


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1767/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal of Mr. Ahmad Gul resubmitted today by Akhunzada Manzoor Ahmad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Ahmad Gul received today i.e on 20.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Copy of departmental appeal of Mr. Sher Ahmad Khan against the promotion order of appellant is not attached with the appeal.
- 3- Copy of appellate order attached with the appeal is incomplete.
- 4- Annexures of the appeal are unattested.
- 5- Copy of seniority list dated 01.10.2020 is not attached with the appeal.
- 6- Page no. 30 of the appeal is illegible.
- 7- Office/Gmail address and contact number of the counsel engaged are not mentioned on the Index of the appeal.
- 8- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 828 /Inst./2024/KPST,

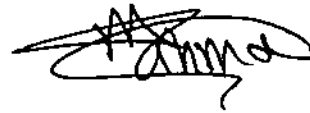
Dt. 23/9 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Akhunzada Manzoor Ahmad Adv.
High Court at Swat.

Respected Sir

Resubmitted after
necessary completion



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal NO: _____/2024

Ahmad Gul

(Appellant)

Versus

Appellate Judge through Registrar, Peshawar High Court

Peshawar and others

(Respondent)

APPLICATION FOR FIXATION OF THE ABOVE TITLED

APPELLAT AT PRINCIPAL SEAT, PESHAWAR

RESPECTFULLY SHEWETH:-

1. That the above mentioned appeal 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 officers of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/Applicant meaning

thereby that principal seat would be convenient to 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 appeal may please be fixed at principal seat Peshawar for the convenience of parties and best interest of justice.

Dated: 07/10/2024

Through

Applicant


Akhunzada Manzoor Ahmad

Advocate Peshawar

Address TF-342 Deans Trade
Center Peshawar Sadar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 1767 . 2024: :

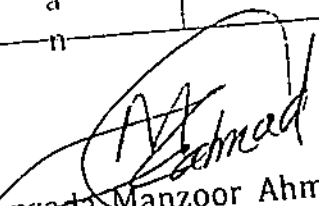
Ahmad Gul s/o Taqdir Shah Senior Clerk presently posted as Care-taker to District & Sessions Judge, Buner.

Versus

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar and others

I N D E X

S.No	Description of Documents	Annexure	Pages
1	Appeal with certificate and list of books		1-5
2	Affidavit		6
3	Addresses of parties		7
4	DSC/DPC order Dated 09.03.2005	A	8
5	DPC order of Muhammad Naeem dated 22.06.2019	B	9
6	Order of DSJ Buner dated 29.09.2020.	C	10-14
7	Seniority list issued on 5.10.2020	D	15-17
8	Seniority issued in the year of 2015	E	18-19
9	Seniority issued in the year of 2019 ^A	F	20-22
10	DPC order of Mr. M. Hasham dated 21.11.2020.	G	23
11	Departmental Appeal No. 57/2020 h	H	24-25
12	DPC order of appellant Salim Khan etc u	I	26
13	DPC order of Habib Gul n	J	27
14	Copy of order of Administrative Judge dated 18.07.2024 a	K	28 A, B, C
15	Copy of order of DSJ Buner dated 23.08.2024 with Fresh seniority list a	L	29-30
16	Order copies of Appeal No.17/2021 & No.06/2023	M & N	31-32
17	Legal Notice M		33
18	Wakalatnama n		34


Akhuzada Manzoor Ahmad
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1767 2024.

Ahmad Gul s/o Taqdir Shah Senior Clerk presently posted as Care-taker to District & Sessions Judge, Buner.

Versus

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar.
2. The District & Sessions Judge, Buner.
3. Mr. Shaheen Wahab Junior Clerk presently posted as Muharrir to Civil Judge-V Buner.

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18.07.2024 PASSED IN DEPARTMENTAL APPEAL NO. 57/2020 OF PESHAWAR HIGH COURT PESHAWAR AND ORDER NO. 2010-2013/DSJ DATED 23.08.2024 PASSED BY THE DISTRICT & SESSIONS JUDGE BUNER.

PRAYER.

THAT ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS DATED 18.07.2024 & 23.08.2024 MAY BE SET ASIDE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH

1. That the appellant alongwith (1) Muhammad Naeem (2) Muhammad Hasham (3) Salim Khan (4) Mian Akber Shah (5) Muhmmad Farooq (6) Habib Gul were initially appointed as Junior Clerks on 09.03.2005 vide order No. 284-298/DSJ Dated 09.03.2005 wherein the respondent No. 3 Mr. Shaheen Wahab and Mr. Sher Ahmad were placed in bottom in that said DPC/DSC order. Copy is attached as annexure-A.
2. That after appointment, the authority has been issuing seniority of each ending year by circulating amongst all the cadres with due acknowledgment:
3. That in the year of 2019, Mr. Muhmmad Naeem who was also appointed as Junior Clerk vide the same order, was

promoted to the post of senior clerk vide order No. 1305-1310/DSJ Dated 22.06.2019 but the respondent No. 3 did not bother to challenge the said order. **Copy of order is attached as annexure-B.**

4. That in the year of 2020, Mr. Muhammad Hasham was promoted to the post of senior clerk vide order NO. 2134-38/DSJ Dated 21.11.2020, pursuance to which respondent No. 3 challenged the seniority list and filed an application before the District & Sessions Judge Buner, but the same was turned down on 29.09.2020, and it withheld time barred. **(Copy of order is attached as annexure-C).**

5. That final seniority list was issued the competent authority vide order dated 05.10.2020. **(Copy is attached as annexure-D)**

6. That according to law of limitation the respondent No. 3 should have challenged the initial order Dated 09.03.2005 and onward seniority lists issued time to time, then at that time he should have challenged the re-casted seniority list issued by the then Honorable DSJ Mr. Muzamil Shah Khattak in the year of 2015 **(Annexure-E)** and seniority list issued by the then Honorable DSJ Muhammad Iqbal Khan in the year of 2019 **(Annexure-F)** but respondent No. 3 again remained mum over that seniority lists.

7. That vide the order NO. 2134-38/DSJ Dated 21.11.2020, Mr. Muhammad Hasham was promoted to post of senior clerk **(Copy is annexed-G)** which was also not challenged by the respondent No. 3 rather he challenged the seniority list only issued on 10.10.2020 before the Administrative Judge of Peshawar High Court, Peshawar through departmental appeal No. 57/2020. **Copy is attached as annexure-H.**

8. That the appellant was promoted to the post of senior clerk vide order No. 96-106/DSJ dated 15.01.2022 but the respondent also failed to challenged the same and remained mum. **(Copy is attached as annexure-I)**

9. That another official namely Mr. Habib Gul was promoted to the post of senior clerk vide order No. 3086-92/DSJ, Buner Dated 15.10.2022. (Copy is attached as annexure-J) but the respondent No.3. again could not challenged the same promotion order.
10. That vide order dated 18.07.2024, the honorable Senior Puisne Judge of Peshawar High Court, Peshawar, (being administrative Judge) decided the departmental appeal in favour of respondent No.3 with connected appeal No. 58/2020, which is against the law and not sustainable. (Copy is attached as annexure-K)
11. That District & Sessions Judge vide her order No. 2010-2013/DSJ Buner Dated 23.08.2024 held that respondent No.3 be kept pending till availability of post of senior clerk and thereafter he will be placed senior against the appellant which is against law and not sustainable in the eye of law because when there is no post exist presently then how department can make promise for future. (Copy is attached as annexure-L)
12. That the appellant approaches this worthy forum for ventilation of his gracious on the following grounds:

GROUNDS:-

- a. That the impugned order passed by honorable administrative Judge of Peshawar High Court, Peshawar in departmental appeal No. 57/2020 and endorsement No. 2010-2013/DSJ Buner Dated 23.08.2024 of District & Sessions Judge Buner is against law and rules.
- b. That the law of limitation and laches is fully applicable to all the Govt employees and one cannot sleep over his right for a long period. Thus, respondent No.3 is not entitled for any kind of relief, hence the impugned order is not sustainable in the eye of law.
- c. That the law of limitation, law of estoppel and principles of acquiescence is also applicable to the present

case because the respondent No 3 was well aware of the whole proceedings.

- d. That the impugned order has been issued on the basis of presumption and conjectures as the same has no legal base and legal appreciation.
- e. That in the order of Departmental Appeal the principal of natural justice i.e. *audi alteram partem* has grossly been violated and neither any notice has been issued nor sought any reply to hear the appellant. Hence, the said order is presumed *ex parte* which need to be reviewed.
- f. That after passing of 04 years without hearing the appellant, decision in departmental appeal is also not sustainable.
- g. That a similar departmental appeal No. 06/2023 " Misal Khan vs DSJ Buner" and Appeal No. 17/2021 " Jehangir Khan vs DSJ Buner" were also fixed for 24.07.2024, in which both the parties were summoned and heard but in the present case/appeal the appellant was condemned unheard which is also amount to violate the principle of *audi alteram partem* and equal treatment enshrined in the constitution of Islamic republic of Pakistan. (Copies are attached as annexure-M& N)
- h. That appellant has been condemned unheard on which score alone the impugned order is not sustainable in the eye of law.
- i. That principal of *locus poenitentiae* is fully in favour of the appellant and the appellant could not be placed junior in the light of principal of the aforementioned doctrines.
- j. That the principles of legitimate expectancy & promissory estoppels is also fully in favour of the appellant.
- k. That the instant appeal is well within time because the appellant got knowledge against the impugned order when District & Sessions Judge circulated the same on 23.08.2024.

It is therefore kindly prayed that by acceptance of instant appeal the impugned orders passed the honorable senior puisne Judge in departmental appeals no. 57/2020, and order of DSJ Buner No. 2010-2013 dated 23-08-2024 be set aside and previous seniority may graciously be restored.



Ahmad Gul Senior Clerk/Care-taker
To District & sessions Judge, Buner

0344-982020

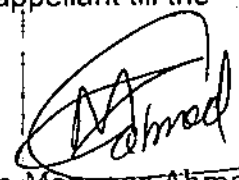


Akhunzada Manzoor Ahmad
Advocate

0343-9156753

INTERIM RELIEF:

By way of interim relief, the order of respondents No. 1/2 may be suspended by restoring the previous seniority of appellant till the final decision of the main appeal.



Akhunzada Manzoor Ahmad
Advocate

List of books

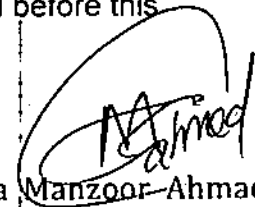
1. Constitution of Pakistan.
2. Case laws as per need.



Akhunzada Manzoor Ahmad
Advocate

Certificate

No such like appeal have been earlier been filed before this honorable court as per instruction of my client.



Akhunzada Manzoor Ahmad
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Ahmad Gul s/o Taqdir Shah Senior Clerk presently posted as Care-taker to District & Sessions Judge, Buner.

Versus

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar and others

AFFIDAVIT

I, Ahmad Gul S/O Taqdir Shah R/O Village Ambela, , Tehsil Mandanrr District Buner, do hereby affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed or withheld from this Honorable court.

It is further affirmed that the contents of this writ petition is true and correct according to the knowledge and belief the petitioner.

Deponents :

Ahmad Gul Senior Clerk
CNIC No. 15101-9273952-9

ATTESTED
 Muhammad Hamza
 Adv Oath Commissioner
 Dist: Courts Daggar Buner
 No. 6847 Date 9. 25

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Ahmad Gul s/o Taqdir Shah Senior Clerk presently posted as Care-taker to District & Sessions Judge, Buner.

Versus

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar and others

ADDRESSES OF THE PARTIES

Addresses of Petitioners:

Ahmad Gul s/o Taqdir Shah Senior Clerk presently posted as Care-taker to District & Sessions Judge, Buner.

Addresses of Respondents

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar.
2. The District & Sessions Judge, Buner.
3. Mr. Shaheen Wahab Junior Clerk presently posted as Muharrir to Civil Judge-V Buner.

Appellant



Akhunzada Manzoor Ahmad
Advocate

Annexure A

8

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ ZILLA
QAZI, BUNER AT DAGGAR


Office Order

Consequent upon the recommendations of the Departmental Promotion Committee & Departmental Selection Committee vide its meeting dated 08/03/05; the following candidates are hereby promoted and appointed with immediate effect in the interest of public service.

S	Name and Parentage with address	Appointed as	Pay Scale
1.	Muhammd Yahya s/o Muhammad Quresh r/o Mayar, Mardan.	Stenographer	BPS-15
2.	Sher Zaman s/o Pir Muhammad Khan r/o Kalai, Gokand, Buner	Steno Typist	BPS-12
3.	Shakil Ahmad s/o Muhammad Karim r/o Pacha Kalay, Buner	K.P.O.	BPS-10
4.	Said Wahid Shah s/o Said Ahmad Shah r/o Galai, Buner	Senior Clerk	BPS-07
5.	Muhammad Naeem s/o Aliim Dad r/o Kalpani, Buner	Junior Clerk	BPS-05
6.	Muhammad Hasham s/o Muhammad Younas r/o Chanar, Buner	Junior Clerk	BPS-05
7.	Salim Khan s/o Noor Dad r/o Bajkata, Buner	Junior Clerk	BPS-05
8.	Mian Akbar Shah s/o Said Kabal r/o Sultanwas, Buner	Junior Clerk	BPS-05
9.	Ahmad Gul s/o Taqdir Shah r/o Ambela, Buner	Junior Clerk	BPS-05
10.	Muhammad Farooq s/o Zarif r/o Elai, Buner	Junior Clerk	BPS-05
11.	Habib Gul s/o Rahmat Gul r/o Ghazi Khani, Buner	Junior Clerk	BPS-05
12.	Sher Ahmad s/o Sher Muhammad r/o Daggat, Buner	Junior Clerk	BPS-05
13.	Shaheen Wahab s/o Shamsul Wahab r/o Bajkata, Buner	Junior Clerk	BPS-05

These appointments shall be subject to the following terms and conditions:

1. All the relevant service rules shall be applicable to the appointees.
2. The appointment shall be purely on temporary basis and shall be confirmed after the completion of probation period.
3. The appointees shall produce Medical Fitness Certificate.
4. The appointees shall report for duty within seven (7) days of the issuance of this Order failing which their appointments shall stand withdrawn.
5. The seniority of the new appointees inter se shall be determined later on.
6. All appointments shall be subject to the antecedent's verification of the appointees.



(Muhammad Tariq Wali)
Distt: & Sessions Judge/Zilla Qazi,
Buner at Daggat

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER AT DAGGAR

No 284 to 298 /DSJ/Dated Daggat the 9-3-2005

Copy forwarded for information and necessary action to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The District Accounts Officer, Buner.
3. The Officials concerned (Appointees) by name.


(Muhammad Tariq Wali)
Distt: & Sessions Judge/Zilla Qazi,
Buner at Daggat



DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER

Email: dsjbuner@yahoo.com

Ph: +92-939-510434

Fax: +92-939-512162

No. _____ /DSJ, Buner

Dated at Buner the _____

OFFICE ORDER

Dated: June 22, 2019

Consequent upon the recommendations of Departmental Promotion Committee held on 22.06.2019, the following official is hereby promoted to the post mentioned against his name with immediate effect in public interest.

S. #	Name of official	Present post	Promoted to
1	Mr. Muhammad Naeem	Junior Clerk (BPS-11)	Senior Clerk (BPS-14) in the establishment of Senior Civil Judge, Buner against the vacant post.

(Muhammad Iqbal Khan)
District & Sessions Judge/Chairman DPC
Buner at Daggar

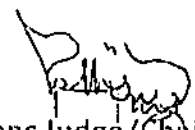
OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZO, BUNER AT DAGGAR.

No. 1305-1310/DSJ, Buner

Dated Daggar the 22/06/2019.

Copy for information to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. Mr. Muhammad Ghayyas Khan, Additional District & Sessions Judge, Swat (Nominee of Peshawar High Court, Peshawar).
3. Ms. Farhana Tabassum, Senior Civil Judge (Admn) Buner at Daggar (Nominee of the District & Sessions Judge), Buner.
4. The Senior Civil Judge, Buner at Daggar.
5. The District Accounts Officer, Buner at Daggar.
6. The Official concerned.


District & Sessions Judge/Chairman DPC
Buner at Daggar 22/6/19

Annexure C

(12)



DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER

Email: dsjbuner@yahoo.com

Ph: +92-939-510434

Fax: +92-939-512162

No. 1735 /DSJ, Buner

Dated at Buner the 29-09-2020


SUBJECT:

DISPOSAL OF OBJECTIONS OVER SENIORITY
AMONG THE JUNIOR CLERKS OF THE
ESTABLISHMENT OF DISTRICT & SESSIONS
JUDGE, BUNER.

ORDER

29.09.2020

- i. Peshawar High Court, Peshawar vide letter No.12900/968/PHC/SDJ/HR&W at 24.07.2020 has circulated the approved format for maintaining the common seniority list for promotion to the post of Superintendent, Senior Clerk, Junior Clerk & for other posts.
- ii. The mentioned format along with seniority lists was circulated among the employees of this establishment vide letter No.1527-30/DSJ Buner dated 08.08.2020 and objections/observations were also solicited till 10.09.2020.
- iii. That Sher Ahmad Khan & Shaheen Wahab both Junior Clerks have submitted their objections dated 09.09.2020 wherein they have contended that their first entry into service shall be corrected as 06.03.2000 & 08.05.2000


29/9/20
District & Sessions Judge, Buner

(17)

respectively. They have also contended that they were promoted to the post of Junior Clerks on 09.03.2005 and the officials namely Muhammad Hasham, Muhammad Nacem, Saleem Khan, Ahmad Gul & Habib Gul were appointed as Junior Clerks on 09.03.2005. That the promotees shall be ranked senior to appointees.

The objectors Sher Ahmad & Shaheen Wahab as well as the above-mentioned appointed Junior Clerks were summoned on 22.09.2020 for hearing in respect of their contentions concerning to seniority amongst them. Both the parties were heard at length and the order was kept reserved which was announced today on 29.09.2020.

So far the request of Sher Ahmad & Shaheen Wahab in respect of the dates of their first entries into service is concerned, in this respect it is stated that the objectors have contended that they were appointed as Class IV employees on 06.03.2000 and 08.05.2000 respectively but the same is not properly incorporated in the seniority list of Junior Clerks, therefore, the same is accepted and correction be made accordingly.

So far the request/objection for ranking them senior to the appointees is concerned, in this respect the office record reveals that the then District & Sessions Judge, Buner Muzamil Shah Khattak had circulated tentative seniority list of different

(72) (C)

categories on 19.01.2015. That Junior Clerks Ahmad Gul & Habib Gul of this establishment had filed objections that their seniority shall be determined on the basis of age. That Sher Ahmad Junior Clerk had also submitted objection to the extent only that his date of birth, date of first entry into the service and date of upgradation shall be corrected. That said Sher Ahmad has not raised objection that he being promotee shall be ranked senior to those who were appointed as Junior Clerks on 09.03.2005.

All the above-mentioned officials were summoned by the then DSJ, Buner Muzammil Shah Khattak for personal hearing on 17.03.2015 at 01:30PM and after hearing all the concerned & going through the merit list of the Selection Committee, it was ordered by the then DSJ, Buner Muzammil Shah Khattak that the seniority of Junior Clerks shall be re-casted. The order was implemented and final seniority list of Junior Clerks dated 01.04.2015 duly signed by the then DSJ, Buner on 30.04.2015 was issued which is as under;

- i. Mr. Nazar Muhammad
- ii. Mr. Muhammad Hasham
- iii. Mr. Muhammad Naeem
- iv. Mr. Saleem Khan
- v. Mr. Ahmad Gul
- vi. Mr. Habib Gul
- vii. Mr. Sher Ahmiad
- viii. Mr. Shaheen Wahab

(13)

(14)

The said seniority list dated 01.04.2015 signed by the then DSI, Buner on 30.04.2015 was neither objected nor challenged in The Khyber Pakhtunkhwa Service Tribunal by anyone.

Thereafter, the then DSI, Buner Muhammad Iqbal Khan has once again circulated the above-mentioned seniority list of Junior Clerks vide office order No.503-513 dated 06.03.2019 but the same too was not objected by anyone. Thereafter meeting of Departmental Promotion Committee was held on 22.06.2019 in order to promote one Junior Clerk to the post of Senior Clerk. As per minutes of the DPC dated 22.06.2019, Muhammad Hasham Junior Clerk being senior in seniority list was on long leave since two years, therefore, second in seniority list namely Muhammad Naeem was found fit for promotion and was recommended accordingly and resultantly, the said Muhammad Naeem was promoted to the post of Senior Clerk vide office order No.1305-103 dated 22.06.2019. It is worth mentioning that no objection was filed by anyone.

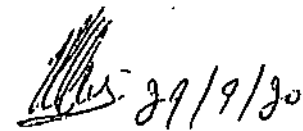
Due to above-mentioned reasons, it is held that the present objectors Sher Ahmad and Shaheen Wahab had neither challenged the final seniority list of Junior Clerks re-casted by the then DSI, Buner Muzamil Shah Khattak in the year 2015 nor the seniority list of Junior Clerks issued by the then DSI, Buner Muhammad Iqbal Khan in the year 2019 have been

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challenged by anyone. That the present objections are badly time barred and are resultantly turned down.

So far, the objections of other officials regarding the updation of their academic qualifications are concerned, in this respect it is directed that first of all the qualifications shall be verified from concerned forum & thereafter their academic qualifications shall be updated.

The final seniority list of all the categories shall be issued and circulated among all employees of this establishment.


(Muhammad Farhatullah Khan)
District & Sessions Judge/ZQ,
Buner at Daggar
District & Sessions Judge,
Buner at Daggar

Annexure D



DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER

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Ph:+92-939-510434

Fax:+92-939-512162

No. 1772 /DSJ, Buner

Dated at Buner the 05/10/2020

OFFICE ORDER

In the light of detail order issued by this office vide No.1735 dated 29.09.2020, the tentative seniority list, is hereby finalized and circulated amongst all employees of this establishment.

Muhammad Farhatullah Khan
District & Sessions Judge
Buner at Daggar

NO-1772 /DSJ, Buner.

Dated Daggar the 05/10/2020.

Copy forwarded for information to all officials concerned.

District & Sessions Judge
Buner at Daggar

**FINAL COMMON SENIORITY LIST FOR PROMOTION TO THE POST OF
SENIOR CLERK (BPS-14) DISTRICT BUNER AS STOOD ON 01.10.2020**

S. NO.	NAME & ACADEMIC QUALIFICATION	DOMICILE	DATE OF BIRTH/RETIRM ENT	POST	DATE OF 1 ST ENTRY IN DISTRICT JUDICIARY ON REGULAR BASIS	DATE OF APPOINTMENT/ PROMOTION IN PRESENT POSITION (BS-11)	REMARKS/PRESENT POSTING
1.	Mr.Muhammad Hasham FA (P#00273632)	Chanar, Buner	02/01/1983	Junior Clerk (BPS-11)	09/03/2005 as JC	09/03/2005	JC/Caretaker
2.	Mr.Salim Khan BA (P#00273323)	Bajkata, Buner	20/05/1979	Junior Clerk (BPS-11)	09/03/2005 as JC	09/03/2005	Reader to DSJ Buner
3.	Mr.Ahmad Gul BA, LL.B Diploma in Criminology (P#00273585)	Ambela, Buner	20/04/1982	Junior Clerk (BPS-11)	09/03/2005 as JC	09/03/2005	Reader to SCJ Buner
4.	Mr.Habib Gul FA (P#00273088)	Ghazikhani, Buner	06/02/1977	Junior Clerk (BPS-11)	09/03/2005 as JC	09/03/2005	Muharrir to DSJ Buner
5.	Mr.Sher Ahmad Khan FA (P#00273457)	Daggar kalay,	02/02/1980	Junior Clerk (BPS-11)	06.03.2000-as NQ	09/03/2005	Muharrir to SCJ
6.	Mr.Shaheen Wahab BA (P#00272592)	Bajkata Buner	20/05/1977	Junior Clerk (BPS-11)	08.5.2000 -as chow:	09/03/2005	Reader to CJ-VI
7.	Mr.Said Muhammad FA (P#00272756)	Swari, Buner	25/11/1974	Junior Clerk (BPS-11)	30/04/2004	18/06/2007	Muharrir to AD&SJ-II
8.	Mr.Nosher Gul FSc (P#00367708)	Dewana Baba Buner	03/05/1988	Junior Clerk (BPS-11)	18/06/2007 as JC	18/06/2007	Reader to CJ-VII
9.	Mr. Rozi Gul MA (P#00273430)	Cheena, Buner	02.02.1980	Junior Clerk (BPS-11)	30/04/2004	25.06.2008	Acting COC to SCJ Buner
10.	Mr.Shahid Ali F.Sc (P#00661819)	Nawankalay Buner	05.04.1992	Junior Clerk (BPS-11)	25/02/2012 as JC	25/02/2012	Reader to ADJ-III
11.	Mr.Muhammad Ali FA (P#00273902)	Chanar, Buner	15.03.1986	Junior Clerk (BPS-11)	12.03.2005	25.02.2012	Steno to CJ-V
12.	Mr.Sher Azam Khan SSC(P#00273474)	Rega, Buner	14/03/2046	Junior Clerk (BPS-11)	21.01.2004	23/02/2012	Account Branch
13.	Mr.Shahid Hussain FA(Ps#00275309)	Palai, Malakand Agency	01/03/1974	Junior Clerk (BPS-11)	27/07/1995	17/05/2012	Muharrir to ADSJ-III Buner
14.	Mr.Saeed Anwar B.Sc (P#00747712)	Inzarmira Chagharzi, Buner	29/02/2034	Junior Clerk (BPS-11)	As P/Server	Appointed as JC	
15.	Syed Zain ul Abedin M.A (P#00406852)	Rega, Buner	01/01/1992	Junior Clerk (BPS-11)	22/05/2015	22/05/2015	Muharrir to CJ-IV/JFC
16.	Ikram Zarin BS (Hons)	Sonigram, Buner	31/12/2051	Junior Clerk (BPS-11)	As Jr.Clerk	Appointed as JC	
17.	Imtiaz Khan	Chinglai, Buner	01/11/1984	Junior Clerk (BPS-11)	25/06/2008	22/05/2015	Muharrir to ADJ-I
			31/10/2044	Junior Clerk (BPS-11)	As P/Server	Appointed as JC	
			05/01/1989	Junior Clerk (BPS-11)	30/03/2016	30/03/2016	Muharrir to CJ-VI
			04/01/2049	Junior Clerk (BPS-11)	As Jr. Clerk	Appointed as JC	
			09/03/1971	Junior Clerk	28/04/2004 as PS	30/03/2016	Muharrir to CJ-Totalai

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	F.A		08/03/2031	(BPS-11)		Appointed as JC	
18.	Adalat Khan FA(P#00273389)	Amnawar, Buner	24/04/1980 23/04/2040	Junior Clerk (BPS-11)	19/01/2004 As Sweeper	11/02/2017 Promoted as JC	Muharrir to CJ-I
19.	Amir Afzal FA(P#00273533)	Hisar Buner	02/11/1981 01/11/2041	Junior Clerk (BPS-11)	19/01/2004 As N/Qasid	11/02/2017 Promoted as JC	Muharrir to ADJ-I
20.	Sajid Ali S/O Fazal Diyan (M.A) P# 00545737	Krapa Buner	15/05/1987 14/05/2047	Junior Clerk (BPS-11)	27/03/2017 As JC	27/03/2017 Appointed as JC	JC/Acting CO to CJ-IV/ JFC
21.	Muhammad Dawood S/o Shah zamin Khan B.A P#00830097	Elai Buner	25/03/1994 24/03/2054	Junior Clerk (BPS-11)	27/03/2017 As JC	27/03/2017 Appointed as JC	JC/Acting Steno to SCJ (Admin)
22.	Noor Akbar Shah S/o Noor Hamad Shah (M.A History) P# 00835742	Shalbandi Buner	06/03/1987 05/03/2047	Junior Clerk (BPS-11)	27/03/2017 As JC	27/03/2017 Appointed as JC	Muharrir to CJ-II
23.	Mr.Abdullah (BA)	Malayousaf Buner	12/12/1971 11/12/2031	Junior Clerk (BPS-11)	03/10/2007 As Chowkidar	07/04/2018 Promoted as JC	Muharrir to CJ-VII
24.	Jehangeer Khan S/o Hakim Khan (BA)	Daggar Buner	01/02/1992 31/01/2052	Junior Clerk (BPS-11)	28/04/2018 As JC	28/04/2018 Appointed as JC	JC/Digitization Incharge
25.	Rehman Ullah S/o Amir Zada (BA)	Pir-Baba-Buner	05/03/1995 04/03/2055	Junior Clerk (BPS-11)	28/04/2018 As JC	28/04/2018 Appointed as JC	JC/Acting CO to CJ-VII
26.	Muhammad Ayaz s/o Said Faqr(BS&CS)	Sawawai, Totalai, Buner	10.02.1990 09.02.2050	Junior Clerk (BPS-11)	15.09.2019 as JC	15.09.2019 Appointed as JC	JC/Acting CO to CJ, Totalai, Buner
27.	Abdul Aziz s/o Said— Zarkesh(Intermediate)	Ghazikot, Totalai, Buner	03.03.1992 02.03.2052	Junior Clerk (BPS-11)	15.09.2019 as JC	15.09.2019 Appointed as JC	JC/Acting steno to CJ, Totalai, Buner
28.	Luqman s/o Poshad (MA Islamvat)	Bagra, Buner	10.04.1996 09.04.2056	Junior Clerk (BPS-11)	15.09.2019 as JC	15.09.2019 Appointed as JC	JC/Acting co to CJ-V Buner
29.	Muhammad Arif S/O Said Farooq Shah(BS)TT	Dehrai, Buner	03.03.1992 02.03.2052	Junior Clerk (BPS-11)	15.09.2019 as JC	15.09.2019 Appointed as JC	JC/Digitization Assistant
30.	Inamullah s/o Sher Wali BS Software Eng:		18.02.1994 17.02.2054	Junior Clerk (BPS-11)	15.09.2019 as JC	15.09.2019 Appointed as JC	JC/Digitization Assistant

Note: Academic Qualification entries of the officials at serial # 1, 19, 21 and 24 shall be updated after verification from the concerned Board/University.

District & Sessions Judge/ZQ
Buner at Daggar.

(17)

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Annexure E

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GP

OFFICE OF THE DISTRICT & SESSIONS JUDGE, BUNER

No. 103-119 /DSJ Buner

Dated Daggar the 19/1/2015

To,

All Junior Clerks(BPS-11)
Sessions Division, Buner

SUBJECT:

TENTATIVE / COMMON SENIORITY LIST

Memo:

Enclosed find herewith a tentative/ common seniority list of Junior Clerks updated on 02.01.2015 with the directions to submit your objections/observations, if any, to the office of undersigned within 15days, failing which it will be presumed that you have no objection/observation over the seniority list which will be finalized in due course of time.

19.1.2015
Muzzamil Shah Khattak
District & Sessions Judge,
Buner at Daggar

TENTATIVE/Common SENIORITY LIST, OF JUNIOR CLERKS
Updated: 02-01-2015

S. NO.	NAME & QUALIFICATION	DOMICILE	DATE OF BIRTH/RETIREMENT	POST	DATE OF 1 st ENTRY INTO GOVERNMENT SERVICE	DT. OF PROMOTION /UPGRADATION	PROMOTED/UPGRADATED	TOTAL LENGTH OF SERVICE Y-M-D	SIGNATURE OF THE OFFICIAL
1.	Mr. Nazar Muhammad BA(P#00272854)	Chinglai, Buner	05/04/1975 04/04/2035	Junior Clerk (BPS-11)	19/01/2004	20/5/2014	BPS-11	10.11.12	
2.	Mr. Muhammad Naeem FA(P#00273628)	Kalpani, Buner	10/10/1983 09/10/2043	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
3.	Mr. Muhammad Hasham FA(P#00273632)	Chanar, Buner	02/01/1983 01/01/2043	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
4.	Mr. Salim Khan BA(P#00273323)	Bajkata, Buner	20/05/1979 19/05/2039	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
5.	Mr. Ahmad Gul FA(P#00273585)	Ambela, Buner	20/04/1982 19/04/2042	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
6.	Mr. Habib Gul FA(P#00273088)	Ghazikhani, Buner	06/02/1977 05/02/2037	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
7.	Mr. Sher Ahmad Khan SSC(P#00273457)	Daggar kalay,	02/02/1987 01/02/2047	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
8.	Mr. Shaheen Wahab SSC, BA(P#00272592)	Bajkata Buner	20/05/1977 19/05/2037	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	9.9.22	
9.	Mr. Said Muhammad FA(P#00272756)	Swari, Buner	25/11/1974 24/11/2034	Junior Clerk (BPS-11)	30/04/2004	18/06/2007 20/5/2014	BPS-11	10.8.01	
10.	Mr. Noshir Gul FSc(P#00367708)	Dewana Baba Buner	03/05/1988 02/05/2048	Junior Clerk (BPS-11)	18/06/2007	20/5/2014	BPS-11	7.6.13	
11.	Mr. Rozi Gul MA(P#00273430)	Cheena, Buner	02.02.1980 01/02/2040	Junior Clerk (BPS-11)	30/04/2004	25.06.2008 20/5/2014	JC BPS-11	10.8.01	
12.	Mr. Shahid Ali F.Sc(P#00661819)	Nawankalay Buner	05.04.1992 04/04/2052	Junior Clerk (BPS-11)	25/02/2012	20/5/2014	BPS-11	2.10.6	
13.	Mr. Muhammad Ali F.A(P#00273902)	Chanar, Buner	15.03.1986 14/03/2046	Junior Clerk (BPS-11)	12.03.2005	25.02.2012 20/5/2014	JC BPS-11	9.9.19	
14.	Mr. Sher Azam Khan SSC(P#00273474)	Rega, Buner	01.01.1980 01/01/2040	Junior Clerk (BPS-11)	21.01.2004	31.10.2008 23/02/2012 20/5/2014	Daf JC BPS-11	10.11.10	
15.	Mr. Shahid Hussain FA(Ps#00275309)	Palai, Malakand Agency	01/03/1974 29/02/2034	Junior Clerk (BPS-11)	27/07/1995	17/05/2012 20/5/2014	JC BPS-11	19.5.04	
16.	Mr. Amir Azam M.BA(P#00683167)	Bajkata, Buner	10.04.1988 09/04/2048	Junior Clerk (BPS-11)	19/05/2012	20/5/2014	BPS-11	2.7.12	
17.	Mr. Fazlullah BA(P#00699538)	Amnawar, Buner	03.02.1990 02/02/2050	Junior Clerk (BPS-11)	09/03/2013	20/5/2014	BPS-11	1.9.22	

Muzzamil Shak Khattak
District & Sessions Judge
Buner at Daggar

Amekuta F

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DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER

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Ph: +92-939-510434

Fax: +92-939-512162

No. _____ /DSJ, Buner

Dated at Buner the _____

OFFICE ORDER

The earlier tentative seniority list of officials/paralegal staff of Sessions Division Buner, issued by this office vide No.91-185/DSJ/Buner dated 09.01.2019, is hereby finalized, as no official has raised objection/observation over it.

(Muhammad Iqbal Khan)
District & Sessions Judge/ZO,
Buner at Daggar.


OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZO, BUNER AT DAGGAR.

No. 83-513/DSJ, Buner

Dated Daggar the 06/03/2019.

Copy for information to: -

1. All the Judicial Officers, Buner
2. All the staff members.
3. Office Copy.


District & Sessions Judge/ZO,
Buner at Daggar. 3/19

**FINAL SENIORITY LIST, OF JUNIOR CLERKS
FOR THE YEAR, 2019**

S. NO.	NAME & QUALIFICATION	DOMICILE	DATE OF BIRTH/RETIREMENT	POST	DATE OF 1ST ENTRY INTO GOVERNMENT SERVICE	DT. OF PROMOTION /UPGRADATION	PROMOTED / UPGRADATED	TOTAL LENGTH OF SERVICE Y-M-D	PRESENT POSTING
1.	Mr.Muhammad Hasham FA (P#00273632)	Chanar, Buner	02/01/1983 01/01/2043	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Long Leave
2.	Mr.Muhammad Naeem M.A (P#00273628)	Kalpani, Buner	10/10/1983 09/10/2043	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Steno to CJ-VI
3.	Mr.Salim Khan BA (P#00273323)	Bajkata, Buner	20/05/1979 19/05/2039	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Reader to DSJ Buner
4.	Mr.Ahmad Gul BA, LLB Diploma in Criminology (P#00273585)	Ambela, Buner	20/04/1982 19/04/2042	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Reader to SCJ Buner
5.	Mr.Habib Gul FA (P#00273088)	Ghazikhani, Buner	06/02/1977 05/02/2037	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Muharrir to DSJ Buner
6.	Mr.Sher Ahmad Khan BA (P#00273457)	Daggar kalay,	02/02/1980 01/02/2040	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.09.22	Data Cell/Digitization of Record
7.	Mr.Shaheen Wahab BA (P#00272592)	Bajkata Buner	20/05/1977 19/05/2037	Junior Clerk (BPS-11)	09/03/2005	20/5/2014	BPS-11	13.9.22	Muharrir to CJ-VI
8.	Mr.Said Muhammad FA (P#00272756)	Swari, Buner	25/11/1974 24/11/2034	Junior Clerk (BPS-11)	30/04/2004	18/06/2007 20/5/2014	BPS-11	14.8.01	Muharrir to AD&SJ-II
9.	Mr.Nosher Gul FSc (P#00367708)	Dewana Baba Buner	03/05/1988 02/05/2048	Junior Clerk (BPS-11)	18/06/2007	20/5/2014	BPS-11	11.06.13	Reader to CJ-VII
10.	Mr.Rozi Gul MA (P#00273430)	Cheena, Buner	02/02/1980 01/02/2040	Junior Clerk (BPS-11)	30/04/2004	25.06.2008 20/5/2014	JC BPS-11	14.8.01	Acting COC to SCJ Buner
11.	Mr.Shahid Ali F.Sc (P#00661819)	Nawankalay Buner	05.04.1992 04/04/2052	Junior Clerk (BPS-11)	25/02/2012	20/5/2014	BPS-11	06.10.6	Muharrir to CJ-VII
12.	Mr.Muhammad Ali F.A (P#00273902)	Chanar, Buner	15.03.1986 14/03/2046	Junior Clerk (BPS-11)	12.03.2005	25.02.2012 20/5/2014	JC BPS11	13.09.19	Steno to CJ-V
13.	Mr.Sher Azam Khan SSC(P#00273474)	Rega, Buner	01.01.1980 01/01/2040	Junior Clerk (BPS-11)	21.01.2004	31.10.2008 23/02/2012 20/5/2014	Daf JC BPS11	14.11.10	Account Branch
14.	Mr.Shahid Hussain FA(Ps#00275309)	Palai, Malakand Agency	01/03/1974 29/02/2034	Junior Clerk (BPS-11)	27/07/1995	17/05/2012 20/5/2014	JC BPS11	23.5.04	Muharrir to DSJ Buner

A-4319

15.	Mr.Saeed Anwar B.Sc (P#00747712)	Inzarmira Chagharzi, Buner	01/01/1992 31/12/2051	Junior Clerk (BPS-11)	22/05/2015				
16.	Syed Zain ul'Abedin M.A (P#00406852)	Rega, Buner	01/11/1984 31/10/2044	Junior Clerk (BPS-11)	25/06/2008	22/05/2015	BPS-11	03-07-09	Muharrir to CJ-IV/JFC
17.	Ikram Zarin BS (Hons)	Sonigram, Buner	05/01/1989 04/01/2049	Junior Clerk (BPS-11)	30/03/2016			10-06-06	Reader to CJ-V
18.	Imtiaz Khan FA	Chinglai, Buner	09/03/1971 08/03/2031	Junior Clerk (BPS-11)	28/04/2004	30/03/2016	BPS-11	02-09-01	Muharrir to SCJ Buner
19.	Adalat Khan FA(P#00273389)	Amnawar, Buner	24/04/1980 23/04/2040	Junior Clerk (BPS-11)	19/01/2004	11/02/2017	BPS-11	14-08-03	Muharrir to CJ-Totalai
20.	Amir Afzal FA(P#00273533)	Hisar Buner	02/11/1981 01/11/2041	Junior Clerk (BPS-11)	19/01/2004	11/02/2017	BPS-11	14-11-12	English Branch
21.	Jamal Shakoor S/o Abdul Shakoor (BS P#00835708)	Nawagai Buner	15/02/1991 14/02/2051	Junior Clerk (BPS-11)	27/03/2017			14-11-12	Muharrir to JFC/CJ-IV
22.	Sajid Ali S/O Fazal Diyan (M.A) P# 00545737	Krapa Buner	15/05/1987 14/05/2047	Junior Clerk (BPS-11)	27/03/2017			01-09-04	Posting as CO at Buner University On Leon
23.	Muhammad Dawood S/o Shah zamin Khan B.A P#00830097	Elai Buner	25/03/1994 24/03/2054	Junior Clerk (BPS-11)	27/03/2017			01-09-04	Reader to CJ-VI
24.	Noor Akbar Shah S/o Noor Hamad Shah (M.A History) P# 00835742	Shalbandi Buner	06/03/1987 05/03/2047	Junior Clerk (BPS-11)	27/03/2017			01-09-04	Acting CO to CJ-Totalai
25.	Muhammad Akhtar s/o Hassan Khan (BBA) P#00835685	Bagra Buner	05/05/1990 04/05/2050	Junior Clerk (BPS-11)	27/03/2017			01-09-04	Muharrir to CJ-II
26.	Mr. Abdullah (BA)	Malayousaf Buner	12/12/1971 11/12/2031	Junior Clerk (BPS-11)	03/10/2007	07/04/2018	BPS-11	01-09-04	At SCJ Buner
27.	Jehangeer Khan S/o Hakim Khan	Daggar Buner	01/02/1992 31/01/2052	Junior Clerk (BPS-11)	28/04/2018			11-02-28	Muharrir to CJ-VII
28.	Rehman Ullah S/o Amir Zada	Pir Baba Buner	05/03/1995 04/03/2055	Junior Clerk (BPS-11)	23/04/2018			00-08-03	Digitization Assistant/Data Cell
								00-08-03	Muharrir to SCJ Buner

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 Muhammad Iqbal Khan
 District & Sessions Judge
 Buner at Daggar.

Annexure - 89

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DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER.

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No. _____ /DSJ, Buner

Dated at Buner the _____

OFFICE ORDER

Dated: November 21, 2020

Consequent upon the recommendations of Departmental Promotion Committee held on 21.11.2020, the following officials are hereby promoted to the post mentioned against their names with immediate effect in the public interest.

S. #	Name of official	Present post held with BPS	Promoted to
1	Mr. Ghulam Ghani	Senior Clerk (BPS-14)	Assistant (BPS-16) in the establishment of DSJ, Buner against the vacant post.
2	Mr. Muhammad Hasham	Junior Clerk (BPS-11)	Senior Clerk (BPS-14) in the establishment of DSJ, Buner against the vacant post.

/
Muhammad Farhatullah Khan
District & Sessions Judge/Chairman DPC
Buner at Daggar

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZQ, BUNER AT DAGGAR.

No. 2134-38 /DSJ, Buner

Dated Daggat the 21/11/2020.

Copy for information to:

1. The Registrar, Peshawar High Court, Peshawar.
2. Mr. Hayat Gul District & Sessions Judge, Shangla (Nominee of Peshawar High Court, Peshawar).
3. The Senior Civil Judge (Admn) Buner, Nominee of the District & Sessions Judge, Buner.
4. The District Accounts Officer, Buner at Daggar.
5. The Officials concerned.
6. Office copy.

/
District & Sessions Judge/ZQ,
Buner at Daggar

Annexure - 9 H

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BEFORE THE ADMINISTRATIVE JUDGE PESHWAR HIGH COURT PESHWAR

Mr Shaheen wahab, presently serving as reader to civil judge VI buner at daggar
District Buner..... Apellant

VS

1. Muhammad hasham, presently serving as JC/caretaker at district court daggar buner
2. Mr Salim Khan, presently serving as reader to DSJ at district court daggar district buner
3. Mr Ahmad Gul, presently serving as reader to SCJ at district court daggar district buner.
4. Mr Habib Gul, presently serving as Muharir to DSJ at district court daggar district buner.
5. The District & Sessions Judge, Buner at Daggar..... respondents:

Departmental appeal against the impugned final seniority list dated 1/10/2020 wherein his juniors (i.e respondents) have been shown senior to him in total derogation of law and rules.

The appellant submits as follows:

1. That the appellant was initially appointed as chawkidar on 8/5/2000 and then promoted as junior clerk on 9/3/2005 and have served the department for about 20 years with full zeal and zest to the entire satisfaction of his superiors and is now serving as Muharir to SCJ buner at district court daggar.
2. That the respondents were also appointed as junior clerk on the afore said date i.e on 9/3/2020 but through initial recruitment.
3. That as per law and rules the appellant should have been placed on high pedestal of seniority list then the respondents as he was promoted to the post of junior clerk on the same date on which the respondent was appointed through initial recruitment.
4. That when the tentative seniority list for promotion to the post of senior clerk (BPS 14) district buner was issued on 7/8/2020 then astonishingly the name of the appellant was placed on low pedestal of seniority list then the respondent i.e at serial no 5.
5. That the appellant then filed an application before the district judge buner for correction of the seniority list but the application was declined vide order dated 29/9/2020. (order dated 29/9/2020 of district and


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session judge buner attached as anx A while impugned seniority list attached as anx B)

6. That the district and session judge buner has rejected the application of the appellant on the ground of limitation and acquiescence but the district and session judge has misconceived the law and facts in the subject matter.
7. That the appellant for the first time came to know after issuance of the tentative merit list for onward promotion to the post of senior clerk that respondents have been shown senior to him for onward promotion and he then and there objected against the same. No promotion before this was under consideration hence the appellant did not knew about his interse seniority.
8. That as per prevailing law when the two candidates are appointed to a post on the same date and one candidate is appointed on promotion and one on initial recruitment than the candidate appointed to the post on promotion will rank senior.
9. That the impugned final seniority list dated 1/10/2020 is against the law and rules and is not tenable in the eye of law
10. That the impugned seniority list is the result of misconception of law and facts which need interference of the appellate authority.
11. That the appellant have been ignored on wrong premises and the impugned seniority lists have been issued which are factually and legally baseless and unsound and is not correct to be made a base for promotion to the post of senior clerk.

It is therefore kindly prayed that on acceptance of this appeal the impugned seniority list may kindly be modified by placing the appellant's name in its proper position before the respondents as he rank senior to them.

Dated: 10.10.2020


Appellant.

Shaheen wahab ,reader

To CJ VI buner at daggar

Annexure-IA

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**OFFICE OF THE
DISTRICT & SESSIONS JUDGE/ZO, BUNER AT DAGGAR**

**OFFICE UNDER
15-01-2022**

Consequent upon the recommendations of Departmental Promotion Committee held on 15.01.2022, the following officials are hereby promoted to the post mentioned against their names with immediate effect in the public interest.

S. #	Name of official	Present post held with BPS	Remarks
1	Mr. Safim Khan	Junior Clerk(BPS-11)	Promoted to the post of Senior Clerk (BPS-14) against the newly created post. (BU-4007)
2	Mr. Ahmad Gul	Junior Clerk(BPS-11)	Promoted to the post of Senior Clerk (BPS-14) against the newly created post. (BD-4007)

(Haq Nawaz)
District & Sessions Judge
Buner at Daggar


OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZO, BUNER AT DAGGAR.

No. 96.102/DP C /DSJ, Buner

Dated Daggar the 15 / 01 / 2022.

Copy for information to:

1. The worthy Registrar, Hon'ble Peshawar High Court, Peshawar.
2. Mr. Wajid Ali Khan, Additional District & Sessions Judge, Malakand (Nominee of Peshawar High Court, Peshawar).
3. Mr. Mian Mehmood, Additional District & Sessions Judge-II Buner, (Nominee of the D&S, Buner).
4. The Senior Civil Judge. (Admin) Buner at Daggar.
5. The District Accounts Officer, Buner at Daggar.
6. The Officials concerned.
7. Office Copy.


District & Sessions Judge
Buner at Daggar

ANNA & WIP - DJ



OFFICE OF DISTRICT & SESSIONS JUDGE/ZILLA QAZI,
BUNER

E-mail: dsibuner@yahoo.com

Ph: +92-939-510434

Fax: +92-939-512162

No. _____ /DSJ, Buner

Dated Daggar the _____

OFFICE ORDER
15-10-2022

Consequent upon the recommendations of Departmental Promotion Committee in its meeting held on 15.10.2022, the following officials are hereby promoted to the posts mentioned against their names with immediate effect in the public interest.

S. #	Name of official	Present post held with BPS	Remarks
1	Mr. Abdul Akbar	Senior Clerk(BPS-14)	Promoted to the post of Assistant (BPS-16) against the vacant post (BD-4007)
2	Mr. Habib Gul	Junior Clerk(BPS-11)	Promoted to the post of Senior Clerk (BPS-14) against the vacant post (BD-4007)

(Haq Nawaz)
District & Sessions Judge/Chairman of DPC
Buner at Daggar o/c

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZO, BUNER AT DAGGAR.
No. 3086-92/DSJ, Buner Dated Daggar the 15/10/2022.

- Copy for information to:
1. The worthy Registrar, Peshawar High Court, Peshawar.
 2. Mr. Rahatullah, Additional District & Sessions Judge, Swat, (Nominee of Peshawar High Court, Peshawar).
 3. Mr. Ihteshamul Haq Danishmand Khan, Additional District & Sessions Judge-I Buner (Nominee of the D&S), Buner).
 4. The Senior Civil Judge, (Admin) Buner at Daggar.
 5. The District Accounts Officer, Buner at Daggar.
 6. Mr. Abdul Akbar, Assistant.
 7. Mr. Habib Gul, Senior clerk.
 8. Office Copy.

District & Sessions Judge/Chairman of DPC
Buner at Daggar o/c

Annexure K

28

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT
Departmental Appeal No.57/2020

Shaheen Wahab

Vs.

Muhammad Hasham and others

ORDER

IJAZ ANWAR, J. For the reasons recorded in
Departmental Appeal No.58/2020 titled "Sher Ahmad Khan
Vs. Muhammad Hasham and others", this Departmental
Appeal is allowed.

Announced
Dt: 18.07.2024

Senior
Puisne Judge

(28A)

(S)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT
Departmental Appcal No.58/2020

Sher Ahmad Khan
Vs.
Muhammad Hasham and others

ORDER

IJAZ ANWAR, J. Through this single order, I intend to decide the instant Departmental Appcal and **Departmental Appcal No.57/2020** titled "**Shaheen Wahab Vs. Muhammad Hasham and others**". In both these appeals, the appellants are aggrieved of their placement as juniors in the seniority list dated 01.10.2020.

2. Perusal of the record reveals that the appellants Sher Ahmad Khan and Shaheen Wahab were appointed as Naib Qasid and Chowkidar on 06.03.2000 and 08.05.2000 respectively and were promoted to the posts of Junior Clerks on 09.03.2005. The respondents No.1 to 4 were appointed through direct recruitment vide order of the even date i.e. 09.03.2005. Seniority of the civil servants is determined under Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Rule 17 of the Rules ibid, being relevant, is reproduced as under:-

17. Seniority:- (1) the seniority inter-se of civil servants (appointed to a service, cadre or post) shall be determined:-
- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or, as the case may be, the Departmental Selection Committee; provided that persons selected for appointment to post in an earlier selection

(27B)



shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment viz- à-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

(3) In the event of merger/restructuring of the departments, attached departments or subordinate offices, the inter-se seniority of

(280)



civil servants affected by the merger/restructuring, as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post".

3. Sub-rule (2) of Rule 17 of the Rules ibid made it clear that seniority in between the promotees and the direct recruits is to be decided with reference to the dates of their regular appointments. Admittedly, the appellants were in the service of the respondent much prior, as such, on their promotion to the posts of Junior Clerks, they will be considered seniors to the direct recruits. The wrong determination, at any stage, by the Competent Authority, at the relevant time, is not a hurdle in the correction of the seniority. Reliance can be placed on the case titled "Din Muhammad Vs. Director General, Pakistan Post Office, Islamabad and others (2003 SCMR 333)".

4. In view of the above, this and the connected Departmental Appeal are allowed. The appellants shall be ranked seniors to respondents No. 1 to 4 who were appointed on the same date when the appellants were promoted to the posts of Junior Clerks.

Announced
Dt: 18.07.2024

Senior
Puisne Judge

Annexure L

29



DISTRICT & SESSIONS JUDGE/ZILLA QAZI, BUNER

E-mail: dsjbuner@yahoo.com

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No. 2010-2013 Dist. Buner

Dated at Buner, the 23/08/2024

OFFICE ORDER

In compliance of orders/judgments dated 18/07/2024 and 24/07/2024, passed by Hon'ble Senior Puisne Judge, Peshawar High Court, Peshawar in Departmental Appeals No.58/2020, and 06/2023, wherein Departmental Appeals of the appellants namely Sher Ahmad Khan, Shaheen Wahab Junior Clerks and Misal Khan, Chowkidar, have been allowed. Therefore, the seniority of appellants namely Sher Ahmad Khan, Senior Clerk (BPS-14) and Misal Khan Daffari (BPS-04) are hereby re-casted and fresh seniority lists have been issued wherein they were ranked senior to respondents. As Mr. Sher Ahmad has already been promoted to the post of Senior Clerk (BPS-14) by the Departmental Promotion Committee held on 03.12.2022. However, as per report of Superintendent, the seniority of appellant Mr. Shaheen Wahab Jr. Clerk be kept pending till availability of the post of Senior Clerk (BPS-14) where-after he will be promoted and will be placed over the respondents 1 to 4, in compliance of ibid judgment.

The officials concerned be informed accordingly.

Sumera Wali

(Sumera Wali)

District & Sessions Judge/ZQ

Buner at Daggar

District & Session Judge

Zilla Qazi

Buner at Daggar

FRESH SENIORITY LIST OF SENIOR CLERKS (BPS-14) OF SESSIONS DIVISION Buner.

Note: The seniority of S# 10 was re-casted in light of order dated 18.07.2024, passed by Hon'ble Senior Puisne Judge, PHC, Peshawar in D.A #58/2020, vide letter No.6464-65/Admn Dated 01.08.2024.

30

S. #	NAME & QUALIFICATIONS	DOMICILE	DATE OF BIRTH/RETIREMENT	POST	DATE OF 1 ST ENTRY INTO GOVERNMENT SERVICE	DATE OF APPOINTMENT / PROMOTION IN PRESENT POSITION.	PRESENT POSTING
1	Mr. Zubair Ahmad BA. (P#275504)	Charsadda	<u>30/09/1975</u> 29/09/2035	Senior Clerk (BPS-14)	21/09/1994	15/02/1996 as Sr. Clerk	Digitization Cell Sessions Court, Buner
2	Said Wahid Shah BA(P#00274544)	Buner	<u>20/05/1972</u> 19/05/2032	Senior Clerk (BPS-14)	15/02/1996	09/03/2005	Record Keeper
3	Razi Mulk SSC(P#00274830)	Buner	<u>20/04/1972</u> 19/04/2032	Senior Clerk (BPS-14)	15/01/1994	16/6/2007	Reader to SCJ(Admin)
4	Sher Qayum FA(P#00275175)	Buner	<u>01/07/1975</u> 30/06/2035	Senior Clerk (BPS-14)	01/03/1994	20.05.2010	Muharrir to AD&SJ-II
5	Azam Ali FA(P#00274812)	Buner	<u>25/03/1972</u> 24/03/2032	Senior Clerk (BPS-14)	15/02/2000	20.05.2010	At the Disposal of CJ Totalai, Buner
6	Mustafa Kamal BA(P#00274229)	Buner	<u>10/05/1968</u> 09/05/2028	Senior Clerk (BPS-14)	18/05/2000	20.05.2010	Muharrir to CJ-V
7	Ali Abbas Khan BA(P#00273641)	Buner	<u>03/03/1983</u> 02/03/2043	Senior Clerk (BPS-14)	19/01/2004	20.05.2010	Reader to SCJ(J) Buner
8	Mr.Nazar Muhammad BA(P#00272854)	Buner	<u>05/04/1975</u> 04/04/2035	Senior Clerk (BPS-14)	19/01/2004	11/02/2017	Reader to CJ-Totalai
9	Mr.Muhammad Naeem M.A (P#00273625)	Buner	<u>10/10/1983</u> 09/10/2043	Senior Clerk (BPS-14)	09/03/2005	21/06/2019	Muharrir to D&SJ Buner
10	Mr.Sher-Ahmad Khan FA (P#00273457)	Buner	<u>02/02/1980</u> 01/02/2040	Senior Clerk (BPS-14)	06/03/2000	21.11.2020	Reader to SCJ(Admin) Buner
11	Mr.Muhammad Hasham FA (P#00273632)	Buner	<u>02/01/1983</u> 01/01/2043	Senior Clerk (BPS-14)	09/03/2005	21.11.2020	On Earned leave / On leave
12	Mr. Salim Khan M.A(00273236)	Buner	<u>20/05/1979</u> 19/05/2039	Senior Clerk (BPS-14)	09/03/2005	18.01.2022	Reader to DSJ Buner
13	Mr. Ahmad Gul B.A.L.L.B (Diploma in Crim) P# 00273585	Buner	<u>20/04/1982</u> 19/04/2042	Senior Clerk (BPS-14)	09/03/2005	18.11.2022	Care Taker Sessions Court, Buner
14	Mr. Habib Ull BA(P#00273088)	Buner	<u>05/02/1977</u> 03/02/2037	Senior Clerk (BPS-14)	09/03/2005	18.10.2022	Acting Stand to Civil Judge- V Buner

Sumera Wali

(31)

(49)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT
Departmental Appeal No.17/2021

Jehangeer Khan

Vs.

District & Sessions Judge, Buner

Date of hearing: 24.07.2024
For Appellant(s): In person.
For Department: Mr. Bakht Wali Shah, Assistant,
Office of the District & Sessions
Judge, Buner.

ORDER

IJAZ ANWAR, J. The matter pertains to the grant of experience marks to the appellant in the process of appointment which relates to fresh selection process and is not the terms and conditions of his service. In view thereof, the instant Departmental Appeal stands rejected, leaving the appellant at liberty to approach the proper forum for the redressal of his grievance, if he is so advised.

Announced
Dt: 24.07.2024



Senior
Puisne Judge

32

Judgment Sheet
IN THE PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

94

Departmental Appeal No.06/2023

Misal Khan vs. D&SJ, Buner

ORDER

Date of Hearing: 24.7.2024
Appellant by: In person
Department by: Mr. Bakht Wali Shah, Assistant.

IJAZ ANWAR, J: - It appears that the appellant has been denied promotion on the ground that he has earned adverse entries in his ACRs for the year, 2020. The representative of the department when asked as to whether the same was conveyed/communicated to the appellant or not, he responded that he has confirmed from the office of Senior Civil Judge, Buner that it was never conveyed to the appellant. The adverse remarks merely available on the personal file of the appellant would not have any effect on his service career unless such remarks are communicated in time, as such, the denial of promotion on such basis cannot be maintained. Accordingly, the instant appeal is allowed. The respondent department is directed to consider the appellant for promotion to the post of Daftari, and to grant him seniority sans arrears.

Announced:
24.7.2024

Senior
Puisne Judge

Nazir

Hon'ble Mr. Justice Ijaz Anwar, J

23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____ 2024.

Muhammad Hasham s/o Muhammad Younus Senior Clerk presently
on Ex-Pakistan Leave.

Versus

1. The appellate Judge through Registrar, Peshawar High Court, Peshawar and others

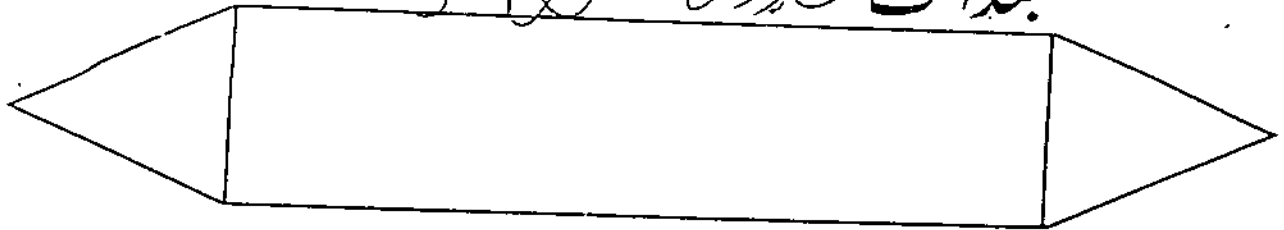
Legal Notice

It is to inform you that, I am going to file Service Appeal against the order dated: 18.07.2024 passed the honorable Puisne Judge of Peshawar High Court, Peshawar in Departmental Appeal 57/2020 with connected appeal NO. 3, 9, & 12 and order dated 23.08.2024 of District & Sessions Judge, Buner.



Akhunzada Manzoor Ahmad
Advocate

بعدالت سروس سٹریٹس لٹاؤ



سورنہ _____
 مقدمہ _____
 دعویٰ Service Appeal
 جرم _____

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی دیکھ
 کارروائی متعلقہ آن مقام سٹریٹس کے لئے منسوخ پرائمری ڈسٹریکٹ
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
 منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا محکمہ کو اپنی ہر ماہ یا اپنی بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
 اس کا ساختہ پداخت منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ دہر جائے التوائے مقدمہ کے
 سب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کرنے کا
 بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حدت ہے تو وہ وکیل صاحب پابند نہ ہوں
 گے۔ کہ پیردی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

21/11/2024
 15101-927395

الرقوم (19) 09⁰ 20 24
 العباد گواہ ش العباد

Attested
 Accepted

0843-9186753