.10.2011	06.10.2011	Direct	Commissioner's Office Hazara Division	
3.	Mrs. Farah Naz	20.03.1986	M.SC	06.10.2011	06.10.2011	Direct	Commissioner's Office, Hazara Division	

NOTE: The Final Seniority list has been issued in the light of decisions taken in the meeting held on 13/12/2023 under the Chairmanship of the Commissioner, Hazara Division and in compliance of KP Service Tribunal Judgment dated 27/09/2023 in service appeals No.712/2016 & 7313/2021. Furthermore, previous seniorities in respect of a forementioned officials are hereby superseded.

No. 2/3 Estb/CHD/ 68-70 Dated: 21/01/2024



Secretary to Commissioner
Hazara Division, Abbottabad

22

Annex "E"

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

S. No.	Name of candidate	Father name	Total marks in Screening Test=75 Marks obtained:	Computer practical marks=15 Marks obtained	Interview Marks=10 Marks Obtained	Marks as per ESTA code out of 82		Total 182
						Academic Marks=70	Higher Education Marks=12	
1.	Faiza Abbasi	Jari-e-Alam	48.5	11.5	05	58	6	129
2.	Awais Qureshi	Wali Muhammad	34.5	11	09	58		112.5
3.	Farah Naz	Muhammad Ismail	A	A	09	42	6	57

NOTE: The merit list has been prepared in the light of decisions taken in the meeting held on 13/12/2023 under the Chairmanship of the Commissioner, Hazara Division and in compliance of KP Service Tribunal Judgment dated 27/09/2023 in service appeals No.712/2016 & 7313/2021.

NO. 1/EST/23-25 Dated: 01-01-2024

Assistant to Commissioner (Poll/Dev),
Hazara Division, Abbottabad

Secretary to Commissioner,
Hazara Division, Abbottabad

29-12-2023

Commissioner
Hazara Division, Abbottabad.



(23)

Handwritten notes and signatures on the left margin, including "3", "Folio", "Attested by", and "M. H. Khan".

CS

Secretary to Commissioner
Hazara Division Abbottabad

Ends: Even No & Date:
Copy forwarded to:
1. Assistant Secretary (Eaib), Board of Revenue, Khyber Pakhtunkhwa,
Peshawar for information, please.
2. PS to Commissioner, Hazara Division, Abbottabad.

Secretary to Commissioner
Hazara Division Abbottabad

Yours faithfully,



Keeping in view of the above, it is, therefore, requested that:
> Fresh Seniority list issued by this Office vide No.2/S-Eaib/CHD/30-32 dated 01/01/2024 may please be forwarded to quarter concerned for publishing of same in Official Gazette.
> The Promotion made by the Board of Revenue, Khyber Pakhtunkhwa may be reviewed in light of aforementioned judgment of Service Tribunal.
The case is, therefore, submitted for your kind information and further necessary action, please.

Subject: SERVICE APPEALS NO.713/2016 TITLED FAIZA ABBASI VS BMR & NO.7313/2021 TITLED ABDUL WAHAB VS GOVERNMENT OF KHYBER PAKHTUNKHWA

To: The Senior Member, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD
No: CHD /Eaib/ 1/21/37-27
Dated 02/01/2024




Amor- "F" 11

Adv. copy
to be

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Amer-
"G-H"

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.
091-9212726	091-9214208
No. Estt:II/SA/712/2016/Faiza Abbsi/ 17952	Peshawar Dated the 07/08/2024

To

The Commissioner,
Hazara Division Abbottabad.

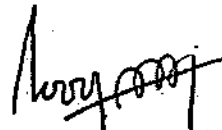
Attested to
be true copy.

Technical

SUBJECT: SERVICE APPEAL NO. 712/2016 TITLED FAIZA ABBASI VERSUS SENIOR MEMBER, BOARD OF REVENUE AND NO. 7313/2021/TITLED ABDUL WAHAB VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA.


Sir,

I am directed to refer to the subject and to enclose herewith a copy of minutes of the meeting regarding determination of seniority list of Computer Operators of your office held on 18.07.2024 under the Chairmanship Member-I Board of Revenue (Authorized Chairman) for further necessary action at your end please.


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

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36

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
091-9212726	MINUTES	091-9214209

SUBJECT: MINUTES OF THE MEETING REGARDING DETERMINATION OF SENIORITY LIST OF COMPUTER OPERATORS OFFICE OF THE COMMISSIONER HAZARA DIVISION.

3rd Meeting on the subject was held on 18.07.2024 in the Committee Room of Board of Revenue, under the chairmanship of Member-I Board of Revenue, to examine the seniority list of Computer Operators, office of the Commissioner Hazara Division. List of participants in attached.

2. The chair welcomed the participants. The Secretary-I, Board of Revenue, briefed and informed that two vacancies of Computer Operators were advertised by Commissioner Hazara Division in the daily (Aaj) on 7th July, 2010. Total 43 candidates were called for the screening test held on 20.05.2011 while 33 appeared for the test. Out of 33, 19 qualified the test. For the Practical Computer typing test, 19 candidates attended which was held on 08.06.2011. Out of the 19 candidates, only 5 qualified who were called for interview.

3. The committee interviewed all the 5 candidates, and out of the 5 candidates, the 2 at the top of the final merit list i.e. Miss. Farah Naz D/O Muhammad Ismail and Mr. Awais Qureshi S/O Wali Muhammad were appointed on the posts of Computer Operator. Second meeting of DSC, was held on 16.12.2011 in the office of Commissioner Hazara Division. The Committee recommended that one Miss. Faiza Abbasi D/O Jana-e-Alam who was a Junior Clerk in the office of Commissioner Hazara for appointment as Computer Operator (BPS-12) against the vacant post. Appointment order was issued on 16.12.2011.

4. The Secretary Board of Revenue, further informed the meeting that Advertisement published in July, 2010 and only two posts of Computer Operators were mentioned upon which Miss Farah Naz and Awais Qureshi were appointed. In light of first Departmental Selection Committee meeting Miss Farah Naz and Awais Qureshi were appointed against the two posts of Computer Operators as mentioned in the Advertisement while Miss. Faiza Abbasi was appointed in light of second Departmental Selection Committee. Two different meetings of the DSC were held on two different dates i.e. 03.10.2011 and 16.12.2011.

5. In the year 2016 Mst. Faiza Abbasi filed Service Appeal No. 712/2016 which was decided on 27.09.2023 wherein the Khyber Pakhtunkhwa Service Tribunal reiterated to fix/determine the seniority in accordance with Civil Servant Act, 1973 read with Rule 17-A of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and then issued final seniority list and properly notify the same in the official gazette as required under the law/rules.

6. It has further been decided in the said judgment that "therefore, this matter is also remitted to the official respondents to decide it in accordance with the final and duly notified seniority list and the relevant rules. Needless to say that the promotions secured on the basis of disputed/invalid/unauthentic seniority list has to raze to the ground, and in the interest of justice, the person(s) who become senior after the above exercise would have right to such career progression subject to their otherwise entitlement under the relevant rules. Copy of this judgment be placed in the connected Service Appeal No. 7313/2021 titled "Abdul Wahab Vs. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar & others".


7. In light of Service Tribunal judgment the office of Commissioner Hazara Division issued fresh seniority list on 02.01.2024 for the year 2011 wherein Miss. Faiza Abbasi Computer Operator was shown senior to Miss. Farah Naz Private Secretary (ACB). It is to mention here that in the previous seniority lists Miss Farah Naz was shown senior to Miss Faiza Abbasi and in light of these seniority lists she was promoted to the post of Senior Scale Stenographer (BS-16) and then Private Secretary (ACB BS-17). Therefore, this Department vide letter dated: 12.02.2024 requested the Commissioner Hazara Division that the case may be re-examined in light of the Departmental Promotion Committee meetings and appointment orders of the officials issued by the Commissioner Hazara Division and then issue final seniority list strictly in accordance with Khyber Pakhtunkhwa Service Tribunal judgment dated 27.09.2023. The Commissioner Hazara Division vide letter dated: 21.02.2024 requested to seek the opinion of the Establishment Department with regard to the same selection process, two different Departmental Promotion Committee meetings and different dates of appointment orders.


8. During the discussion the representative of the Establishment and Finance Department informed that meeting that only two posts were advertised against which Miss. Farah Naz and Mr. Awais Qureshi had already been appointed. The members further observed that how Miss. Farah Naz is placed at serial No. 3 in the seniority list for the year 31.12.2011 issued by the Commissioner Hazara Division on 02.01.2024 as Miss. Farah Naz has already been promoted to the post of Senior Scale Stenographer (BS-16) and then Private Secretary (ACB, BS -17), on the basis of previous seniority lists issued by the Commissioner Hazara Division. Furthermore, in the said seniority list in the column of remarks no reason has been mentioned against the name of Miss. Farah Naz that how she placed at S.No.3.

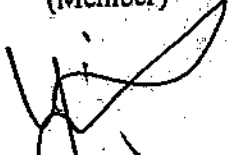
9. The representative of the Law Department raised objection that it has not been mentioned in the said advertisement that the post can be increased or decreased so how Miss. Faiza Abbasi was appointed against the third vacancy of Computer Operators as there is only two posts were mentioned in the advertisement dated 7th July, 2010 therefore, the appointment process of Miss. Faiza Abbasi should not be considered as same selection process. The Committee further observed that the words "Same Selection process" is not define the any


rules upon which Miss. Faiza Abbasi was appointed. Likewise, seniority of an official should be determined from the date of regular appointment and both the appointment orders were owned by the representative of the Commissioner Hazara Division. After threadbare discussion it was unanimously decided that:-


1. The interpretation of "same selection process" is not correct as two different meetings of the DSC were held on two different dates i.e. 03.10.2011 and 16.12.2011.
 2. Miss. Farah Naz was appointment on 06.10.2011 while Miss. Faiza Abbasi was appointed on 16.12.2011. As per seniority issued by the Commissioner Hazara Division, Miss. Farah Naz was further promoted to the post of Senior Scale Stenographer (BS-16) on 29.01.2018 and then to the post of Private Secretary (ACB BS-17) on 12.11.2020. This fact is also admitted by the representative of the Commissioner Hazara Division during the meeting.
 3. On the principle of seniority Miss. Farah Naz was appointment on 06.10.2011 while Miss. Faiza Abbasi was appointed on 16.12.2011. Under Rule-17 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 seniority of civil servants in a post service or cadre shall always be determined from the date of regular appointment/promotion, therefore, Miss. Farah Naz Should be considered senior to Miss. Faiza Abbasi.
10. The meeting ended with a vote of thanks from the chair.


 (MOMIN KHAN)
 Section Officer (SR-I)
 Finance Department
 (Member)


 SAMI-UR-REHMAN)
 Assistant Drafting Officer
 Law Department,
 (Member)


 (JAMSHED KHAN)
 Deputy Secretary (R-III),
 Establishment Department,
 (Member)


 (AMJED MERAJ)
 Secretary-I, Board of Revenue,
 (Member)


 (AMER LATIF)
 Member-I, Board of Revenue
 (Authorized Chairman)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHAWA PESHAWAR**

C.M No. _____/2024

IN

E.P No. 257/2024

In S. Appeal No. 712/16

Miss. Faiza Abbasi daughter of Jan-e-Alam Abbasi, resident of Sir Syed Colony Mandian Tehsil & District Abbottabad, presently working in the office of Commissioner Hazara Division Abbottabad.

....PETITIONER

VERSUS


Govt. of KPK through Secretary Board of Revenue, Peshawar & others.....RESPONDENTS

PETITION FOR IMPLEMENTATION/EXECUTION

APPLICATION FOR STATUS QUO


INDEX

<i>S#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexures</i>
1	Petition alongwith affidavit	1 to 5	
2	Copy of implementation petition	6 to 10	"A"
3	Copy of judgment dated 27/09/2023	11 to 26	"B"
4	Copy of minutes of meeting	27 to 31	"C"
5	Copy final seniority list	32	"D"
6	Copy of merit list	33	"E"
7	Copy of letter dated 02/01/2024	34	"F"
8	Copies of letter dated 07/08/2024 alongwith minutes of meeting	35 to 38	"G" & "H"
9	Vakalatnama	39	


Miss. Faiza Abbasi
D/o Jan-e-Alam Abbasi
.....Petitioner

Through counsel

Dated: 20/8/2024


Ahmad Saleem Khan
ASC

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHAWA PESHAWAR**

C.M No. _____/2024

IN

E.P No. 257/2024

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....PETITIONER

VERSUS

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

...RESPONDENTS

PETITION FOR IMPLEMENTATION/EXECUTION

**APPLICATION FOR GRANT OF STATUS QUO AND
SUSPENSION OF OPERATION OF LETTER
NO.ESTT;II/SA/712/2016/FAIZA ABBASI/ 17952, DATED
07/08/2024 ISSUED BY RESPONDENT NO.3 AND
MINUTES OF MEETING DATED 18-07-2024 AND
RESTRAINING THE RESPONDENT NO.4 FROM TAKING
ANY PROCEEDING IN THE LIGHT OF ABOVE
MENTIONED LETTER ETC. TILL FINAL DECISION OF
TITLED IMPLEMENTATION PETITION/ EXECUTION.**

Respectfully Sheweth;-

1. That the titled implementation/excecution petition is pending adjudication before this Honourable Court and is fixed for

25/09/2024. Copy of implementation petition is annexed as Annexure "A".

2. That the petitioner filed service appeal No.712/2016 which was decided by this Honourable Court vide judgment and order dated 27/09/2023 directing the respondents to fix/determine the seniority in accordance with Section 08 of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 17(a) of Khyber Pakhtunkhwa Civil Servant (appointment of promotion and transfer) Rules 1989 and then issue final seniority list and properly notify the same in the official gazette as required by law and rules. It was also held in the said judgment and order that the petitioner as well as official/respondents was appointed in the same selection process. Copy of judgment of this Honourable Court dated 27/09/2023 is annexed as Annexure "B".
3. That in compliance of judgment dated 27/09/2023, as per record the meeting was held under the chairmanship of respondent No.4/Commissioner Hazara Division Abbottabad, wherein the final seniority list of computer operators working in Commissioner Office Hazara Division Abbottabad was prepared in the light of Judgment and order dated 27-09-2023 passed by this Honourable Tribunal stood on 31/12/2012 and merit list was determined by respondent No.4 and sent the same to respondent No.2 for publishing of same in official gazette vide letter No.CHD/Estb/1/2/71-73, dated 02/01/2024. The respondent No.4 also requested to respondent No.2 that the promotion made by Board of Revenue may be reviewed in the light of judgment and order of this Honourable Court. Dated 27-09-2023. Copies of minutes of meeting, final seniority list, merit list and letter dated 02/01/2024 are annexed as Annexure "C", "D", "E"& "F".
4. That after the issuance of final seniority list by respondent NO.4/Commissioner Hazara Division Abbottabad

respondents No. 1 to 3 as per letter dated 02-01-2024 published the same in official Gazette but the respondents No.1 to 3 despite publishing the same and complying the judgment of this Honourable Court acted beyond their jurisdiction and started self made proceeding beyond the directions of this Honourable Court passed in the judgment dated 27/09/2023, which is clear act of contempt of this tribunal.

5. That in the judgment dated 27/09/20223 this Honourable Court has already held that the petitioner as well as respondents No. 6 & 7 were selected in the "same selection process", therefore, there remains no room for anybody to question the legality of order of this Court except to Honor the same i.e.

i. Determining the seniority of the computer operators as per Judgment dated 27-09-2023 as has been done by Respondent No. 4.

and

ii. Its publication in official Gazette.
Thereafter, any deviation from above is contempt of this Tribunal as has been done by Respondent No. 1 & 2.

6. That the respondent No.1 to 3 were bound to publish the seniority list issued by competent authority/respondent No.4 in the official Gazette raising to the ground all the earlier seniority lists to Ground as per Judgment of this Honourable Court.


7. That respondents No.1 to 3 conducted all the proceedings beyond the directions and in utter disregard of this Honourable Tribunal order dated 27-09-2023 and issued letter No.Estt; II/ SA / 712/ 2016/Faiza Abbasi/17952, dated

07/08/2024 and minutes of meeting, violating the directions passed in Judgment and Order dated 27-09-2023 of this Honourable Court regarding the same selection process and by issuing the letter dated 07-08-2024 and straight away disobey the directions of this Honourable Court regarding same selection process. Copy of letter dated 07/08/2024 alongwith minutes of meeting is enclosed herewith as Annexure "G" & "H".

8. The respondents No.1 to 3 categorically stated in minutes of meeting that interpretation of "same selection process" is not correct which amounts to contempt of this tribunal as this Honourable tribunal has already held in the judgment dated 27/09/2023 that the petitioner and official respondents No.6 to 7 were selected in the same selection process. When this Honourable tribunal has already interpreted the word of same selection process in the judgment then the respondents No.1 to 3 have no power to change the decision of this Honourable tribunal.
9. That as the Judgment and Order dated 27-09-2023 passed by this Honourable Tribunal has attained finality, therefore, respondents had got no authority to challenge its correctness or to non-implement the same.
10. That vide judgment of this Honourable Court the point of same selection process has already been decided and the competent authority/respondent No.4 has already complied the judgment and issued the final seniority list and merit list, therefore, respondents No.1 to 3 have no authority/power to act beyond the directions of this Honourable Court and interference of respondents No.1 to 3 in the final seniority list and merit list issued by competent authority./ respondent No.4 is result of malafide and amounts to contempt of court of judgment of this Honourable Court.

11. That the respondents No.1 to 3 are doing beyond the directions issued by of this Honourable tribunal to deprive the petitioner from her valuable rights.
12. That if the status quo is not granted and operation of letter dated 07/08/2024 is not suspended, petitioner shall suffer irreparable loss and filing of implementation petition / execution will become infructuous.
13. That the status quo is necessary in the instant case till the final decision of implementation / execution petition.

It is therefore, requested that, on acceptance of the instant application, the status quo may kindly be granted and operation of letter No.Estt; II/SA/712/2016/Faiza Abbasi/ 17952, dated 07/08/2024 issued by respondent No.3 and minutes of meeting be suspended by restraining the respondent No.4 from taking any proceeding in the light of above mentioned letter till final decision of titled implementation petition/ execution.


Miss. Faiza Abbasi
D/o Jan-e-Alam Abbasi
.....Petitioner

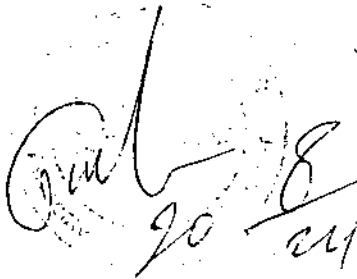
Through counsel

Dated: 20/8 /2024

AFFIDAVIT: -

I do hereby solemnly affirm and declare on Oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal. No such like application has earlier been filed nor decided by any court.


DEPONENT


20/8/24

قیمت
50 روپے

48617

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: *محمد علی خان*
بار کونسل ایسوسی ایشن نمبر:



رابطہ نمبر: 03319144098

بعدالت جناب: Before the Service Tribunal UPK Pk

مخاطب: <i>Petitioner</i>	دعویٰ:
<i>مانترہ سہیلی</i>	علت نمبر:
<i>بنام</i>	مورخہ:
<i>گورنمنٹ</i>	جرم:
	تھانہ:

باعت تحریر آنگہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام *کیلئے* *محمد علی خان* کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوفی کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالثت و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درجہ اختتام از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برائگی اور منسوخی، نیز
دائر کرنے اپیل گزارائی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بھائی کے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کے ساتھ اپنے پر داخستہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانب التوا لے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب یا پندرہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



1 / 20

المقوم:

المقام: *Peshawar*

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Active