






**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**

②

Case Title: Representation against Seniority list by  
Kamil Hussain s/s vs Muhammad Ateq s/s


Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order 01	01.06.2023	<p>Representation submitted by Mr. Kamil Hussain Senior Scale Stenographer, against seniority list issued for the year 2022. Be entered. The rights of seniority of his colleague Muhammad Ateq, Senior Scale Stenographer, are involved in the instant representation, whose comments/reply be called for 08/06/2023. <span style="float: right;">z</span></p> <p align="right">   <b>(SHAUKAT AHMAD KHAN)</b>                      District &amp; Sessions Judge,                      Orakzai at Baber Mela                 </p>
Note Reader	08.06.2023	<p>Presiding Officer is on station leave today. Case file be put up for 19.06.2023.</p> <p align="right">   <b>(READER)</b>                      To District &amp; Sessions Judge,                      Orakzai at Baber Mela                 </p>
Order No.02	19.06.2023	<p>Comments of the Respondent/Muhammad Ateq received. Placed on file. To come up for final order on 20.06.2023.</p> <p align="right">   <b>SHAUKAT AHMAD KHAN</b>                      District &amp; Sessions Judge                      Orakzai Baber Mela                 </p>
Order No.03	20.06.2023	<p>The Representation of Mr. Kamil Hussain, Senior Scale Stenographer (BPS-16), filed against seniority list of the Senior Scale Stenographers of District Judiciary Orakzai issued for the year ending 2022 coupled with</p> <p>   <b>Shaukat Ahmad Khan</b>                      District &amp; Sessions Judge,                      Orakzai at Baber Mela                      20/06/23                 </p>

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p>Contin. Order No.03</p>	 <p>Shaukat Ahmad Khan District &amp; Sessions Judge, Orakzai at Baber Mela</p>	<p>comments of the Respondent/Muhammad Ateeq, Senior Scale Stenographer (BPS-16) gone through.</p> <p>Perusal of the instant Representation transpires that one Mr. Kamil Hussain (hereafter referred to as Petitioner), Senior Scale Stenographer (BPS-16), was inducted as Junior Scale Steno-typist (BPS-14) upon the recommendations of the Departmental Selection Committee (DSC) vide Order bearing Endorsement No. 117-151/DSI/ORK dated 29.04.2019. The Petitioner having barely 21 months experience on the post of Junior Scale Steno-typist was promoted as Senior Scale Stenographer (BPS-16) on acting/current charge basis vide recommendations of the Departmental Promotion Committee (DPC) dated 13.02.2021 as he was otherwise eligible for promotion but did not possess the specified length of service.</p> <p>Meanwhile, during the petitioner's acting charge period when he was still not entitled for regular promotion, a vacant post of the Senior Scale Stenographer (BPS-16) was filled through direct recruitment upon the recommendations of the DSC on 11-12-2021 with one Muhammad Ateeq (Respondent).</p> <p>Upon completion of three-years' service, the petitioner was regularly promoted to the post of Senior</p>

**IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI**  
**AT BABER MELA**

④


Case Title: Kamil Hussain SSS 6 vs Muhammad Atiq SSS 6.

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p><b>Contin.</b> <b>Order No.03</b></p>	<p align="center">   <b>Shaukat Ahmad Khan</b>                      District &amp; Sessions Judge,                      Orakzai at Baber Mela                      20/06/23                 </p>	<p>Scale Stenographer pursuant to recommendations of DPC on 25-06.2022 after seven months of the recruitment of the respondent. Therefore, the respondent was placed senior to the petitioner in the seniority list of the stenographers for the year 2022. In the instant representation, the petitioner has claimed seniority on the post from the date of his promotion on acting charge basis i.e., 13.02.2021; as he drew pay of the high post held on acting charge basis and prayed for review of the seniority list of Stenographers issued for the year 2022.</p> <p>In contrast, it is pertinent to mention that as per Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 set out in the Judicial Estab Code of District Judiciary Khyber Pakhtunkhwa, regular promotion to the post of Senior Scale Stenographer (BPS-16) shall take place from amongst the Junior Scale Stenotypists having at least three-years' service as such on the basis of seniority-cum-fitness. So far claim of the petitioner to seniority on the basis of acting charge promotion is concerned, as per Part-II Rule-09 (06) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion &amp; Transfer) Rules, 1989, appointment on acting charge basis shall not confer any vested right to regular promotion to the post held on acting charge basis.</p>

5

**IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI**  
**AT BABER MELA**

Case Title: Kamil Hussain SSSG VS Muhammad Ateeq SSSG.

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Contin. Order No.03		<p>Moreover, while determining seniority in a cadre/service, Part-VI Rule 17 (b) of the ibid Rules clarify that seniority in case of appointment other than initial recruitment shall take effect with reference to the date of continuous regular appointment in the post.</p> <p>Sequel to the above, the petitioner being promoted on acting charge basis on 13.02.2021 cannot be held entitled for regular promotion (or counting of service) to the post held on acting charge basis. As the petitioner has been promoted on regular basis on 25.06.2022 upon completion of the required length of service, therefore his seniority shall be counted from the date of his continuous regular appointment i.e., 25-06-2023 on the post of Senior Scale Stenographer. Whereas, the Respondent being appointed through initial recruitment on 11-12-2022 stands senior to the Petitioner being appointed on regular basis to the post of Senior Scale Stenographer (BPS-16) on 25-06-2023. Resultantly, the petition in hand is dismissed being meritless. Copy of the order be placed on record. Consign.</p> <p><b><u>Pronounced:</u></b> 20.06.2023</p> <p style="text-align: right;"> <b>SHAUKAT AHMAD KHAN</b> District &amp; Sessions Judge Orakzai Baber Mela</p>

