Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1378/**2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/09/2022	The appeal of Mr. Izhar Ahmad resubmitted today by Malik Haroon Iqbal Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman REGISTRAR

The appeal of Mr. Izhar Ahmad Senior Clerk AAG Office Service Tribunal received today i.e. on 19.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Appeal has not been flagged/marked with annexures marks.
2- Memorandum of appeal may be got signed by the appellant.
3- Annexures of the appeal may be attested.

No. 2651 /S.T,

Dt. 20/9 /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Haroon Iqbal Adv. Pesh.

Re Submitted after complaine
Advocate
Dated: 21/9/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1378 /2022

Izhar Ahmad ..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others
..... Respondents

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Appellant

Through

Malik Haroon Iqbal
Advocate
Supreme Court of Pakistan

Dated: 15.09.2022

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1378 /2022

Izhar Ahmad, Senior Clerk
S/o Javed Ahmad, presently posted as Junior Clerk in Additional Advocate General Office, KPK Service Tribunal, Peshawar

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.

2. Secretary to Government of Khyber Pakhtunkhwa, Law Parliamentary Affairs and Human Rights Department, Civil Secretariat, Peshawar

3. The Advocate General, Khyber Pakhtunkhwa, Office at Peshawar High Court, Peshawar

..... Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER

BEARING NO. 1687-95/AG/7-9 OFFICE ORDER DATED 10.02.2022 OF RESPONDENT NO. 3 WHEREBY THE APPELLANT WAS PROMOTED TO THE POST OF SENIOR CLERK (BPS-14) BUT NOT FROM THE DATE OF 25.09.2020 AS PER RECOMMENDATION OF DEPARTMENTAL PROMOTION COMMITTEE BUT FROM DATED 09.02.2022.

PRAYER:

On acceptance of this appeal the appellant be promoted as Senior Clerk with all back benefits with effect from 25.09.2020.

Respectfully Sheweth:

1. That the Appellant is a Civil Servant and presently posted as Senior Clerk in Additional Advocate General Office attached to Khyber Pakhtunkhwa Service Tribunal Peshawar.

2. That the appellant joined the Services on 11.04.2011 and has rendered unblemished services with full devotion and dedication and in accordance to the satisfaction of high-ups.

3. That excluding the appellant, rest of the Junior Clerks were given promotion by the then Advocate General Khyber Pakhtunkhwa on dated 03.07.2015.

4. That against the out of turned promotion, the departmental appeal was filed and which remained un-replied by respondent, therefore the appellant filed service Appeal No. 13/16 of 2018 before this Hon'ble Tribunal. (Copy of grounds of Appeal are attached as Annexure A).

5. That the Hon'ble Tribunal vide its judgment dated 29.09.2019 in service appeal No. 13/16 of 2018 (Izhar Ahmad Vs Govt. of KPK) has accepted and allowed the appeal and declared the out of turned promotion as illegal and without lawful authority. (Copy of the Judgment of this Hon'ble Tribunal dated 29.09.2019 is attached as Annexure B).

6. That in compliance of the judgment of this Tribunal, a meeting was held on 25.09.2020 under the chairmanship of Worthy Advocate General/ Respondent No. 3.

7. That the appellant alongwith 2 others was recommended and promoted to the post of Senior Clerk by the Departmental promotion committee under the chairmanship of Respondent No. 3. (Copy of the Minutes of the Meeting of Departmental Promotion Committee dated 25.09.2020 is attached as Annexure C).

8. That from the date 25.09.2020 till 10.02.2022, no office order regarding the promotion was issued by the Worthy Advocate General.

9. That during 25.09.2020 till 10.02.2022, the appellant served as Junior Clerk.

10. That vide office order No. 1687-95/AG/7-9/office order dated 10.02.2022, the appellant alongwith other was promoted as Senior Clerk (BPS-11). (Copy of office order is attached as Annexure D).

11. That although the appellant was promoted on 25.09.2020 as Senior Clerk (BPS-11) through the departmental promotion committee meeting held on 25.09.2020 but the office order has been issued on 10.02.2022, wherein reference of DPC 04.02.2022 was given.

12. That the appellant by filing of departmental appeal on 19.05.2022, placed the grievances before the Respondent No. 2 & 3 but the same has not been redressed till date, hence the appellant is constrained to approach this Hon'ble Tribunal. (Copy of Departmental presentation is attached as Annexure E).

13. That now the appellant approaches this Hon'ble Tribunal by filing of instant appeal on the following grounds inter-alia:

GROUNDS:

A. That the impugned Order of Promotion dated 10.02.2022 is against law and facts of the case and liable to be modified by giving effect from dated 25.09.2020 as per decision / minutes of the meeting of departmental promotion committee.

B. That the judgment of this Hon'ble Tribunal dated 20.09.2019 in service appeal No. 1316 of 2018 (Izhar Ahmad Vs Government of Khyber Pakhtunkhwa) though has been implemented but from 10.02.2022 and not from dated 25.09.2020 when the appellant was allowed the promotion.

C. That due to the late issuance of office order No. 1687-95/AG/7-9/office order dated 10.02.2022, the appellant has been illegally deprived not only from promotion with effect from 25.09.2020 but also from the perks and privileges attached to the promotion of the appellant as Senior Clerk (BPS-11).

D. That the deprivation of appellant from the promotion with effect from 25.09.2020 in the light of decision as per minutes of meeting of the departmental promotion committee is against the principle of natural justice, equity and fair play.

E. That the appellant has served the department with full zealous and attention and given satisfactory

services, therefore, this August Tribunal has allowed earlier the appeal of the appellant and the Worthy Respondent No. 3 has also ordered the implementation of the judgment of this Court in Service Appeal No. 1316 of 2018 by calling the DPC Meeting.

F. That the promotion order dated 10.02.2022 is the violative of the decision of the DPC by not giving effect to the promotion from the date of meeting of DPC, which was held on 25.09.2020.

G. That convening a fresh meeting on 04.02.2022 instead of following the decision of DPC dated 25.09.2020 is violation of law, rules applicable to the matter, hence the same needs to be corrected accordingly.

H. That in the facts and circumstances explained above, the interference of this Hon'ble Tribunal is warranted under the law.

I. That any other ground would be argued by the appellant with the permission of the Hon'ble Tribunal during the course of hearing of appeal.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned office Order bearing No. 1687-95/AG/7-9 office Order dated 10.02.2022 of Respondent No. 3 whereby the appellant was promoted to

the post of Senior Clerk (BPS-14) but not from the date of 25.09.2020 as per recommendation of departmental promotion committee but from dated 09.02.2022 may be modified and be given effect from 25.09.2020 with all back benefits accrued to the appellant.

Appellant

Through

Malik Haroon Iqbal
Advocate
Supreme Court of Pakistan

Dated: 15.09.2022

CERTIFICATE

Certified that as per instructions of my client, that this is the first Service Appeal on the subject before this Honourable Tribunal.

ADVOCATE

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Izhar Ahmad ..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others
..... Respondents

AFFIDAVIT

I, **Izhar Ahmad,** Senior Clerk S/o Javed Ahmad, presently posted as Junior Clerk in Additional Advocate General Office, KPK Service Tribunal, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:

Malik Haroon Iqbal
ASC,

DEPONENT
CNIC# 17301-4472329-7
Cell # 0321-9850065

29-9-22

(1) Annex I A/ (9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No...../2018.

Izhar Ahmad, Junior Clerk
S/o Javed Ahmad, presently posted as J/Clerck
in Additional Advocate General office,
KPK Service Tribunal, Peshawar..... **APPELLANT.**

VERSUS

1. **Govt: of Khyber Pakhtunkhwa**
   through Chief Secretary,
   Civil Secretariat, Peshawar.
2. **Secretary to** Govt of Khyber Pakhtunkhwa,
   Law, Parliamentary Affairs & Human Rights Department
   Civil Secretariat, Peshawar.
3. **The Advocate General,** Khyber Pakhtunkhwa,
   Office at Peshawar High Court, Peshawar
4. **Muhammad Tofail,** Senior Clerk
   posted in the office of Advocate General, KPK,
   situated in Peshawar High Court, Peshawar.
5. **Abdul Bais ,** Senior Clerk
   posted in the office of Advocate General, KPK,
   situated in Peshawar High Court, Peshawar .....**RESPONDENTS.**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER DATED 13/07/2015 WHERE BY THE APPELLANT WAS DECLINED PROMOTION TO THE POST OF SENIOR CLERCK AND COMING TO KNOWLEDGE ON 09TH JUNE 2018 APPEAL/DEPARTMENTAL PRESENTATION WAS FILED ON 05/7/2018 TO RESPONDENT NO. 2, 3 WHICH IS NEVER RESPONDED.

Prayer in Appeal

On acceptance of this appeal, the respondent No 2 & 3 be directed to promote the appellant With back benefits.

Respectfully Sheweth.

1. That the Appellant is a Civil servant and presently posted as Junior Clerk in Additional Advocate General office attached to KPK Service Tribunal, Peshawar.

2. That the Appellant joined the Services on 11/04/2011, and has rendered unblemished services with full devotion and dedication and in accordance to the satisfaction of high ups.

3. That appellant is the senior most junior clerk amongst all working and functioning in Advocate General Office at KPK under control of respondent No 3, hence vide office 1248-50/ AG dated 26/7/2014, a letter was issued to appellant as well as to respondent No 4 and another colleague of the office, wherein the offer was made by Respondent No 3 to all 3 junior clerks for promotion against the vacant post in the Advocate General office at Bannu (South district), it is pertinent to note that appellant is senior most amongst three. (Copy of letter is attached as "A")

4. That letter / offer dated 26/7/2014 was responded by appellant in positive, whereby willingness was shown for promotion and posting. (Copy of reply is attched as "B")

5. That some of the office colleagues of appellant hatched a conspiracy against the appellant whereby on a very petty matter with an employee of AG office, the services of appellant was terminated by respondent No 3 vide order No. 12357-64/AG dated 01/6/2015, against which departmental appeal was filed to respondent No 2, then termination order was converted by respondent No 2 to stoppage of 3 increments for three years, and on appeal before this Hon'able Tribunal, the order of respondent No 3 was further modified to stoppage of 01 year increment.

(11)

6. That after removal of appellant on 1/06/2015 with malafide after removing of appellant from the scene, respondent No 4 was given promotion through the impugned order 13/7/2015 by illegal means and practice. (Copy of Impugned order is attched "C").

7. That it can be inferred from above facts and circumstances that just after removal of appellant on 01/06/2015, promotion was given to respondent No 4, the blue eyed, against the post available in the AG office at Peshawar although option was given for post at AG office Bannu by respondent No 4 as well as by appellant. It is further added that no post at AG office Peshawar can be created within short period of 1 ½ month and actually the removal from service plan was hatched just to extend illegal benefits of promotion and posting in Main office of A G to respondent No 4.

8. That seniority list of senior clerks for 2015 and 2017, and further seniority list of 2017 showing appellant as top of seniority list and even a post is vacant but promotion of appellant declined. (Attested copy of seniority lists are attached as "D")

9. That since appellant was pursuing his case of removal from service, and on re-instatement, stoppage of increments case before this Hon'able Tribunal, and appeal before August Supreme Court of Pakistan which is still pending, and due to posting outside the main office of Advocate General, the appellant got knowledge on 09/6/2018, regarding the impugned order of promotion of junior employees like respondent No 4 & 5, then he obtained the copy of impugned order on 11/6/2018, and filed departmental presentation on 05/07/2018. (Copy of departmental presentation dated 05/7/2018 is attached "E")

16. That the departmental presentation is not responded and replied by respondents 2, 3, hence the appellant is (co)restrained to approached this Hon'able Tribunal on the following grounds inter alia:-

GROUNDS.

a. That impugned dated 13/7/2016 by virtue of which the respondent No 4 are promoted is Coram-non Judice, without jurisdiction, lawful authority against the natural justice, hence the said order/notification is liable to set aside.

against the natural justice, hence the said order/notification is liable to set aside.

b. That promotion of respondent No 5 is also illegal, unjust and in violation of list and rules.

c. That the promotion of respondent No 4 is made in disregard of law and rules applicable to the case.

d. That the Appellant rendered unblemished service of but he has been refused and declined promotion unjustly and wrongly.

e. That appellant being civil servant has a right to enjoy all perks and privileges available to him but in clandestine manner he is declined the right of promotion, and junior to him are given promotion.

f. That refusal of promotion is against the principles of natural justice, equity and fair play.

g. That any other ground would be adduced by Appellant during arguments on the instant appeal with the permission of this Hon' able Tribunal.

It is, therefore, most humbly prayed, that on acceptance of this appeal, the respondent be directed to give promotion to appellant with all back benefits.

It is further prayed, that any other relief not specifically ask for may also be granted.

Appellant

THOUGH

MALIK HAROON IQBAL
ADVOCATE,
SUPREME COURT OF PAKISTAN
Cell #03005941733
&
LAILA FARMAN ADVOCATE

Dated. 05/10/2018

(B) (13)

Annex

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1316/2018

Date of Institution ... 05.10.2018

Date of Decision ... 20.09.2019

Izhar Ahmad, Junior clerk, S/O Javed Ahmad, presently posted as Junior/Clerk in Additional Advocate General Office, Khyber Pakhtunkhwa Service Tribunal, Peshawar. ... (Appellant)

VERSUS

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

MALIK HAROON IQBAL, Advocate --- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL, Assistant Advocate General --- For respondents no. 1 to 3.

MR. M. MAAZ MADNI Advocate --- For respondent no.4

AMIR KHAN CHAMKANI, Barrister --- For respondent no.5

MR. AHMAD HASSAN, --- MEMBER(Executive)
MR. MUHAMMAD HAMID MUGHAL --- MEMBER(Judicial)

JUDGMENT

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

ARGUMENTS:

02. Learned counsel for the appellant argued that he joined the office of respondent no.3 as Junior Clerk on 11.04.2011 and performed duty devotedly. That through letter dated 26.07.2014 option/willingness was sought from the appellant [illegible]rs for promotion against the post of Senior Clerk. The appellant conveyed

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(14)

his willingness vide application dated 05.08.2014. In the meanwhile disciplinary proceedings were initiated against him and finally major penalty of removed from service was awarded vide order dated 01.06.2015. Subsequently, upon acceptance of his departmental appeal, the major penalty of removal from service was modified/reduce into stoppage of three annual increments for three years vide order dated 15.09.2015. He submitted arrival report on 19.09.2015. Feeling aggrieved, he filed service appeal no. 1311/15 in this Tribunal which was accepted vide judgment dated 10.04.2017. The penalty was further reduced to stoppage of one increment for one year.

03. That vide order dated 13.07.2015 and 5.05.2017 private respondent no.4 and 5 were promoted as Senior Clerk despite being junior to the appellant in the seniority list of junior clerks, issued by the respondents from time to time. As impugned promotion order was passed without observance all codal formalities thus the same was illegal and unlawful.

04. Learned Assistant Advocate General argued that on the charges of misconduct, the appellant removed from service vide order dated 01.06.2015 but on acceptance of departmental appeal, the penalty was converted into stoppage of three annual increments for three years vide order dated 15.09.2015. He submitted arrival report on 19.09.2015. He also invoked the jurisdiction of this Tribunal by way of filing service appeal, whereby the penalty was further reduced to stoppage of one increment for one year. Moreover, seniority alone was not the sole criteria for promotion, fitness of the civil servant was also required to be taken into

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

consideration. He filed departmental appeal on 05.07.2018, which was badly time barred. Promotions were strictly made in accordance with law and rules.

05. Learned counsels for private respondent no. 4 and 5 relied on the arguments advanced by the learned Assistant Advocate General.

CONCLUSION

06. The appellant was serving as Junior Clerk in the office of respondent no.3 since 11.04.2011. Some posts of Senior Clerks were lying vacant and willingness/option was sought from the eligible employees including the appellant. He tendered option for promotion to the post of Senior Clerk. Thereafter, on the allegations of misconduct departmental enquiry was conducted and major penalty of removal from service was imposed on him vide order dated 01.06.2015. On preferring departmental appeal, the penalty was reduced/ modified into stoppage of three annual increments for three years vide order dated 15.09.2015. He submitted arrival report on 19.09.2015. He also invoked the jurisdiction of this Tribunal by filing service appeal no. 1311/15, which was accepted vide judgment dated 10.04.2017, whereby penalty of three increments was further reduced to stoppage of one annual increment for one year.

07. While the appellant was out of service promotion of private respondent no.4 as Senior Clerk was notified vide order dated 13.07.2015, whereas promotion of private respondent no.5 was made on 05.05.2017. During that period the appellant was in service. The appellant submitted departmental appeal on 05.07.2018. Learned Asst: AG was asked to produce copy of working paper and minutes of the

(16)

DPC meeting in which cases of the aforementioned private respondents were cleared for promotion against the post of Senior Clerk. However, he expressed his inability to arrange the said document. On the other hand, learned counsel for the appellant alleged that promotions were made without holding meeting of the DPC and just to extend undue favor to blue eyed employees working in the office of respondent no.3. Again Asst: AG was unable to rebut the plea of learned counsel for the appellant. Perusal of parawise comments submitted by the respondents were also silent, whether the said promotion cases were placed before the DPC or otherwise? Had it been cleared by the above forum, the respondents could easily use it in their defense. Attention is drawn to Section-5 of Khyber Pakhtunkhwa Civil Servants Act, 1973 and is reproduced below for ready reference:

> **"Appointment.--- Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf.**

08. It transpired that promotions referred to above were not made in accordance with the procedure laid down Rule-7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989. Therefore, question of limitation hardly carries any weight. It cannot be used as a shield to cover misdeeds of the respondents. Orders of promotion referred to above issued in violation of rules/laid down criteria were patently illegal and unlawful. In order to ensure substantial justice there is ample justification that the respondents should reconsider the promotions against the posts of Senior Clerk of all the candidates including the appellant by placing it before the DPC for decision.

ATTESTED

Khyber Pakhtunkhwa Service Tribunal, Peshawar

(17)

09. As a sequel to the above, the appeal is remitted to the respondents to again place the case of promotion of Junior Clerks against the post of Senior Clerks before the DPC including the private respondents and the appellant for consideration. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
20.09.2019

Certified to be ture copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	23-9-2019
Number of Words	1800
Copying Fee	22
Urgent	4
Total	26
Name of Copyist	
Date of Completion of Copy	1-10-2019
Date of Delivery of Copy	1-10-2019

Annex (C)
(18)

Subject: **MINUTES OF MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE (DPC) HELD ON 25/09/2020 AT 11:00 AM**

1. In pursuance to paras 8 & 9 of the Judgment, dated 20/09/2019 of Service Appeal No. 1316/2018 (Izhar Ahmad-vs-Govt of Khyber Pakhtunkhwa), a meeting of the Departmental Promotion Committee (DPC) was held on 25/09/2020 at 11:00 am under the Chairmanship of learned Advocate General, Khyber Pakhtunkhwa in his office. Agenda of the meeting was to re-consider promotion cases of Junior Clerks (BPS-11) to the post of Senior Clerks (BPS-14) as desired by the Khyber Pakhtunkhwa, Services Tribunal vide aforesaid Judgment. The following attended the meeting:-

1. Mr. Shumail Ahmad Butt, Advocate General, KP.	Chairman
2. Syed Qaiser Ali Shah, Addl: Advocate General-I	Member
3. Mr. Ijaz Khan, Section Officer (G), Law Department	Member
4. Mr. Muhammad Qasim, SO(Reg-IV), Estt: Department	Special Invitee

2. The Chair welcomed all the participants of the Committee and thereafter informed the Committee that four (04) posts of Senior Clerks are lying vacant in main office, Peshawar and sub-offices. However, the Committee shall recommend only three (03) persons for promotion as Senior Clerks, as one (01) post shall be left vacant due to Service Appeal No. 1359/2017 (Naik Muhammad-vs-Govt. of KP), pending before the Khyber Pakhtunkhwa, Services Tribunal, as the Law mandates promotion against clear vacancies only.

3. Members of the Law as well as Establishment Departments, Khyber Pakhtunkhwa observed that although the official at S.No. 01 is under penalty of one (01) increment, awarded by the Services Tribunal on 10/04/2017 in Service Appeal No. 1311/2015 (Izhar Ahmad-vs-Govt. of KP), however, minor penalty does not bar an official to have promotion.

4. The Committee examined all other documents, placed before it and unanimously recommended the following senior most Junior Clerks out of the Seniority List for the year, 2014 for promotion to the post of Senior Clerks.

1. Mr. Izhar Ahmad, Junior Clerk
2. Mr. Muhammad Tufail, Junior Clerk.
3. Mr. Muhammad Hamed, Junior Clerk

5. The meeting ended with a vote of thanks to and from the Chair to the participants.

(SYED QAISER ALI SHAH)
Additional Advocate General-I
Khyber Pakhtunkhwa
(Member)

(IJAZ KHAN)
Section Officer (G)
Law Department
(Member)

(SHUMAIL AHMAD BUTT)
Advocate General
Khyber Pakhtunkhwa
(Chairman)

Annex-D
19

OFFICE OF THE ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 1687-95 /AG/7-9/Office Order Dated Peshawar, the 10-Feb-2022

Address: High Court Building, Peshawar.
Tel. No. 091-9210119
Exchange No 9213833 (202)
Fax No. 091-9210270

OFFICE ORDER

As recommended by the Departmental Promotion Committee (DPC), held on 04/02/2022, the Advocate General, Khyber Pakhtunkhwa is pleased to promote the following **Junior Clerks (BPS-11) to the posts of Senior Clerks (BPS-14)** on regular basis with immediate effect against the vacant posts in the offices as mentioned against each.

S.No.	Name	Place of Posting
1	Mr. Izhar Ahmad	Khyber Pakhtunkhwa Services Tribunal, Peshawar
2	Mr. Muhammad Tufail	Main Office, Peshawar
3	Mr. Muhammad Hamed	Main Office, Peshawar
4	Mian Muhammad Shoaib	Main Office, Peshawar
5	Mr. Hafeez-ur-Rehman	Additional AG Office, Abbottabad
6	Mr. Abdul Bais	Additional AG Office, D.I.Khan

The above promotes shall remain under probation for a period of one (01) year in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Sd/-
ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst. No. & date even

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Abbottabad and D.I.Khan.
3. Budget & Accounts Officer of this office.
4. PS to the Ld. Advocate General, Khyber Pakhtunkhwa.
5. Officials concerned.
6. Personal Files.
7. Office Order file.

(AYAZ KHAN)
ADMINISTRATIVE OFFICER

Annex (E)

(20)

To

1. The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affaris and Human Rights Department Peshawar.
2. The Advocate General Khyber Pakhtunkhwa Peshawar.

Subject:- **REPRESENATATION FOR BACK BENEFITS FROM THE DATE OF EL IGIBLE FOR PROMOTION.**

Dear Sir,

With due veneration I would like to submit humble submissions for your kind perusal and compassionate consideration.

1. That I was promoted as Senior Clerk (BPS-14) vide order/Notifcation No. 1687-95/AG/7-9/Office Order dated 10/02/2022 (Copy enclosed).
2. In puruance to paras 08& 9 of the Judgement dated 20/09/2019 of Service Appeal No. 1316/2018, (Izhar Ahmad VS Government of Khyber Pakhtunkwa) a meeting of the Departmental Promotion Committee (DPC) was held on 25/09/2020 at 11:00am under the Chairmanship of learned Advocate General Khyber Pakhtunkhwa. All the officials included in the panel alongwith the applicant were recommanded for promotion. However no action/implementation was taken.
3. According to seniority list 2014, I was most Senior Junior Clerk during this period two (02) Junior Clerks (Mohammad Tufail and Abul Bais) who were Junior to me had been promoted as Senior Clerks (BPS-14).
4. Now the department has ordered the recovery of the said period from them and reverted them to Junior Clerks now Senior Clerks (Orders are enclosed).
5. As the above Junior Clerks were promoted wrongly ignoring the applicant, so it s the right of the applicant to be given back benefits form 2014.
6. Now Advocate General Office promoted the applicant alongwith other 05 Junior Clerks immediately which is injustice with the applicant.
7. According to PLC (CS) page 104 Judgement pro-forma promotion if a Civil Servant is eligiable for promotion and the department mistakently/wrongly ignored him then he may be promoted from the date in which he was ignored (Judgement is attached).

It is therefore, requested that my case may please be considered sympathetically and it may please be decided in my favour so that back benefitsbe sanctined from 2014 instead of promotion order 2022.

Your faithfully

IZHAR AHMAD
Senior Clerk
C/C Advocate General Office
Khyber Pakhtunkwa

19-5-22

(21)

وکالت نامہ

بعدالت ____ بنام ____

منجانب ____ دعویٰ یا جرم ____

تھانہ ____ باعث تحریر آنکہ ____ الف آئی آر ____ تاریخ ____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی

ملک ہارون اقبال ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بمقام ____ کیلئے بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو وعدالت حاضر ہوتا رہوں گا۔ اور بروقت پکارے جانے کا مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل یا ہڑتال پیروی کرنے کے ذمہ دار نہ ہوں گے اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا ہڑتال کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو درخواست ضمانت متفرق درخواست، اپیل و نگرانی فوجداری وغیرہ اور عرضی دعوے و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی وراضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعوے دینے اور ودڈرا کرنے کا بھی اختیار ہوگا، اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری، یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑے گا وہ صاحب موصوف کا حق ہوگا اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موصوف کے طرخلاف نہیں ہوگا۔ لہٰذا یہ مختیار نامہ لکھ دیا تا کہ سند رہے۔

مورخہ ____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد ____ العبد ____

Attested & Accepted

Malik Haroon Iqbal
Advocate
Supreme Court Of Pakistan

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