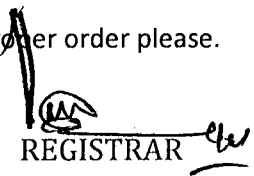

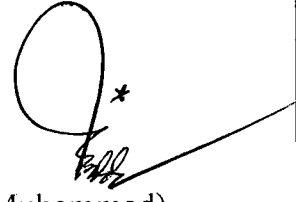


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 922/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/06/2022	<p>The appeal of Mr. Ghulam Hakeem resubmitted today by Mr. Muhammad Amin Khattak Lachi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20.6.22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>21.6.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.06.2022	<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 10.08.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

The appeal of Mr. Ghulam Hakeem son of Muhammad Zaman r/o Surbaat District and Tehsil Dir Upper received today i.e. on 08.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Check list is not attached with the appeal.
- 3- Chamber address and phone number of counsel has not been mentioned on index/wakalat nama.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures of the appeal may be attested.
- 6- Address of respondent no. 2 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Index of the appeal may be prepared according to the rules.
- 8- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 9- Copy of memo of appeal and judgment passed by this Tribunal mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 10- Judgment of Supreme Court and order dated 05/01.2021 are illegible which may be replaced by legible/better one.
- 11- Six more copies/sets of the appeal along with annexures i.e. compete in all respect may also be submitted with the appeal

No. 1323 /S.T,

Dt. 8-6 /2022



REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Amin Khattak Lachi Adv.

Sir,

Re-submitted objection after removed.

Dated 15/06/2022

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 922 /2022

Ghulam Hakeem. Appellant

Versus

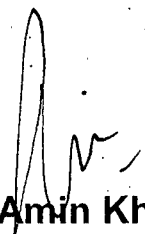
IGP, KP, Peshawar & others. Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-3
2.	Copy of Departmental Appeal with Registry Receipt		4-7
3.	Copy of Promotion Order dated 05.01.2022		8
4.	Copy of the Reversion/Demotion Order dated 05.01.2022		9
5.	Copy of the Order of Apex Supreme Court of Pakistan dated 12.11.2020		10-11
6.	Copy of Judgment of this Hon'ble Tribunal at Camp Court Swat dated 03.12.2019		12-15
7.	Copy of Service Appeal No.226 of 2018		16-18
8.	Wakalatnama		19

Appellant

Through


Muhammad Amin Khattak Lachi
Advocate Supreme Court
Cell: 0300-9151041

Dated: 15.06.2022

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Ghulam Hakeem S/o Muhammad Zaman R/o Surbaat District and tehsil Dir Upper.

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Case No. 207

Date 8/6/2022

1. Inspector General of police, Khyber PakhtunKhw Peshawar.
2. District police officer, Khyber PakhtunKhw Peshawar.
3. Mr. Bacha khan, Diver / Head Constable, Police lines Dir Upper
4. Regional police officer, Malakand Region, Saidu Sharif Swat.

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA TRIBUNAL
ACT.1974 AGAINST THE IMPUGNED ORDER DATED 05/01/2022 WHEREBY
HEAD CONSTABLE MR BACHA KHAN IS PROMOTED AS DRIVER ASSISTANT SUB
INSPECTOR IS UTTER VIOLATION OF LAW AND RULES AND AGAINST THE
JUDGMENT OF SUPREME COURT AS IN C.P 137 OF 2020 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN DECIDED WITHIN
90 DAYS.**

Respectfully Sheweth,

Filed-to-day

Registrar

1. That appellant was serving as driver assistant sub-inspector in upper Dir.
2. That appellant joined the post and performed his duty to the entire satisfaction of their superior and there was no complaint what so ever against the appellant by the defendant or anyone else.
3. That one Bacha Khan Head constable Number 236 of dir upper challenged appellant promotion order dated **11/03/2015** before the service tribunal and

the learned service tribunal through order dated **03/12/2019** allowed the appeal of Bacha khan through service appeal **No. 226 and 291 of 2018**.

4. That appellant being aggrieved from the judgment of learned service tribunal dated **03/12/2019** approach to the supreme court of Pakistan through **C.P 137 of 2020** who after hearing the argument observed **"Whether there exists any post of driver-constable or driver- ASI in the Police Rules"** and appellant appeal was dismissed.
5. That **Mr. Bacha khan** filed implementation order before service tribunal and on the basis execution petition/ implementation the department reverted the appellant to the head constable and Bacha khan was promoted as assistant sub inspector instead of appellant.
6. That the appellant being seriously aggrieved through order dated **05/01/2022** filed departmental appeal on dated **08/02/2022** which is not responded by competent authority but said departmental appeal has been lost his value after expiration of his 90 days, hence feeling aggrieved filling instant appeal before this honorable service tribunal on the following grounds inter alia

GROUND.

1. That impugned order dated **05/01/2022** No **117-18/E** dated **05/01/2022** regarding Bacha khan promotion is totally illegal and against the law is liable to be struck down.

2. **That** impugned order dated 05/01/2022 No 117-13/E **is also** illegal against law and fact is liable to be set-aside.
3. **That** Supreme court upheld that in appeal No CP.137 of 2020 of appellant that there is no post of ASI driver and on the basis of Said observation the appellant is reverted to the Heard constable from Driver-constable or driver ASI then how Bacha khan is promoted to the post of driver- ASI or Driver- constable which is highly injustice against the Supreme court observation and the promotion of Bacha khan is liable to be reverted.
4. **That the** reversion of appellant is also against the law and facts and liable to be struck up.
5. **That the** reversion of appellant is also against the article 25 of the constitution of Pakistan who says that "**all citizens are equal before law and are entitled to equal protection of law**".

It is, therefore, most humbly prayed that on the acceptance of instant appeal the impugned orders dated 05/01/2021 No 312/E and order dated 05/01/2022 No 117-18/E may be declared illegal and against law as prayed for.

Through

Appellant

Muhammad Amin Khattak Lachi
Advocate Supreme Court

4

To

The inspector General of Police
KPK Peshawar

Subject;

DEPARTMENTAL APPEAL AGAINST
ORDER DATED 05/01/2022 WHEREBY
HEAD CONSTABLE MR BACHA KHAN IS
PROMOTED AS DRIVER ASSISTANT SUB
INSPECTOR.

Respectfully Sheweth,

1. That appellant was serving as driver assistant sub-inspector in upper Dir.
2. That appellant joined the post and performed his duty to the entire satisfaction of their superior and there was no complaint what so ever against the appellant by the defendant or anyone ale.
3. That one Bacha Khan Head constable Number 236 of dir upper challenged appellant promotion order dated 11/03/2015 before the service tribunal and the learned

ATTEST

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service tribunal through order dated 03/12/2019 allowed the appeal of Bacha khan through service appeal No. 226 and 291 of 2018.

4. That appellant being aggrieved from the judgment of learned service tribunal dated 03/12/2019 approach to the supreme court of Pakistan through C.P 137 of 2020 who after hearing the argument observed **“Whether there exists any post of driver-constable or driver-ASI in the Police Rules”** and appellant appeal was dismissed with observation.

5. That Mr. Bacha khan filed implementation order before service tribunal and on the basis execution petition/ implementation the department reverted the appellant to the head constable and Bacha khan was promoted as assistant sub inspector instead of appellant.

6. That the appellant being seriously aggrieved through order dated 05/01/2022 filed this departmental appeal on the following grounds inter alia

GROUND:


ATTESTED

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1. **That** impugned order dated 05/01/2022 No 117-18/E dated 05/01/2022 regarding Bacha khan promotion is totally illegal and against the law is liable to be struck down.
2. **That** impugned order dated 05/01/2022 No 117-18/E is also illegal against law and fact is liable to be set-aside.
3. **That** Supreme court upheld that in appeal No CP.137 of 2020 of appellant that there is no post of ASI driver and on the basis of Said observation the appellant is reverted to the Heard constable from Driver-constable or driver ASI then how Bacha khan is promoted to the post of driver- ASI or Driver- constable which is highly injustice against the Supreme court observation and the promotion of Bacha khan is liable to be reverted.
4. **That the** reversion of appellant is also against the law and facts and liable to be struck up.

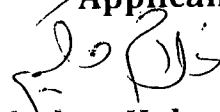

ATTESTED

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5. That the reversion of appellant is also against the article 25 of the constitution of Pakistan who says that "all citizens are equal before law and are entitled to equal protection of law".

It is, therefore, most humbly prayed that on the acceptance of instant application the impugned orders dated 05/01/2021 No 312/E and order dated 05/01/2022 No 117-18/E may be declared illegal and against law as prayed for.

Applicant



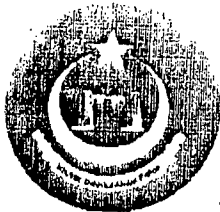
Ghulam Hakeem

S/o Muhammad Zaman
R/o Surbaat District
and tehsil Dir Upper.

Mobile No,
03137577575



ATTESTED



8

**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
/SAIDU SHARIF SWAT.**

Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com

ORDER:

In compliance of the Service Tribunal, Khyber Pakhtunkhwa Peshawar, Order Sheet dated 22/06/2021, Writ Petition No. 45/2020 in appeal No. 226/2018, Driver Head Constable Bacha Khan No. 236 of Dir Upper District is hereby promoted as Driver Assistant Sub-Inspector against the existing vacancy of Driver ASI in Dir Upper District, with effect from 06/01/2021.

OFFICE OF THE DPO
By 107
Date 10-01-2022
UPPER DIR

Z. Asghar
ZEE SHAN ASGHAR (PSP)
Regional Police Officer,
Malakand Region, Saidu Sharif Swat
S. Naqvi

No. 117-18 /E,

Dated: 05-01- /2022.

Copy of above for information and necessary action to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar with reference to CPO Peshawar Memo: No. 6679-80/Legal. dated 30/07/2021
2. District Police Officer, Dir Upper with reference to his office Memo: No. 7376/EB, dated 30/12/2021.

OB/80/2022
to information
A. Naqvi

A. Naqvi

DPO Upper
10-01-2022

ATTESTED

OB No. 11
11-01-2022



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No: 0946-9240390
E-mail: dpo@malakand@yahoo.com

ORDER:

In compliance of Service Tribunal, Khyber Pakhtunkhwa, Peshawar, judgment dated 03/12/2019 and August Supreme Court of Pakistan, judgment dated 25/11/2020, Driver ASI Ghulam Hakim of Dir Upper District is hereby struck downed / reverted to the rank of Driver Head Constable with immediate effect.

OFFICE OF THE DPO
Dy: 87
Date 6-1-2021
UPPER DIR.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat

No. 312 /E,

Dated 05-01-2021

Copy of above for information and necessary action to District Police Officer, Dir Upper with reference to his office Endsl: No. 6681-83/E dated 23/12/2020.

OB Noe 10

06-01-2021

OB/EL

For info

Official
06/11

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97/20

17351

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Munib Akhtar

6 CIVIL PETITIONS NO.137, 138 AND 91-P & 92-P OF 2020

[Against the judgment dated 03.12.2019, passed by the Khyber Pakhtukhwa Service Tribunal, Peshawar in Service Appeals No.226 and 291 of 2018]

CP.137 of 2020 Ghulam Hakim Vs. Inspector General of Police, KP, Peshawar and others
CP.138 of 2020 Nasib Ullah, Driver Head Constable Vs. I.G. KP etc.
CP.91-P of 2020 Provincial Police Officer, KP, Peshawar and others Vs. Bacha Khan and another
CP.92-P of 2020 Provincial Police Officer, KP, Peshawar and others Vs. Zahir-ur-Rehman and others

For the Petitioner(s) : Mian Shafaqat Jan, ASC
(in CPs No.137-138) Syed Rifaqat Hussain Shah, AOR
For the Petitioner (s) : Mr. Zahid Yousaf Qureshi, Additional
(in CPs No.91-92-P) Advocate General, KP
For the Respondent (s) : N.R.
Date of Hearing : 12.11.2020

ORDER

GULZAR AHMED, C.J.- We have heard the learned counsel for the petitioners (petitioners in CPs No.137 & 138 and respondents No.2 in CPs No.91 & 92-P) so also the learned Additional Advocate General, KP (for official respondent in CPs No.137 & 138 and petitioners in CPs No.91 & 92-P).

2. The learned counsel for the petitioners was asked to show whether there exist any post of Driver-Constable or Driver-ASI in the Police Rules. He states that he is not familiar with the same. He also

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ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

(11)

does not have any material or Rules with him to show us that any such post exists in the Police Rules.

3. Learned Additional Advocate General, KP states that no such post exists in the Police Rules.

4. This being the position on the record, we find that there is no illegality in the impugned judgment dated 03.12.2019; the same is, therefore, maintained. Even otherwise, no substantial question of law of public importance in terms of Article 212(3) of the Constitution is raised. The petitions are, therefore, dismissed and leave refused.

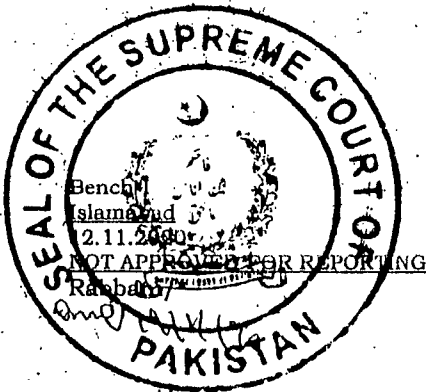
Sd/H CJ

Sd/J

Sd/J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



SR No: 17351/20 Civil/Criminal

Date of Presentation: 12.11.20

No of Words: 600

No of Folios: 6

Requisition Fee Rs: 5.00

Copy Fee In: 3.72

Court Fee Stamps: 8.72

Date of Completion of Copy: 2/11/20

Date of Delivery of Copy: 2/11/20

Compared by/Prepared by: [Signature]

Received by: _____

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ATTESTED

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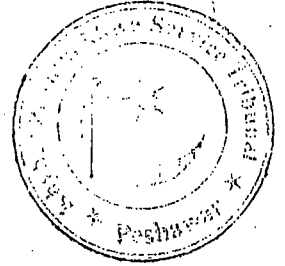
ISSUE 12.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 226/2018

Date of Institution ... 16.02.2018

Date of Decision ... 03.12.2019



Bacha Khan, Driver/Head Constable, Police Lines, Dir Upper.
... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and three others.
... (Respondents)

MR. SHAAZULLAH KHAN, Advocate	---	For appellant.
MR. M. RIAZ KHAN PAINDAKHEL, Assistant Advocate General	---	For respondents
Mr. MUHAMMAD KAMRAN KHAN Advocate	---	For respondents no.4.
MR. AHMAD HASSAN, MR. MUHAMMAD HAMID MUGHAL	---	MEMBER(Executive) MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS:

02. Learned counsel for the appellant argued that he was appointed as Driver Constable vide order dated 16.08.1982. That while in service, he cleared requisite course for promotion as Head Driver and got promoted as Head Driver to the said post vide order dated 29.12.2014. That the respondents issued seniority list of Head Constable Drivers of District Dir in which the name of the appellant was missing. On the other hand, the respondents on the basis of disputed seniority list promoted

ATTESTED

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private respondent no.4 to the rank of Driver ASI through impugned order dated 11.03.2015. The said order was upon his request was communicated to him on 19.10.2017. Feeling aggrieved, he filed departmental appeal on 20.10.2017 which remained unanswered, hence, the present service appeal. He further argued that he was appointed as Constable on 15.07.1982 whereas private respondent no.4 was appointed as Constable on 09.03.1999. Moreover, the said respondents appointment was made as Constable but the word "Driver" was inserted later on through fraud/forgery. His promotion as Head Constable was also not made on the recommendation of DPC and fell in the ambit of out of turn promotion. His adjustment as Driver Head Constable (BPS-07) vide order dated 22.04.2008 was also illegal.

03. Learned counsel for private respondent no.4 argued that private respondent no.4 was appointed as Driver Constable on 09.03.1999 and promoted as Head Constable vide order dated 09.12.2004 and confirmed as Head Constable on 22.04.2008. On the other hand, the appellant was appointed as general duty Constable on 16.08.1982 and later on transferred to Telecommunication Wing on 19.05.1999 and promoted to the rank of Head Constable vide order dated 29.12.2014, therefore, the private respondent was senior and rightly promoted through order dated 11.03.2015. He also raised the issue of limitation that the present appeal was barred by time.

04. Learned Assistant Advocate General relied on arguments advanced by the learned counsel for private respondent no.4.

ATTESTED

ATTESTED

CONCLUSION:

05. As regards the issue of limitation raised by the learned counsel for private respondent no.4 was concerned, as the appellant was never considered for promotion so how could he get knowledge of the same? The plea taken by the appellant that he came to know about the said order on 19.10.2017 and filed departmental appeal on 20.10.2017 appeared to be convincing. This plea of the appellant has not been repelled by the respondents and it gives credence that his stance was not only correct but had the support of relevant documents. Moreover, issues relating to promotion, confirmation and seniority are not hit by limitation as held by superior court in numerous judgments. In addition to this it is against the principles of substantive justice to deprive a civil servant of his due right just on the strength of technicalities. In this case illegalities, favoritism and arbitrary acts of the respondents have been proved beyond any shadow of doubt, therefore, the appellant has every right to be treated according to merit.

06. The respondents have no disputed the fact that the appellant was appointed as Constable vide order dated 16.08.1982 and was promoted to the rank of Head Constable vide order dated 29.12.2014. On the other hand private respondent no.4 was appointed as Driver Constable on 09.03.1999. It is clarified that perusal of his appointment order clearly indicates that the word "Driver" was inserted later on through fraudulent means/forgery. So far as his promotion as Head Constable made vide order dated 09.12.2004 was concerned, the same was made on out of turn basis which had been held to be illegal by the apex court and this Tribunal in numerous judgments. Score of employees of the Police Department were demoted on the strength of these judgments thus the said order was patently illegal and void. His order as Head Constable dated 22.04.2008 was also without legal backing. The respondents have not indicated whether he had undergone relevant course before

ATTEST
 JUDGE
 State Tribunal
 Patna

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 ATTEST

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promotion to the higher rank? Furthermore, order of his confirmation was also not produced by the respondents and in these circumstance, we believe that he was never confirmed in the relevant ^{rank}, then how proper place in order of seniority was assigned to the private respondent? Resultantly promotion order of private respondent no.4 was illegal and void ab-inito and required to be struck down.

07. As a sequel to the above, the appeal is accepted, the impugned order dated 11.03.2015 are set aside and the respondents are directed to consider the case of promotion of the appellant from the due date. Parties are left to bear their own costs.

File be consigned to the record room.

(AHMAD HASSAN)
Member
Camp court Swat

(MUHAMMAD HAMID MUGHAL)
Member

ANNOUNCED
03.12.2019

Certified copy

Khairullah Khawaja
Secretary
Peshawar

Date of Issuance 27-12-19
Number of Pages 1600
Copy of 18-00
Wages 4-00
Total 22-00
Name of
Date of 27-12-19
Date of Delivery of 27-12-19

ATTESTED

16

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 226 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 234

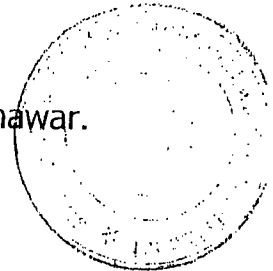
Dated 16/2/2018

Bacha Khan
Mr., Driver/ Head Constable,
Police Lines Dir Upper.....

APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3- The District Police Officer, Dir Upper.
- 4- Mr. Ghulam Hakim, Assistant Sub Inspector/Driver No.313,
Police Lines, Dir Upper.



.....**RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 11.3.2015
COMMUNICATED TO THE APPELLANT ON 19-10-2017
WHEREBY THE PRIVATE RESPONDENT NO. 4 BEING
JUNIOR TO THE APPELLANT HAS BEEN PROMOTED TO
THE RANK OF ASI DRIVER WHILE THE APPELLANT WAS
IGNORED & AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STIPULATED PERIOD OF 90 DAYS**

PRAYER:

Filed to-day
Registered
16/2/18

That, on acceptance of this appeal the impugned order dated 11.3.2015 may very kindly be set aside and the respondents may be directed to consider the appellant for promotion to the rank of assistant Sub Inspector Driver w.e.f. the date when his junior was promoted i.e. 11.3.2015 with all consequential back benefits including seniority. Any other remedy which this Honourable Tribunal deems appropriate may also be awarded in favour of the appellant.

**R/SHEWETH:
ON FACTS:**

ATTESTED

ATTESTED

**Brief facts giving raise to the instant appeal are as
under:**

[Signature]
Secretary
Service Tribunal,
Peshawar

That appellant was appointed as Driver Constable in the respondent Department vide order dated 16.8.1982. That right from appointment till date the appellant is serving the Department quite efficiently, whole heartedly and up to the entire satisfaction of his high ups.

- 2. That during service the appellant has undergone through all the requisite courses and was thus promoted to the Rank of driver Head constable vide order dated 29.12.2014 on the proper recommendation of Departmental promotion committee. Copies of the relevant record and promotion order are attached as annexure **A and B.**
- 3. That appellant during service as Head Constable Driver, the respondents issued seniority list of Head Constables driver of District Dir (Upper). That according to the said seniority list the name of the appellant was totally ignored by the respondents though the appellant was entitled to be ranked at the top of the seniority list. That feeling aggrieved the appellant knocked the door of the appellate authority for fixation of his seniority and as such the same was revised by enlisting the name of the appellant at serial No.1 of the seniority list. Copies of Seniority Lists are attached as annexure **C and D.**
- 4. That astonishingly the respondent Department on the previous disputed seniority list promoted the private respondent No.4 to the rank of Driver ASI vide impugned order dated 11.3.2015. Copy of the impugned order is attached as annexure **E.**
- 5. That the said impugned order dated 11.3.2015 was communicated to the appellant on his request vide dated 19-10-2017, that feeling aggrieved the appellant preferred Departmental Appeal on 20-10-2017, but till date no reply has been received. Copy of the Departmental Appeal is attached as annexure **F.**
- 6. Hence the instant appeal on the following grounds amongst the others.

GROUND:

- A. That the impugned order dated 11.3.2015 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B. That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. That the respondent Department acted in arbitrary and malafide manner by not promoting the appellant to the rank of ASI Driver inspite of eligibility and seniority.
- D. That promotion of the private respondent to the posts of ASI Driver is against the law and material facts hence not tenable in the eye of law and liable to be set aside.

ATTESTED

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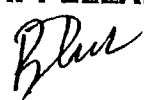
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ATTESTED

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- E. That the respondents inspite of knowing the fact that the seniority list is disputed and has challenged by the appellant before the appellate authority issued the impugned promotion order dated 11.3.2015 whereby the private respondent was promoted to the Rank of Driver ASI while the appellant was ignored.
- F. That the impugned order is violative of section 9 of the Civil servant Act read with rule 7 of the Appointment, promotion and transfer Rules 1989.
- G. That not considering the appellant for promotion to the rank of ASI Driver the respondents acted in discriminatory manner.
- H. That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT



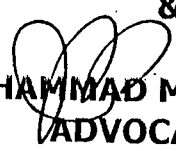
BACHA KHAN

THROUGH:




NOOR MOHAMMAD KHATTAK

&



**MUHAMMAD MAAZ MADNI
ADVOCATES**

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



ATTESTED

(19)

WAKALATNAMA

BEFORE THE HON'BLE SERVICE TRIBUNAL PESH.

FIR No. _____

Dated: _____

U/S: _____

P.S: _____

Ghulam Hakeem

(Petitioners)

(Plaintiff)

(Applicant)

(Complainant)

VERSUS

(Appellant)

(Decree Holder)

Inspector General of Police & others.

(Respondents)

(Defendants)

(Accused)

(Judgment Debtor)

I/We, Ghulam Hakeem s/o Muhammad Zeeman
in the above noted _____, do

hereby appoint and constitute, **Muhammad Amin Khattak Lachi ASC** Advocate High Court Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration to me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/Counsel at my/our matter.

ACCEPTED

Muhammad Amin Khattak Lachi.
Advocate,
Supreme Court of Pakistan.

CLIENT(S)

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Syed Faisal Rehman
Advocate High Court
Peshawar