

26th July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Touheed Iqbal, Asst: Director for respondents present.

Representative of the respondents seeks time for submission of implementation report. Respondents are directed to implement the judgment and submit implementation report on the next date positively. To come up for implementation report on 20.09.2022 before S.B.

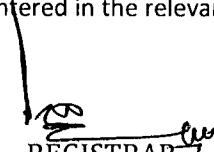




(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 302/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.05.2022	<p>The execution petition of Mr. Muhammad Hussain submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This execution petition be put up before Single Bench at Peshawar on <u>02-06-2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>2nd June, 2022</p> <p>None for the petitioner present. Kabirullah Khattak, Addl: AG for respondents present.</p> <p>Notices be issued to the respondents for submission of implementation report. To come up for implementation report on 26.07.2022 before S.B. Original file be also requisitioned.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Implementation Petition No 302/2022

In

Service Appeal No 412/2020

Muhammad Hussain.....Petitioner

V E R S U S

Govt. and others.....Respondents

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Dated:-23-05-2022

Through


Petitioner/Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Implementation Petition No 302/2022
In
Service Appeal No 412/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 639

Dated 23/5/2022

Muhammad Hussain, Ex Director General Research, Out Reach,
Agriculture Research System, House No 513, ~~Street~~ No 20, Sector F-
5, Phase 6, Hayatabad, Peshawar.....**Petitioner**

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary, Agriculture, Live Stock & Cooperative department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Govt. of Khyber Pakhtunkhwa Establishment department, Peshawar.
4. Director General, Agriculture Research System, Govt. of Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

**IMPLEMENTATION PETITION UNDER SECTION 7 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
FOR THE IMPLEMENTATION OF JUDGMENT/ORDER
DATED 28-01-2022 PASSED BY THIS HONORABLE
TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.**

Respectfully Submitted:-

1. That the Petitioner/appellant earlier filed Service Appeal No 412/2020, before this honorable Tribunal for his proforma promotion to BPS-19 and BPS-20 from the date on which his juniors were promoted, which was accepted and the appellant was held entitled to proforma promotion to BPS-19 and BPS-20 with effect from 20-02-2002 and 06-02-2006 with all back benefits of pay and pension vide Order/Judgment dated 28-01-2022. **(Copy of the Order/Judgment dated 28-10-2022 is enclosed as Annexure A).**
2. That the Petitioner/appellant after obtaining attested copy of the stated Order/Judgment of this honorable Tribunal approached respondents by conveying the same through written application which was duly forwarded but even then the appellant is not treated as per the Judgment ibid of this honorable Tribunal. **(Copy of application dated 17-03-2022 is enclosed as Annexure B).**

3. That the respondents are not ready to implement the Order/Judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Order dated 28-01-2022 of this honorable Tribunal.
4. That noncompliance of the order of this honorable Tribunal, speaks malafide on part of the respondents and they are bent upon to lower the position of the judiciary in the eyes of the public at large.

It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order of this honorable Tribunal dated 28-01-2022 passed in Service Appeal No 412/2020.

Dated:-23-05-2022

Through

bilium
Petitioner/Appellant

and

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

AFFIDAVIT

I, Muhammad Hussain, Ex Director General Research, Out Reach, Agriculture Research System, House No 513, ~~Street~~ No. 20, Sector F-5, Phase 6, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

bilium
DEPONENT

1/1
23/5/22

-3- "A"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 412/2020

Date of Institution ... 13.01.2020

Date of Decision ... 28.01.2022



Mr. Muhammad Hussain Ex-Director General Research, Out Reach, Agriculture Research System, House No. 513, Street No. 20, Sector, F-5, Phase-6 Hayatabad, Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others. ... (Respondents)

Fazal Shah Mohmand,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

AHMAD SULTAN TAREEN ...
ATIQ-UR-REHMAN WAZIR ...


CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

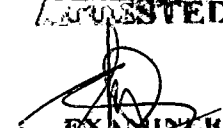
that the appellant was initially appointed as research assistant BPS-16 vide order dated 01-02-1976, which was re-designated/upgraded to Research Officer BPS-17 vide order dated 01-05-1977, thereafter the appellant was promoted to the post of Senior Research Officer/Food Technologist BPS-18 vide order dated 09-08-2001 and lastly promoted against the post of director BPS-19 vide order dated 24-08-2010. After serving for almost 36 years, the appellant stood retired on attaining the age of superannuation on 21-10-2011. During the course of his service, the appellant was aggrieved of his promotions on the basis of separate seniority list,

APPOINTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

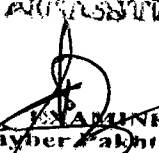
which was detrimental to his interest, hence the appellant as well as his other colleagues filed an appeal in this Tribunal vide Service Appeal No. 1146/2011, which was decided in favor of the appellants vide judgment dated 17-07-2012, against which the respondents called in question the judgment ibid before the apex court in CPs, which were dismissed vide consolidated judgment dated 20-06-2013. Case of the appellant was processed at some length by the respondents but delayed its implementation, hence the appellant filed Execution Petition No. 17/2013 before this Tribunal, which was dismissed on 01-03-2016, against which the appellant filed Civil Petition No. 1277/2016 in the august Supreme Court of Pakistan, which was dismissed vide judgment dated 16-04-2019, however the appellant was permitted to agitate his grievance at relevant forum, with respect to the joint seniority list of Senior Research Officer BPS-18 on the basis of which they have subsequently earned promotion to BPS-19 and BPS-20. It was further held that in view of judgment of Peshawar High Court dated 20-05-2004 and decision in case titled Dilrosh and Tasleem Jan, a joint seniority list of the officers in BPS-18 may be framed. In pursuance, the appellant filed departmental appeal on 23-08-2019 for the purpose of correction/fixation of seniority with proforma promotion to BPS-19 and 20 with effect from 20-02-2002 and 06-02-2006 respectively with all back benefits, but the same was rejected vide order dated 25-11-2019 communicated to the appellant on 19-12-2019, hence the instant service appeal with prayers that the impugned appellate order dated 25-11-2019 may be set aside and the appellant may be allowed correction/fixation of seniority with proforma promotion to BPS-19 and 20 with effect from 20-02-2002 and 06-02-2006 respectively, when juniors to him were promoted to BPS-19 and 20 with all back benefits of pay and pension.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, rule and policy on the subject and acted

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 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

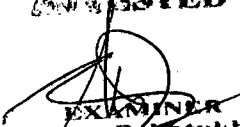
in violation of Article-4 of the Constitution; that departmental appeal of the appellant was unlawfully rejected vide impugned order dated 25-11-2019 without assigning any reason and refused to grant proforma promotion alongwith pensionary benefits, which is unjust, unfair, hence not sustainable in the eye of law; that the practice of separate seniority list were declared against Section-8 of Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 by the honorable Peshawar High Court vide judgment dated 20-02-2004, which was maintained by the apex court, therefore respondents were required to prepare a joint seniority list amongst the employees of the same department from the date of their initial appointment but they failed to do so and failed to comply with judgments ibid; that one Mr. Muhammad Rahim junior to the appellant was promoted to BPS19 on 20-02-2002 and further promoted to BPS-20 on 06-02-2006 and got retired from service in BPS-20 on 19-04-2010, thus the appellant also deserve to be treated accordingly.

03. Learned Deputy District Attorney for the respondents has contended that initially the seniority of BPS-17 was maintained in the respective functional groups, while the seniority of BPS-18 officers was jointly prepared as per order of this Tribunal and promotion to BPS-19 was generally made on the basis of such joint seniority, hence the appellant has availed all the benefits available in the 1981 Rules i.e. he has properly been promoted from BPS-17 to 18 and afterwards he was promoted to BPS-19; that following his seniority of post, his promotion was made according to his status in seniority list and he was not deprived at any stage, hence the question of grievance of the appellant does not arise; that the department thoroughly examined his appeal and observed that the appeal was not based on factual grounds and was misconceived, therefore, the competent authority rejected his appeal. Similarly, his stance was dismissed by all the honorable courts, hence his appeal being devoid of merit may be dismissed.

ATTESTED

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04. We have heard learned counsel for the parties and have perused the record.

05. In order to understand the issue in hand, it would be appropriate to have a look of the background of the case. Initially services of the employees of the Agriculture Research were governed by general rules applicable to civil servants in Khyber Pakhtunkhwa. These rules were replaced by the Khyber Pakhtunkhwa Agriculture Department (Recruitment & Appointment) Rules, 1981 and vide notification dated 02-02-2008; some amendments were made in 1981 rules, introducing certain changes in the method of recruitment for various posts in the agriculture research wing. These rules do carry Schedule-II wherein subject groups were provided. These groups were practically followed by recruiting the officials having qualification of the same subject nor they provide for a separate cadre but separate seniority was awarded to the officers of each separate subject group. These groups were optional and any officer having bachelor degree or above in any agriculture related subjects can enter into any group. The officers in functional groups consisting of smaller number of officers/officials were getting rapid promotion than the officers/officials who happened to fall in larger groups. In order to remove the anomaly, the Director General Agriculture Research Office, addressed a letter to Secretary Agriculture, wherein he requested for abolition of schedule-II from the rules of 1981. Simultaneously, the appellant also filed Writ Petition No. 42/2011, which was disposed of vide judgment dated 15-02-2011 and was treated as representation before the departmental authority, which however was rejected by the departmental appellate authority vide order dated 13-05-2011, hence the appellant filed service appeal No. 1146/2011, which was decided in favor of the appellant vide judgment dated 17-07-2012. Operative part of the judgment is reproduced as under:

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"The Tribunal observes that groups constituted are meant for efficient working and are not separate cadres, the groups are not subject related and does not have specific criteria/requirement and are optional. The matter of seniority of civil servants is regulated under Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and Section-17(amended) of the Khyber Pakhtunkhwa (appointment, promotion & transfer) Rules, 1989, according to which the inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of initial regular appointment/promotion of the civil servants in the lower post. Vide judgment dated 20-05-2004, the honorable Peshawar High Court accepted writ petition No 81/2002, No4337/2002 and 279/2007 set aside the impugned orders with direction to respondents departments to prepare a fresh joint list of senior research officers irrespective of their functional groups and seniority within the group and to undertake fresh process for filling of posts in question strictly in accordance with the Khyber Pakhtunkhwa Agriculture Department (recruitment and appointment) Rules, 1981 with reference to Schedule-I for the appointment of Director/Coordinator Agriculture Research. The decision of S&GAD in the case of M/S Dilrosh and Tasleem Jan also supports appellants case. The tribunal in view of the above accepts the appeal to this extent, whereas in case prescribing specific qualifications for BPS-18 (PhD in this case) is the prerogative of the government as it deems fit for initial recruitment."

Stance of the appellant to the extent of joint seniority list based on initial entry into service was accepted by this tribunal in the above-mentioned judgment, but the said judgment was read and understood as if it was decided to determine seniority after BPS-18 and this was the reason of denial of the respondents, as they were ready to calculate his seniority after his promotion to BPS-18 but the appellant was stressing on determination of seniority from the date of entry into service, which was required to be considered from BPS-17 and such confusion

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resulted into delay in delivering justice to the appellant. The fact remains that seniority determined in BPS-17 or 18 would yield equal result, once the determination is based on first entry into service. A careful perusal of the judgment dated 17-07-2012 would reveal that the said judgment relied upon another judgment dated 20-05-2004 of the Peshawar High Court Peshawar in writ petition No. 81/2002, No. 4337/2002 and 279/2007, where the appellants were senior research officer in BPS-18 and were contending for joint seniority list, hence their story was narrated in operative part of the judgment, which in the first glance would mislead one to the effect that determination of seniority was allowed after BPS-18, but in essence, the case of appellant was allowed seniority on the analogy of case in Writ Petition No. 81-2002, where a riddle was resolved and a principle was established that seniority would be determined from the date of first entry into service, irrespective of the fact that junior individuals promoted to BPS-18 rapidly due to small functional groups or those who were otherwise senior but were promoted in later times due to larger functional groups and the respondents were directed to draw a fresh seniority list even in BPS-18 on the basis of first entry into service, hence this tribunal in judgment dated 17-07-2012 accepted the stance of the appellant on the above terms, but due to non-clarity in the said judgment, the Supreme Court of Pakistan in Civil Petition No. 1418 to 1420/2016 and 1277/2016 may have considered the judgment dated 17-07-2012 as having the effect that relief of determination of seniority from the date of first entry into service was not granted by the Tribunal. It is once again reiterated that judgment dated 20-05-2004 of Peshawar High Court is very clear upon determination of seniority, which is on the basis of first entry into service and this tribunal vide judgment dated 17-07-2012 followed suit by accepting stance of the appellant on the analogy of verdict pronounced in judgment dated 20-05-2004. In other words, the appellant was allowed determination of seniority based on his first entry into

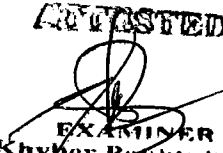
ATTESTED


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Service Tribunal
Peshawar

service irrespective of the fact as to whether it could be counted in BPS-17 or 18, which was not given to him due to ambiguous judgment dated 17-07-2012 of this Tribunal.

06. The respondents however challenged the judgment dated 17-07-2012 in the august Supreme Court of Pakistan vide civil petition No 517-P, 551-P, 560-P/2012 and 107-P/2013, which was dismissed vide judgment dated 20-06-2013 on the ground that respondents informed that directions were given by service Tribunal for the joint seniority list of senior research officers BPS-18, which the department has already been doing, the direction however, were not only for joint seniority list, but also for determination of seniority from the date of entry into service. The respondents did not properly assist the Supreme Court of Pakistan and submitted wrong information based on wrong interpretation of judgment dated 17-07-2012. Anyway, after dismissal of the case of respondents in the august Supreme Court of Pakistan, the appellant repeatedly requested for implementation of the judgment dated 17-07-2012 to correct the seniority position of the appellant in accordance with his first entry into service and to grant him promotion accordingly. Since the appellant retired from service on attaining the age of superannuation on 21-10-2011, hence he requested for proforma promotion to BPS-19 and 20 in accordance with his seniority position to be corrected as per verdict of the judgment *ibid*, but the respondents never bothered to give proper attention to the case of the appellant and his vested rights were disturbed in a manner unwarranted and in sheer disregard of law and rule, hence the appellant filed execution petition No17/2013, which was decided vide judgment dated 01-03-2016. The execution petition was rejected on strange grounds, gist of which is reproduced as under:


"that since the respondents while taking functional groups as separate cadres for sufficient long time, had been maintaining

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separate seniority lists and on its basis had also been promoting officers accordingly, which was not challenged or objected to at the relevant times in the past, hence the instant contention that joint seniority list may be made from the date of appointment irrespective of such promotion to higher scale from time to time made on the basis of seniority lists based on functional groups and which practice continued for sufficient long time, cannot be accepted as the same would mean giving retrospective effect to judgment of this tribunal dated 17-07-2012. Secondly those promotions were not questioned at the relevant time and thus have got finality under the principle of locus poenitentiae."

Rejection of the Execution Petition on such grounds in fact was negation of judgment dated 17-07-2012, as the appellant agitated the issue from the very start and judgment dated 17-07-2012 is very clear about joint seniority lists and determination of seniority under the rules mentioned above and it was mandatory upon the tribunal to implement its decision accordingly, but in execution petition, instead of implementation of its own judgment, the Tribunal delivered another judgment over-looking the provisions contained in Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and Section-17(amended) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989, which were already in field and the Tribunal only emphasized its implementation in the said judgment, hence the question of its retrospective application does not arise, as the relevant provisions contained in the rules ibid regarding determination of seniority were already in field. The appellant in the execution petition was requesting for proforma promotion, which in no case was supposed to affect the already made promotions. This Tribunal erred in understanding the issue properly, which compelled the appellant to challenge the judgment delivered in Execution Petition in the august Supreme Court of Pakistan in Civil Petition No. 1418 to 1420/2016 and 1277/2016, which was decided vide judgment dated 16-04-2019. The august Supreme Court of Pakistan also noticed non-clarity in the judgment of service

NOTICED

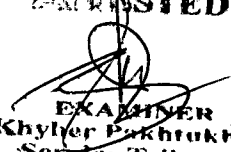

**Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar**

tribunal dated 17-02-2012. The petitions however, were rejected but an edge was left for the appellant to approach the competent forum specifically for determination of seniority from the date of entry into service. In a manner, request of the appellant was impliedly acceded to, but was dismissed for letting the appellants to seek relief from the relevant legal forum. Operative part of the judgment is reproduced as under:

"In the instant matter, the same issue was raised in 2011 before the learned tribunal. By this time, separate seniority lists of different subject groups in BPS-17 had been in vogue and these formed the basis for the purpose of promotions to posts in BPS-18. Presently, the learned counsel for the petitioners seek that the fixation of seniority of the petitioners and their colleagues, many of whom have been retired from service, should be fixed from 1980 onwards when they first got appointed in BPS-17 as research officers. That relief was not granted by the learned Tribunal in its judgment dated 17-07-2012 and in any event pertains to matters which are past and closed. If the petitioners have any grievance with respect to the joint seniority list on the basis of which they have subsequently earned promotions to BPS-19, they may approach the competent forum specifically for such relief."

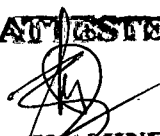
In pursuance of the judgment of Supreme Court as mentioned above, the appellant again filed departmental appeal on 23-08-2019 for the purpose of correction/fixation of seniority with proforma promotion to BPS-19 and 20 with effect from 20-02-2002 and 06-02-2006 respectively when junior to him were promoted from BPS-18 to 19 and further promoted to BPS-20 with all back benefits of pay and pension but the same was rejected vide impugned appellate order dated 25-11-2019, hence the appellant approached this tribunal again for the issue, which was not properly appreciated thoroughly.

07. What we have observed is that the issue of the appellant was very simple. He sought determination of seniority based on Section-8 of Civil Servant Act, 1973

EXAMINED

EXAMINER
(Chyler Pakhtkhwa
Service Tribunal
Peshawar

read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, according to which seniority is determined from the date of initial appointment to that post and this point was decided by this tribunal vide judgment dated 17-07-2012. The appellant was discriminated to the effect that separate seniority lists were prepared by the respondents on the basis of functional groups, where such employees, who by virtue of their late entry into service were junior to the appellant, but due to separate seniority list, were promoted earlier than the appellant, which aggrieved the appellant and for which the appellant contested his case before various forums but he did not succeed in clarifying his stance. One of the example before us is Mr. Muhammad Rahim, who entered service on 23-09-1976 on the same post, whereas the appellant entered the same post on 01-02-1976, but due to separate seniority on the basis of functional groups, Mr. Muhammad Rahim was promoted to BPS-18 on 28-12-1986 on the basis of separate seniority list, whereas the appellant was promoted to BPS-18 on 09.08.2001 and such separate seniority list was later on declared unlawful by this Tribunal vide judgment dated 17-07-2012. Had the department maintained the joint seniority list amongst the employee from the dates of their initial appointment in BPS-17 as per seniority rules ibid, then the appellant would have been promoted to BPS-18 prior to Mr. Muhammad Rahim, who was promoted to BPS-19 on 20-02-2002 and to BPS-20 on 06-02-2006, hence the appellant was required to be promoted prior to Mr. Muhammad Rahim, but the appellant was unlawfully deprived of his lawful right of promotion and for which he contested his case for quite longer time. now the appellant is requesting for proforma promotion from the dates his juniors were promoted, which is a just and logical request.

08. In view of the foregoing discussion, the instant appeal is accepted. The impugned appellate order dated 25-11-2019 is set aside and correction/fixation of seniority is allowed under Section-8 of Civil Servant Act, 1973 read with Rule-17 of


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
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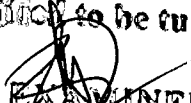
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Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, according to which seniority is determined from the date of initial appointment to that post and this point was already decided by this tribunal vide judgment dated 17-07-2012 and Peshawar High Court vide judgment dated 20-05-2004. Record would suggest that the appellant was senior to Mr. Muhammad Rahim, who was promoted earlier due to wrong seniority list. Accordingly, the appellant is held entitled to proforma promotion to BPS-19 and 20 with effect from 20-02-2002 and 06-02-2006 respectively with all back benefits of pay & pension, when juniors to him were promoted to BPS-19 and further promoted to BPS-20. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
28.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Original to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 02/03/2022
Number of Words 4400
Copying Fee 46/-
Urgent 4/-
Total 50/-
Name of Clerk _____
Date of Completion of Copy 02/03/2022
Date of Delivery of Copy 02/03/2022

Secretary Agriculture

Diary

No.


2357

Dated

To

17/03/2022

14- "B"


17/03/2022

The Secretary to,
Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock, Fisheries & Cooperative Department.

Subject:

REQUEST FOR MY PROFORMA PROMOTION TO BPS-19 AND BPS-20 FROM DUE DATES

Dear Sir,


Please refer to Khyber Pakhtunkhwa, Service Tribunal letter No. 672/ST dated 15.03.2022 alongwith a copy of Judgement dated 28.01.2022 for required necessary action.

02. I may further submit that as per Judgment of the Khyber Pakhtunkhwa, Service Tribunal dated 28.01.2022 (copy of the Judgment attached for ready reference) and according to relevant rules and regulations of promotion of the Khyber Pakhtunkhwa Government, my proforma promotion from BPS-18 to BPS-19 from 20.02.2002 and to BPS-20 w.e.f 06.02.2006 respectively with all back benefits ^{of Pay and Pension} may kindly be processed at the earliest, please.

Yours Obediently,

Dated: 17.03.2022

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(MUHAMMAD HUSSAIN)
Ex-Director General (Outreach)
Agriculture Research System
Govt. of Khyber Pakhtunkhwa
House # 126, street 8, Sector E-3, Phase-I
Hayatabad, Peshawar
Mobile No. 03339117717

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VAKALATNAMA
BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

-15-

Imp. No. _____/2022

Muhammad HussainAppellant

VERSUS

Govt of KP & othersRespondent(s)

I, Muhammad Hussain, do hereby appoint and constitute, **Fazal Shah Mohmand** Advocate Supreme Court &. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 23-5-22

Client
CLIENT(S)

ACCEPTED BY:

[Signature]

FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

9

Accepted by
Rabia
Rabia Muzaffar
Advocate

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

M. J. [unclear]
No. *9/16/22*
26/09

SB

Appeal No. *E.P.No. 302* of 20 *22*
Muhammad Fuzain
Appellant/Petitioner

Through *Chief Secy Govt of KPK Peshawar*
Respondent

Notice to: *Secy Agriculture Live stock & Cooperative Deptt:*
Govt of KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *16/09/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20 *22*

For [unclear] Report

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

51

Appeal No......F.P.No. 302..... of 2022

.....Muhammad Hussain..... Appellant/Petitioner

Versus

Through Chief Secy Govt of KPK..... Respondent

Respondent No. (3)

Notice to: — Secy Establishment Govt of KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....26/07/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of EPV appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....07..... Day of.....July.....2022

For Impl-men-tion Report

26/07/22
cy E&AD

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

NOTE: Always quote Case No. While making any correspondence. The mode of attendance in the court are the same that of the High Court except that...

क्राइव प्रभुवाङ्मय न्यायालय, काठमाडौं
पेशवालय

Handwritten signature and notes in the top left corner.

DATE OF 2075

Given under my hand and the seal of this Court at Peshawar, this
office Notice No. dated

Copy of appeal is attached. Copy of appeal has already been sent to you vide this
this appeal petition.
notice posted to this address by registered post will be deemed sufficient for the purpose.
address given in the appeal petition will be deemed to be your correct address and further
address. If you fail to furnish such address your address contained in the notice which the
given to you by registered post, you should inform the Registrar of any change in your
notice of any alteration in the date fixed for hearing of this appeal petition and the

appeal petition will be heard and decided in your absence.
default of your appearance on the date fixed and in the manner provided in the
alongwith any other documents upon which you rely. These also take to this Court
this Court at least seven days before the date of hearing. Copies of notice and summons
Advocate, duly supported by your power of Attorney. You may therefore, apply to the
the case may be postponed either in person or by authorized representative or by your
appearing petitioner. You are at liberty to do so on the date fixed or any other date.
you at 9:00 A.M. If you wish to make application, you are
hereto inform that the said appeal petition is fixed for hearing before the
the above case by the petitioner in this Court and notice has been ordered to be
Province Service Tribunal Act, 1974, has been presented/registered for contestation to

WHEREAS an appeal petition under the provision of the Khyber Pakhtunkhwa

Notice to:
Respondent No.
Respondent
Respondent
Respondent
Respondent
Respondent

BE SHAWAN
JUDICIAL COMPLEX (OFC) KHAYEB KOVD
KHAYEB PAKHTUNKHWA PROVINCE

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

2B

No.

Appeal No. F.P No. 302 of 20 22

Muhammad Hussain Appellant/Petitioner

Versus

Through Chief Secy Govt of KPK Peshawar Respondent

Respondent No. (1)

Notice to: — Govt of KPK through Chief Secy Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....26/07/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of F.P appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....07.....

Day of.....July.....20 22

(For Impl-ment-tion Report)

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

SECRETARY
26/07/2022
GOVT OF KHYBER PAKHTUNKHWA
PESHAWAR