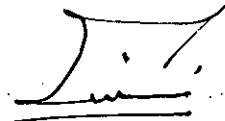


28th September, 2022

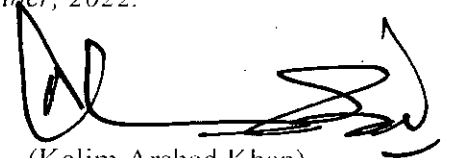
Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Sher Bahadar Khan, Additional Assistant Commissioner Latha for official respondents and learned counsel for private respondents also present.

2. After hearing learned counsel for the appellant and learned Deputy District Attorney, the only grievance of the appellant appears to be that he is not being provided seniority list containing his name. Mr. Sher Bahadar Khan, Additional Assistant Commissioner Latha is present on behalf of official respondents and undertakes that the department will provide seniority list to the appellant containing his name within 10 days from today. The appellant is at liberty to challenge the same subject to limitation and exception if he feels himself aggrieved from the same. Disposed of accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal this 28th day of September, 2022.*



(Salah Ud Din)
Member (Judicial)
Camp Court D.I.Khan



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

27.01.2022

Tour is Cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.


Reader.

26.05.2022

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney for official respondents present. None present on behalf of impleaded respondents.

Respondents have not yet submitted reply/comments.

Previous date was changed on Reader Note, therefore, notice be issued to official respondents as well as impleaded respondents through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the right of submission of reply/comments shall be deemed as waived off by the respondents. Adjourned. To come up for submission of written reply/comments as well as arguments on 27.07.2022 before the D.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

27-07-2022

Due to Summer vacations, the case is adjourned to 28-09-2022 for the same as before.

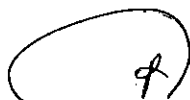

Reader.

14.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents present. Counsel for applicants seeking impleadment, also present.

Reply of the application seeking impleadment has been submitted and placed on file. The applicants submit that they will be affected by preparation of joint or common seniority list or merger of the appellant in the seniority list with applicants. In order to prevent the multiplicity of proceedings, it is deemed appropriate to allow the application for impleadment of applicants. Names of applicants be entered in the panel of respondents by the office with reference to this order. Written reply on behalf of official respondents is also awaited. The official respondents as well private respondents are directed to submit the written reply within 10 days in office failing which they shall have another opportunity to file the reply on the date fixed with cost of Rs.5000/- and in case they fail to submit the written reply on the date fixed, the appeal shall be heard on available record deeming the right of respondents struck off for written reply. To come up on 21.02.2022 before the D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)



Chairman
Camp Court, D.I.Khan

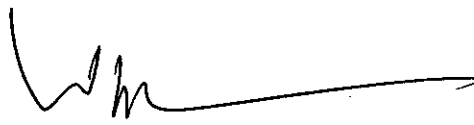
26.10.2021

Appellant present through counsel.

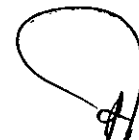
Asif Masood Ali Shah learned Deputy District Attorney alongwith Zainul Abideen Superintendent for respondents present.

Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents in order to submit comments. Last chance is given with direction to submit comments before next date.

Another application was submitted on behalf of Sanaullah and others seeking impleadment in the instant service appeal in the panel of respondents. Notice of this application was served upon appellant. Reply to the application be submitted within 10 days and file to come up for arguments on application seeking impleadment on 14.12.2021 before D.B at Camp Court, D.I.Khan.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, D.I.Khan



(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

29.07.2021

Counsel for the appellant present. Preliminary arguments heard.

The matter relates to seniority. Although the question of limitation requires determination but keeping the said question intact for determination during course of full hearing, this appeal is admitted. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B at camp court, D.I.Khan.

An application for interim relief has been submitted today, which is placed on file. The appellant accordingly seeking interim relief for suspension of process of promotion to the posts of Assistants lying vacant in the office of Deputy Commissioner, South Waziristan Tribal District and to maintain status quo till final disposal of the appeal. However, no material proof has been annexed with the application that process has actually begun. Therefore, it would be in the fitness of things to issue notice of the application alongwith notice of the appeal to the respondents.

Appellant Deposited
Security & Process Fee

29/7/21

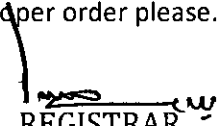
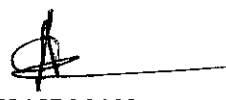

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 4986/2021 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/05/2021	<p>The appeal of Mr. Haseeb Akbar resubmitted today by post through Mr. Gultiaz Khan Marwat 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-	04/06/2021	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on 29/07/2021.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Hasseb Akbar UDC office of the Additional D.C SW Tribal District Tank received today i.e. on 14/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

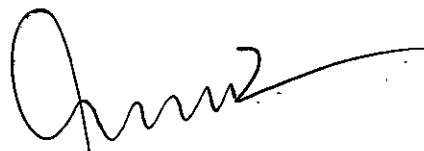
No. 723 /S.T,

Dt. 15/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Gul Tiaz Khan Adv. D.I.Khan.

Resubmitted after compliance


Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bal.
Dera Ismail Khan (KPK).

26.4.21

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____ / 2021

Haseeb Akbar

.....Appellant

VERSUS

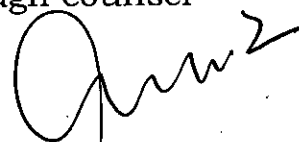
Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.Respondents

INDEX

S No	Descriptions	Annex	Pages
1	Grounds of Appeal with affidavit	-	1-6
2	C.M.A for condonation of delay	-	7-8
3	Copy of Appointment order	A	9
4	Copy of application dated 23.12.2019	B	10
5	Copy of application dated 20.08.2020	C	11
6	Copy of letter dated 23.08.2020	D&E	12-13
7	Copies of letter and application dated 31.08.2020	F	14
8	Copy of letter of Board of Revenue dated 24.11.2020	G	15
9	Copy of letter of Commissioner dated 14.12.2020	H	16
10	Copy of application dated 05.06.2021	J	17
11	Wakalat Nama	-	18

Dated: 10 /04/2021

Your Humble Appellant,
Through counsel



GUL TIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

Respondents are
implead under
order dated
14/12/2021

6. Sanaullah, Office Assistant
7. Dost Wali, Senior Clerk
8. Muhammad Jameel, Senior Clerk
9. Atta Ullah Marwat, Senior Clerk
10. Miraj-ud-Din, Senior Clerk
11. Attaullah Mehsud, Junior Clerk
12. Ihsan Ullah Khan, Junior Clerk
13. Junaid Alam, Junior Clerk
14. Illa-ud-Din Wazir, Junior Clerk
15. Rehman Zada, Junior Clerk
16. Amir Ullah, Junior Clerk
17. Muzammil Khan, Junior Clerk
18. Tehseen Khan, Junior Clerk
19. Farman Ullah, Junior Clerk
20. Mati Ullah, Junior Clerk
21. Zahid Khan, Junior Clerk
22. Sami Ullah Said, Junior Clerk
23. Muhammad Ali, Junior Clerk
24. Muhammad Imran, Junior Clerk
25. Attiq-ur-Rehman, Junior Clerk
26. Khan Shah, Junior Clerk
27. Zafar Ali, Junior Clerk
28. Khalid Mehmood, Junior Clerk
29. Waqas Ahmad, Junior Clerk
30. Asghar Ali, Junior Clerk
31. Usman Wazir, Junior Clerk

----- Respondents

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 4986 / 2021

Diary No. 4872

Dated 14/4/2021

Haseeb Akbar S/O Muhammad Akbar UDC office of the Additional
Deputy Commissioner (Finance & Planning) South Waziristan Tribal
District Tank. 03377504948**Appellant**

VERSUS

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary Home Department Government of KPK Civil Secretariat Peshawar.
3. The Senior Member Board of Revenue Peshawar.
4. The Commissioner D.I.Khan Division, D.I.Khan
5. The Deputy Commissioner South Waziristan Tribal District at Tank.**Respondents**

impleaded Respondents
←

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER OF WITHHOLDING AND NON-DISPOSAL OF DEPARTMENTAL APPEAL OF THE APPELLANT BY RESPONDENT NO. 5 WITHIN THE STATUTORY PERIOD.

Respectfully Sheweth:

Filed to-day
ew
Registrar
14/4/2021

(1) That the addresses of the parties given above are sufficient for the purpose of service of the parties.

Re-submitted to-day and filed.

ew
Registrar
03/05/2021

(2) That the appellant is a citizen of Islamic Republic of Pakistan and is a permanent resident of SWT D and being a citizen of the Country has the rights and obligation under the constitution.

(3) That the Appellant was appointed as UDC in BPS-09 in the office of Additional Political Agent South Waziristan Agency vide order

bearing Endst: No. 220-25/F&P/SWA dated 02.10.2012 on the basis of Quota reserved for deceased employees children under Rule-10(4) of appointment, promotion and transfer Rules-1989. (Copy of appointment order is enclosed as **Annexure - A**.)

- (4) That the appellant was posted and working in the office of Additional Deputy Commissioner (Finance & Planning) prior to merger of Tribal Area in to Settle Area under the orders of Govt.
- (5) That after merger of tribal area into District, the appellant submitted an application dated 23.12.2019 to the Competent Authority for inclusion of name of appellant and other employees of the Finance & Planning in the common and joint seniority list of officials working in the office of Deputy Commissioner South Waziristan Tribal District. Copy of application is enclosed as **Annexure - B**.
- (6) That it is very strange that in spite of lapse of sufficient long time up to 19.08.2020, no action has been taken on the application by the office of Deputy Commissioner SWTD then the appellant submitted another application dated 20.08.2020 for inclusion his name in the general / common seniority list of the officials of the Deputy Commissioner SWTD. Copy of application is enclosed as **Annexure - C**.
- (7) That the Deputy Commissioner SWTD sought guidance in the matter from the Commissioner D.I.Khan Division D.I.Khan vide letter No. 1328 dated 23.08.2020. Copy of application is enclosed as **Annexure - D**.
- (8) That the appellant was under apprehension that juniors to the appellant have promoted on the basis of wrong seniority list, therefore the appellant submitted an application dated 31.08.2020 to the Deputy Commissioner SWTD for provision of

gur

seniority list and copies of recent appointment orders of Assistants, the application of the appellant was forwarded by the ADC (Finance & Planning) to the Deputy Commissioner for consideration vide letter No. 143 dated 31.08.2020. Copies of letter and application are enclosed as **Annexure - E&F** respectively.

- (9) That it appears from the letter of Revenue & State Department Board of Revenue Govt. of KPK No. 3647 dated 24.11.2020 that the guidance from the Board of Revenue was sought, therefore the Board of Revenue addressed the letter referred to above to the Commissioner vide which it has been observed that the staff working in Finance & Planning branch and Account branch are the employees of the Deputy Commissioner concerned under the sanctioned strength of that District, therefore such employees are entitled for seniority in their respective cadres by maintaining seniority list. Copy of letter is enclosed as **Annexure-G.**
- (10) That yet there is another letter bearing No. 5877-79 dated 14.12.2020 issued by the office of the Commissioner D.I.Khan addressed to Deputy Commissioner SWTD vide which the letter of Board of Revenue dated 24.11.2020 has been endorsed and guidance for preparation of seniority list has been given as per the letter of Board of Revenue for maintaining common seniority list of all the branches of the office of Deputy Commissioner SWTD. Copy of letter dated 14.12.220 is enclosed as **Annexure-H**
- (11) That in spite of the clear direction and guidance of the Board of Revenue KPK and office of Commissioner D.I.Khan Division, no seniority list has been prepared / maintained by the office of

Qmz

Commissioner SWTD, therefore appellant alongwith five other employees have submitted a joint application dated 05.01.2021 to the Deputy Commissioner SWTD to prepare and maintain a common seniority list of the officials of the Deputy Commissioner SWTD wherein the name of the appellant and others working in Finance & Planning may please be included but no action so far been taken in the matter by the office of Deputy Commissioner SWTD. Copy of application is enclosed as **Annexure - J.**

- (12) That feeling aggrieved from the impugned actions/ inactions of Respondent No. 5 and having no other speedy remedy, is obliged to knock the door of this Honouable Tribunal under its Appellate Jurisdiction inter alia on the following grounds:

GROUND:

- A. That the impugned actions / inactions of Respondent No. 5 of not preparing the common seniority list and not-inclusion the name of appellant in the joint / common seniority list of the office of Deputy Commissioner SWTD are against law and facts.
- B. That besides the guidance and directions contained in the letters of Board of Revenue KPK and Commissioner D.I.Khan Division, it is settled proposition of service laws that a common and joint seniority list is to be issued and maintained wherein seniority of all the officials is to be fixed in accordance with their respective date of appointment but the guidance and directions of the Board of Revenue as well as the rules on the subject have not been followed by the office of Deputy Commissioner SWTD.

Qum

- C. That due to actions and non-actions of the office of Deputy Commissioner SWTD not to cause common seniority list wherein name of appellant is to be included w.e.f his date of appointment in the concerned cadre, an attempt has been made by the office of Deputy Commissioner SWTD to deprive the appellant from his vested rights of due seniority.

- G. That the appellant is unable to understand as to why the guidance and directions were sought from the provincial Head of Department as well as the Commissioner D.I.Khan and when the guidance and direction have been conveyed in writing to the office of Deputy Commissioner SWTD then why it had not been followed/ complied with by the office of Deputy Commissioner SWTD.

- H. That provisions of Article-4 of the constitution provide constitutional guarantee to the peoples/ citizens that the executive cannot take their right of life, liberty and property without legal justification but Appellant has been deprived by Respondents of his legal and vested fundamental rights of seniority.

- H. That this Honourable Tribunal has vast powers under the constitution and is the custodian of constitution and fundamental rights of the citizens of the country.

- J. That Counsel for Appellant may please be allowed to raise additional grounds during the course of arguments.

Qm2


6

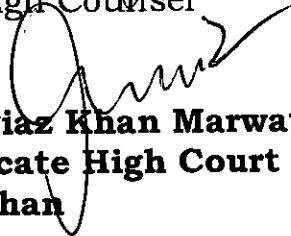
In view of the submissions made above, it is, therefore, humbly prayed that on acceptance this Appeal, this Honourable Tribunal may very graciously be pleased to issue order/direction declaring the impugned actions/ inactions of Respondent No. 5 not to prepare common / joint seniority list and non-inclusion of name of appellant in such seniority list to be void ab-initio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of appellant and as a consequence of thereof to issue direction to Respondents to prepare joint and common seniority list wherein the appellant seniority be fixed as per law/ rules.

Any other relief deemed appropriate in the prevailing circumstances may also be granted.

Dated: 10/08/2021

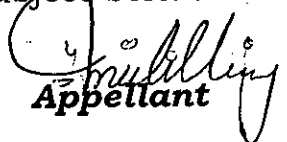
Your Humble Appellant,


Haseeb Akbar
Through Counsel


Gul Tiaz Khan Marwat
Advocate High Court
D.I.Khan

CERTIFICATE:


Certified that it is a first appeal by the appellant on the subject before this Honourable Tribunal.


Appellant

AFFIDAVIT:

I, Haseeb Akbar S/O Muhammad Akbar UDC office of the Additional Deputy Commissioner (Finance & Planning) South Waziristan Tribal District Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.




DEPONENT

7

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2021

In

Service Appeal No _____/2021

Haseeb Akbar

.....**Appellant**

VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.**Respondents**

**PETITION U/S 5 OF LIMITATION ACT CONTAINING THE REQUEST FOR
CONDONATION OF DELAY IN FILING OF APPEAL.**

Respected Sir,

1. That the accompanied Appeal is being filed before this learned Tribunal against the action of non-disposal of departmental appeal of appellant by respondent No. 5 within the statutory period of 90 days.
2. That first application on the subject was submitted by the appellant on 23.12.2019 and the second application for redressal was submitted by the appellant to the Competent Authority on 20.08.2020 but no action has been taken in the matter by the office of Deputy Commissioner SWTD.
3. That the appellant yet submitted third application on 05.01.2021 but the appeal should have been filed by the appellant against the action of non-disposal of representation of appellant dated 23.12.2019.
4. That it admitted fact proved from record that the appeal of the appellant which has not been so far decided by the respondent No. 5 within the statutory period of 90 days, hence the instant Appeal.

gmr

5. That keeping in view the circumstances explained above the delay in filing of Appeal if any may please be condoned in the interest of justice as bar of limitation does not apply against the void order.

It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to condon the delay if any in filing of appeal.

Your humble Petitioner,

Haseeb Akbar
Haseeb Akbar

Through Counsel

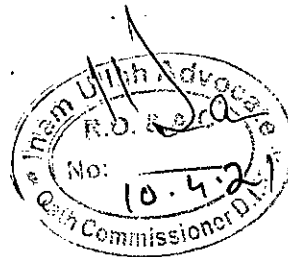
Gul Tiaz Khan Marwat

Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

Dated: 10/04/2021

AFFIDAVIT

I, Haseeb Akbar S/O Muhammad Akbar UDC office of the Additional Deputy Commissioner (Finance & Planning) South Waziristan Tribal District Tank, the Petitioner do hereby solemnly affirm and declare on Oath that the contents of the Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.



Haseeb Akbar
DEPONENT

A 9

OFFICE OF THE ADDITIONAL POLITICAL AGENT, SOUTH WAZIRISTAN AGENCY.

No. _____ / F&P/SWA
Dated Tank the 02/10/2012

Subject: APPOINTMENT AGAINST DECEASED SONS QUOTA.

OFFICE ORDER

In pursuance of the provision contained under Rule 10 (4) of Appointment, Promotion & Transfer Rules, 1989 and as approved by the competent authority, Mr. Haseeb Akbar son of Muhammad Akbar is hereby appointed as ~~██████████~~ / UDC in BPS-9 Viz: 6200-380-17600 plus usual allowances as admissible under the rules with immediate effect against vacant post caused due to death of his father (late) Muhammad Akbar, Head Clerk of the office of Additional Political Agent, South Waziristan Agency.

He should produce his health and age Certificate from the medical Superintendent, District Headquarter Hospital Tank / DIKhan.

Sd-
ADDITIONAL POLITICAL AGENT,
South Waziristan Agency, Tank

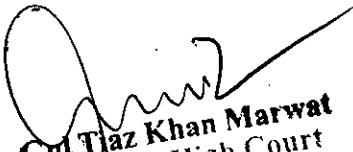
No. 220-25 / F&P/ SWA

Copy to:

1. The Secretary Administration, Infrastructure & Coordination, FATA Secretariat, Peshawar for information, please.
2. The Political Agent, South Waziristan Agency, Tank w/r to his approval dated 2/10/2012 for information, please.
3. The Agency Accounts Officer, South Waziristan Agency, Tank.
4. The Accountant / Head Clerk, Additional Political Agent's Office, SW Agency, Tank.
5. The Official concerned.

11
ADDITIONAL POLITICAL AGENT,
South Waziristan Agency, Tank

Attest


Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bal.
Dera Ismail Khan (KPK)

B

10

To
The Additional Deputy Commissioner
South Waziristan Tribal District.

Subject: **SENIORITY LIST**

It is submitted that the ministerial staff of Finance & Planning are working under the administrative control of respective Deputy Commissioners in Khyber Pakhtunkhwa. The seniority of all the ministerial staff including Finance & Planning is managed jointly.

It is therefore requested that office of the Deputy commissioner South Waziristan Tribal District may very kindly be approached for sharing the updated seniority list of the ministerial staff.

The detail of ministerial staff working in Finance & Planning is as under:-

S#	NAME	DESIGNATION	BPS	DATE OF BIRTH	DATE OF APPOINTMENT/ PROMOTION TO THE PRESENT POST
1	Hizbullah	Assistant	16	28-04-1985	11-06-2010
2	Saif ullah	Assistant	16	20-06-1984	11-06-2010
3	Haseeb Akbar	Senior Clerk	14	15-03-1994	02-10-2002 <i>Two October Two Thousand Twelve</i>
4	Sayyar Mohammad	Junior Clerk	09	01-11-1970	07-08-1990

Yours obediently,

- 1) *[Signature]*
- 2) *[Signature]*
- 3) *[Signature]*
- 4) *[Signature]*

Submitted for further orders pl.

ADCS
Attended 2/2/12
28/12/19
DC SWTD PL
28/11
28/11

C 11

Sir,

1. With due respect it is submitted that I am working as Senior Clerk BPS-14 in the office of the Additional Deputy Commissioner (Finance & Planning) South Waziristan Tribal District since 02.10.2019. I have submitted joint application with ministerial staff of the Finance & Planning office (copy attached) for sharing of joint seniority list of the staff as the whole seniority of the Deputy Commissioner, office & Finance & Planning is managed jointly (rules attached). However, the same has not been shared so far.
2. Recently, three senior clerks of the Deputy Commissioner namely Mr. Sanaullah Khan, Mr. Abdul Samad Khan & Mr. Fazal Khan being junior to me have been promoted against the vacant posts of Assistants. One of the three Assistants namely, Mr. Fazal Khan has been retired recently.
3. It is pertinent to mention that I am employee of the Revenue & Estate Department and have been left out from promotion although being senior of all.
4. It is humbly requested that the ministerial staff of Finance & Planning office may be included/considered in the joint seniority list with Deputy Commissioner office South Waziristan Tribal District and I may please be promoted against the vacant post of Assistant from the date of my due right so that my rights are reserved and my seniority is not disturbed. I will approach court if my due rights are not fulfilled.
5. Submitted for kind/ sympathetic consideration, please.


Yours Obediently,


Haseeb Akbar

Senior Clerk (F&P)
20-08-2020

6. Reference para 1/N to 3/N, para 4/N is submitted for perusal and orders, please.

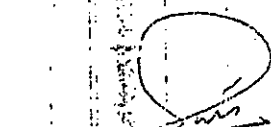
7. DC (SUTD) / Supdt: Para: 5/N.


20/08/2020

8. Attestd, In Salled JUST line 11/1/2016
There is joint Seniority list. However preparation of the list will require consultation with other merged Distt. At this stage submitted for perusal and order B3.

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Balochistan
Dera Ismail Khan (KPK)

24.8.20


24/08/2020

Supdt.

No. 1322 /

Dated Tank

the 22 / 08 / 2020

10
12

From

The Deputy Commissioner,
South Waziristan Tribal District

To

The Commissioner,
D.I. Khan Division, D.I. Khan

Subject

SEEKING GUIDANCE IN PREPARATION OF SENIORITY LIST.

Enclosed please find herewith a request of the ministerial staff of District Finance & Planning Officer South Waziristan Tribal District, wherein it has been requested to include them in joint seniority list of Deputy Commissioner SWTD (already in existence).

Prior to merger, the Agency Planning Cell was in existence and their seniority were maintained separately, whereas the seniority of Political Agent Establishment including Khasadar Branch, Account Branch and Rationing Branch were maintained jointly. Needless to add that employees of these branches were paid from separate DDO Code.

Now the Government has merged the Finance & Planning Cell in Deputy Commissioner office under nomenclature as ADC (G) & ADC (F&P).

Therefore, it will be your extreme kindness if your office may kindly arrange necessary guidance as to whether they (F&P staff) will be placed on the basis of their date of appointment or at the bottom of the seniority.

Attested
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

DEPUTY COMMISSIONER
South Waziristan Tribal District



E 13

OFFICE OF THE
ADDITIONAL DEPUTY COMMISSIONER
 (FINANCE & PLANNING)
 SOUTH WAZIRISTAN TRIBAL DISTRICT

No. 143 /ADC(F&P)/Account/2019-20

Dated Tank the 31 /08/2020

To -
 The Deputy Commissioner
 SWTD at Tank.

Subject: APPLICATION.

Please find enclosed copy an application dated 31.08.2020 submitted by Mr. Haseeb Akbar Senior Clerk of this office for consideration, please.

[Signature]
 ADDL. DEPUTY COMMISSIONER
 (FINANCE & PLANNING)
 SOUTH WAZIRISTAN TRIBAL DISTRICT

ADC (G)/PEO
[Signature]
 31/08/2020

M: disum

Saghi SWTD.

[Signature]
 31/8
 Attested
[Signature]
Gul Tiaz Khan Marwat
 Advocate High Court
 Distt: Ba.
 Dera Ismail Khan (K.P.K)

To

The Deputy Commissioner
SWTD at Tank.

Through:

Proper Channel.

Subject:

REQUEST FOR PROVISION OF SENIORITY LIST AND COPIES OF RECENT APPOINTMENT
ORDERS OF ASSISTANTS.

Sir,

With due respect it is submitted that I am working as Senior Clerk in the office of the ADC (F&P) SWTD since 02.10.2012. As per standing promotion Rules for ministerial staff of Revenue & Estate Department at district level issued from Board of Revenue (Flag-A), the seniority of ministerial staff working in Finance & Planning is managed jointly under the Revenue & Estate Department. I have submitted joint application dated 28.11.2019 for inclusion of ministerial staff of Finance & Planning in joint seniority list with staff of Deputy Commissioner Office but no action has been taken (Flag-B). After that application, three Senior Clerks of DC office namely Mr. Abdul Samad, Mr. Sanullah & Muhammad Fazal have been promoted to the post of Assistants against the vacant posts in office of the Deputy Commissioner, SWTD who all were junior to me. The whole process was carried out hiddenly as no seniority list was displayed for 15 days for any objections.

I have submitted individual application on 21.08.2020 (Flag-C) for promotion to the post of Assistant from my due date but no action has been taken.

Now, I have decided to knock at the doors of court for my due right & justice. In this regard, to file writ petition, following documents may please be provided to me within three days.

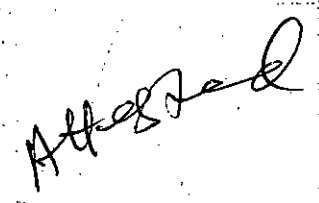

- 1) Seniority list.
- 2) Copies of appointment orders of the three Assistants being promoted.
- 3) Copy of the minutes of the departmental promotion committee.

Submitted for kind perusal & consideration, please.

Dated: 31.08.2020

Yours obediently,


Haseeb Akbar
Senior Clerk



Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

9 15



GOVERNMENT OF KHYBER PAKHTUNKHWA.
BOARD OF REVENUE.
REVENUE & ESTATE DEPARTMENT.
Estt: II/DPC/Cmr/D.I.Khan/ 30647
Peshawar dated the 24/11/2020.

To

The Commissioner,
D.I.Khan Division, D.I.Khan.

SUBJECT: SEEKING GUIDANCE PREPARATION OF SENIORITY LIST

Dear Sir,

I am directed to refer to your letter No. 4731/Estt: dated 19.10.2020 and to state that the staff working in Finance & Planning Branch or in Accounts Branch are the employees of the Deputy Commissioner concerned under the sanctioned strength of that District.

It is therefore requested to maintain the seniority list of the staff from the date of their appointment in their respective cadres if they are at the sanctioned strength of the Deputy Commissioner South Waziristan please.

[Signature]
Assistant Secretary (Estt)

Commissioner's Office D.I.Khan Division	
Date	08-12-2020
Secretary	
ACR	
AC (Pull Dev 1)	

Attested Put up BFA
[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera ismail Khan (KPK)

ASSISTANT SECRETARY (ESTT)
[Signature]
09/12/2020

6651
10.12.2020

H

16



OFFICE OF THE
COMMISSIONER
DI KHAN DIVISION DI KHAN



☎ 0966-9280353

☎ +92-966-9280352

☎ +92-333-9971960

📧 @commissionerdik

📧 @commissionerdik

📧 commissionerdikhan@yahoo.com

No. 5877-79/Estt;

Dated DIKhan the 14 /12/2020

To,

The Deputy Commissioner, SWTD.

Subject: SEEKING GUIDANCE PREPARATION OF SENIORITY LIST
Memo:

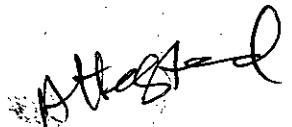

I am directed to refer to your letter No. 1328 dated 28.08.2020 on the subject noted above and to enclose herewith a copy of letter No. Estt:II/DPC/Cmr/DIKhan/30647 dated 24.11.2020 received from Assistant Secretary (Estt), Board of Revenue KPK for further necessary action, please.



Secretary to Commissioner
DIKhan Division DIKhan

Endst: No & Date Even

Copy to the:-

1. The Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department Govt of Khyber Pakhtunkhwa, Peshawar.
2. PS to Commissioner DIKhan Division, DIKhan.



Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)


Secretary to Commissioner
DIKhan Division DIKhan

J 17

To

The Deputy Commissioner
South Waziristan Tribal District at Tank.

Subject: SEEKING GUIDANCE PREPARATION OF SENIORITY LIST.

Sir,

With due respect it is submitted that we are working as ministerial staff in the Finance & Planning wing of Deputy Commissioner office SWTD. The seniority of the ministerial staff of Deputy Commissioner Office was maintained separately without including the staff working with ADC (F&P) though joint seniority is maintained throughout Khyber Pakhtunkhwa in other districts. In the past DPC was held on 15.11.2019 and promotions have carried out against the vacant posts of Assistants & Senior Clerks ignoring the staff of Finance & Planning (Flag-C).

In the same connection the staff of ADC (F&P) moved an application (Flag-A) which was forwarded to Board of Revenue through Commissioner Office DIKhan for guidance/ clarification regarding maintenance of joint seniority of Finance & Planning staff with staff of Deputy Commissioner as both are under the Revenue & Estate. The reply of SMBR office (Flag-B) received through Commissioner DIKhan office is as under:-

"The staff working in Finance & Planning Branch or in Accounts Branch are the employees of Deputy Commissioner concerned under the sanctioned strength of that District and it is therefore requested to maintain the seniority of the staff from the date of their appointment in their respective cadres if they are at the sanctioned strength of the Deputy Commissioner South Waziristan please."

In the light of clarification/guidance from Board of Revenue & Estate Department, it is requested that our names as per attached proforma may please be included in the joint seniority list of Deputy Commissioner office SWTD, please.

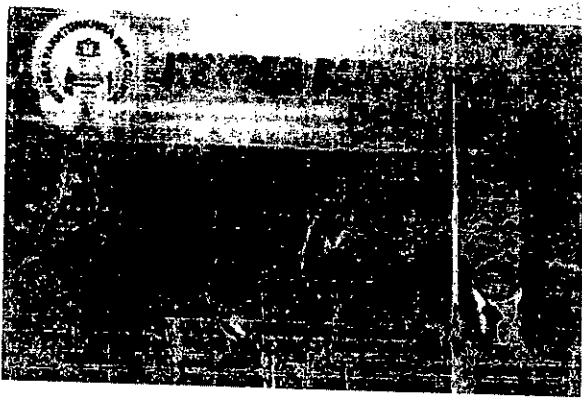
Yours obediently,

- 1- Saif ullah Assistant → [Signature]
- 2- Flizbulloh Assistant → [Signature]
- 3- Haseeb Akbar Senior clerk → [Signature]
- 4- Saifur Mohammod Junior clerk → [Signature]
- 5- Lal Mohammad J/clerk → [Signature]
- 6- Sikandar Khan J/clerk → [Signature]

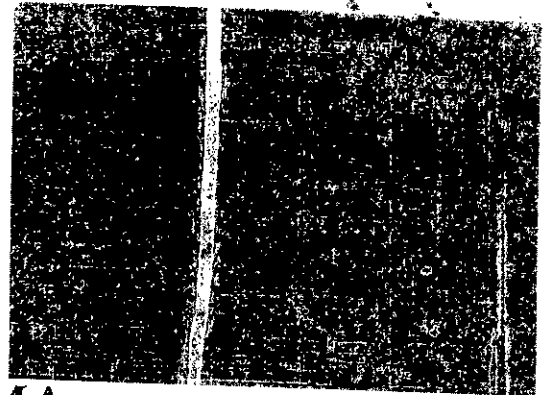
Attended

[Signature]

Advocate Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Ismail Khan (KPK)



18



VAKALATNAMA

IN THE COURT OF ~~Justice~~ KPK Sarnice Tribunal

Haseeb Akbar VERSUS Govt. of F.A. Through

Title Appeal Chief Secretary BZ

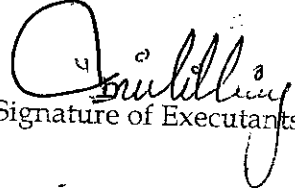
I/~~we~~ Haseeb Akbar

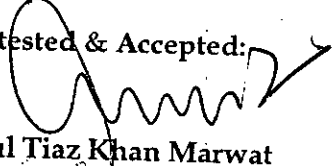
The above named Appellant hereby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/ explained to me/us which is fully understood by me/us.

Date: 10 / 4 / 2021


Signature of Executants (s)

Attested & Accepted: 

Gul Tiaz Khan Marwat
Advocate High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2021

In

Service Appeal No. 4986 /2021

Haseeb Akbar

.....**Appellant**

VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.**Respondents**

**APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF PROCESS OF
PROMOTION TO THE POSTS OF ASSISTANTS LAYING VACANT IN THE OFFICE OF
DEPUTY COMMISSIONER SOUTH WAZIRISTAN TRIBAL DISTRICT AND TO
MAINTAIN STATUS QUO TILL FINAL DISPOSAL OF APPEAL.**

Respected Sir,

1. That the above noted Appeal is pending disposal before this honourable Tribunal and is fixed for today i.e 29.07.2021.
2. That the petitioner impugned the legality of non-fixation of due seniority of the petitioner in the seniority list of UDC of the office of Deputy Commissioner South Waziristan Tribal District by filing the instant Appeal.
3. That case of promotion of the UDC to the post of Assistant is being processed by the office of the Deputy Commissioner South Waziristan Tribal District without fixation of seniority of the petitioner which is illegal and unjustified action of the office of Deputy Commissioner South Waziristan Tribal District.

G. J. J.

- 4. That facing with these circumstances, the petitioner is obliged to knock the door of this honourable Tribunal for suspension of process of promotion from the posts of UDC/Senior Clerks to the posts of Assistants.
- 5. That it is a fit case for grant of interim relief and if interim relief is not granted by this Honourable Tribunal, then the object/purpose of the Appeal would become illogical and fruitless.

It is, therefore, prayed that on acceptance this petition, this Honourable Tribunal may very graciously be please to suspend the process of promotion from the posts of UDC/Senior Clerks to the posts of Assistants in the office of Deputy Commissioner South Waziristan Tribal District and to maintain status quo till final disposal of the ~~wait petition~~ ^{Appeal}.

Your humble Petitioner,
Through Counsel

Dated: 29.07.2021

[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate High Court D.I.Khan Counsel for the Petitioner do hereby solemnly affirm on oath that all the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

[Signature]
DEPONENT



29 JUL 2021

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2021

In

Service Appeal No 4986 /2021

Haseeb Akbar

.....Appellant

VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.Respondents

**APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF PROCESS OF
PROMOTION TO THE POSTS OF ASSISTANTS LAYING VACANT IN THE OFFICE OF
DEPUTY COMMISSIONER SOUTH WAZIRISTAN TRIBAL DISTRICT AND TO
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3. That case of promotion of the UDC to the post of Assistant is being processed by the office of the Deputy Commissioner South Waziristan Tribal District without fixation of seniority of the petitioner which is illegal and unjustified action of the office of Deputy Commissioner South Waziristan Tribal District.

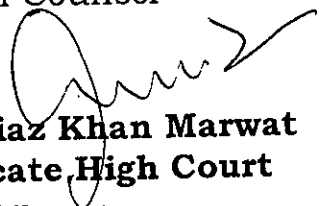
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- 4. That facing with these circumstances, the petitioner is obliged to knock the door of this honourable Tribunal for suspension of process of promotion from the posts of UDC/Senior Clerks to the posts of Assistants.
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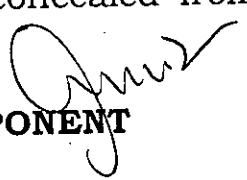
Your humble Petitioner,
Through Counsel

Dated: 29.07.2021


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate High Court D.I.Khan Counsel for the Petitioner do hereby solemnly affirm on oath that all the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


DEPONENT

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2021

In

Service Appeal No. 4986 /2021

Haseeb Akbar

.....Appellant

VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.Respondents

**APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF PROCESS OF
PROMOTION TO THE POSTS OF ASSISTANTS LAYING VACANT IN THE OFFICE OF
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G. M. 2

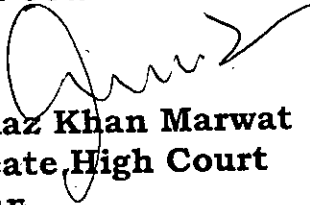
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Your humble Petitioner,

Through Counsel

Dated: 29.07.2021


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate High Court D.I.Khan Counsel for the Petitioner do hereby solemnly affirm on oath that all the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


DEPONENT

In the Honourable Court of
Kyber Paktankhw
Appeal No - 4986 - 2021

Haseeb Akbar VS
Chief Secretary,
Kyber Paktankhw
& others

Subject - Request for permission/giving time
for submission of para-wise comments
till next date of hearing

Respected Sheweth,

With due respect it is submitted that
preparation of para-wise comments of the
instant appeal is under process, but it
takes time by tracing out of very old record
i.e. appointment orders, service book & other
service documents of the officials, appointed
in the period of ex - Political Agent
of South Waziristan.

In order to prepare, vet & submit
correct/up-dated para-wise comments, it
is humbly prayed that the respondents may
be given time till next date of hearing
for the purpose please.

Yours humbly

Respondents
through Suppls
DC ofia SWTD
gawmit khair

Date
26/10/2021



SUPREME COURT
BAR ASSOCIATION
PAKISTAN

Ahmad Ali
Advocate



Member

وکالت نامہ

کورٹ
فیس

President

Secretary

محکمہ امور عدالتیں
محکمہ امور عدالتیں

حساب نمبر

2021/2022

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

مقدمہ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف دائلے بیرونی و جناب دہلی براؤننگ ٹیڈیا یا تصفیہ مقدمہ نام

محمد علی خان دلاور سیرم کوری / خالد سیرم کوری

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بنا ہڈیہ روز برو عدالت حاضر ہونا ضروری ہے اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور ہیرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عین نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساخت پر دائرہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اٹھائے ڈگری نظر ثانی اپیل گمرانی و ہر قسم درخواست برقم کے بیان وسیع اور پر پاش یا راشی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور ہیران از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل گمرانی و برآمدگی مقدمہ یا منسوی ڈگری یک طرفہ یا درخواست حکم انتہائی اترقی یا گمرانی قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی ٹیڈیا مقرر ہیری کا اختیار ہو گا اور تمام ساخت پر دائرہ صاحب موصوف مثل کردہ از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو پورے بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جز کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سر کو اپنے بھانجے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو جگہ ہر جان الزام پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں ہیرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

Accepted

Atty

لہذا وکالت نامہ گھڑو یا ہے تاکہ مستند رہے

26

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح گھڑو لیا ہے اور منظور ہے

Umar M...
Umar M...

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Umar M...

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SUPREME COURT
BAR ASSOCIATION
PAKISTAN

Ahmad Ali
Advocate



Member

وکالت نامہ

کورٹ
فیس

President

Secretary

حکومت سندھ، سکرٹری جنرل، سکرٹری

منجانب

صحت افسر، نام گورنمنٹ،

دعویٰ یا جرم

2021

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

ذراہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی درجواب دہی برائے پیش یا تصدیق مقدمہ نام

21 مئی 2021

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ذراہ یا دیگر شخصوں کے ذریعہ ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا جمت نہ دانی کرنے کے لکھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل سامنے پر وادخت صاحب موصوف شل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری نظر ثانی اپنی گرانٹی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر غائب یا رضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از بکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپنی گرانٹی و برآمدگی مقدمہ یا مستوی ڈگری یک طرفہ یا درخواست حکم استغاثی یا ترقی یا گرانٹی قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا لکھی مجھہ مختصمیری کا اختیار ہو گا اور تمام سامنے پرداخت صاحب موصوف شل کردہ از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپنی گرانٹی یا دیگر معاملہ و قدم مذکورہ کسی دوسرے وکیل یا ہیر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فین تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھو یا ہے تاکہ مسترد ہے

2021

مضمون وکالت نامہ میں لیا ہے اور اسی طرح لکھ لیا ہے اور منظور ہے

Accepted

Thurs 20/05/21

Handwritten signatures and stamps at the bottom of the document, including names like 'Justice' and 'Zaid Khan'.



SUPREME COURT
BAR ASSOCIATION
PAKISTAN

Ahmad Ali
Advocate



وکالت نامہ

President

Secretary

کورٹ
فیس

صاحب سرورہ سرپور جسٹس کوٹاہ لٹارہ
 پنجاب ایپیلیٹ (Applicant)
 حسیب اختر نام گورنمنٹ کالج
 دعوی یا جرم 4986
 تفصیل دعوی یا جرم

باعث تحریر آنکہ
 مقدمہ مندرجہ بالا عدالت میں اپنی طرف واسطے بیرونی وجوہات ہی برائے پیش یا تفسیر مقدمہ نام
 اصغر علی خان ایڈووکیٹ سرگرم کورٹ خالصتاً عدوہ اللہ کوٹاہ
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بلڈیاں برو عدالت حاضر ہونا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظاہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 موصوف اس سے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
 بیرونی کرسٹ کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے
 پر مظاہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا صحت نہ دالیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔
 کوکل ساختہ پر داخست صاحب موصوف پیش کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذری
 نظر ثانی اپیل گرانٹی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برحلاف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ محرور بیرون از بکھری صدر بیرونی مقدمہ محرور نظر ثانی اپیل و گرانٹی و برآمدگی مقدمہ یا سنسوی ذری یک طرفہ یا درخواست ستم انتہائی یا ترقی
 یا گرانٹی قبول از فیصلہ اجراء ذری بھی صاحب موصوف کو بشرط ادائیگی ٹیچرہ مختام بیرونی کا اختیار ہو گا اور تمام ساختہ پروداخت صاحب موصوف پیش کردہ
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ محرورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
 اپیل گرانٹی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمارے مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دیا اور ایسے
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جات الزام پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھو دیا ہے تاکہ مسترد ہے
 مورخہ 26 ماہ اکتوبر 2021
 مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھا لیا ہے اور منظور ہے۔

Handwritten signature/initials

22-10-2021
 خان شاہ
 اختر علی

Handwritten signature/initials

عطا اللہ

Handwritten signature/initials

Accepted
 Handwritten signature

27. *Miraj-ud-Din, No.2, Junior Clerk*

28. *Rashidullah, Junior Clerk*

29. *Islam-ud-Din, Junior Clerk*


*All serving in the Office of Deputy Commissioner,
South Waziristan.*

Respectfully Sheweth,


1. That the above titled Service Appeal is pending adjudication before this Honourable Court.
2. That the appellant in above titled appeal has sought issuance of common/joint seniority list with the Seniority List of the sanctioned strength/establishment of the Deputy Commissioner, South Waziristan.
3. That applicants are at the sanctioned strength of Deputy Commissioner, South Waziristan, whereas, appellant is not at the sanctioned strength of D.C. South Waziristan. Therefore in case of preparation of joint or common seniority list for appellant, or merger of appellant in the seniority list with applicants, shall cause an adverse effect on the seniority list of applicants and thereby the seniority of applicants will be affected.
4. That the applicants have every right to save their rights and interests qua their seniority, and same can only be done when applicants are provided opportunity of hearing and defending their rights by impleading them in the panel of respondents. Thus, the impleadment of applicants in the Service Appeal in order to safeguard their valuable rights and seniority, in the panel of respondents would be in the interest of justice and this Honourable Tribunal has got ample powers to implead the applicants as respondents.


It is, therefore, very humbly prayed that applicants may please be impleaded in the above titled Service Appeal in the panel of respondents.

Yours Humble Applicants



(Sanaullah etc)
Through Counsel


Dt. 10.2021


Ahmad Ali
Advocate Supreme Court.


Miss Shumaila Awan
Advocate High Court, D.I.Khan

AFFIDAVIT: I, **Farman Ullah, Junior Clerk, applicant**, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this Civil Miscellaneous Petition are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court.


Identified by counsel:
Ahmad Ali ASC


Deponent

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

In Service Appeal No. 4986 of 2021

Haseeb Akhtar Vs Govt. of K.P.K. etc
Appellant Respondents

**APPLICATION FOR IMPLEADMENT OF APPLICANTS
(NAMES MENTIONED BELOW) IN THE SERVICE APPEAL
AS INTERVENOR IN THE PANEL OF RESPONDENTS.**

1. *Sanaullah, Office Assistant*
2. *Dost Wali, Senior Clerk*
3. *Muhammad Jameel, Senior Clerk*
4. *Atta Ullah Marwat, Senior Clerk*
5. *Miraj-ud-Din, Senior Clerk*
6. *Attaullah Mehsud, Junior Clerk*
7. *Ihsan Ullah Khan, Junior Clerk*
8. *Junaaid Alam, Junior Clerk*
9. *Illa-ud-Din Wazir, Junior Clerk*
10. *Rehman Zada, Junior Clerk*
11. *Amir Ullah, Junior Clerk*
12. *Muzammil Khan, Junior Clerk*
13. *Tehseen Khan, Junior Clerk*
14. *Farman Ullah, Junior Clerk*
15. *Mati Ullah, Junior Clerk*
16. *Zahid Khan, Junior Clerk*
17. *Sami Ullah Said, Junior Clerk*
18. *Muhammad Ali, Junior Clerk*
19. *Muhammad Imran, Junior Clerk*
20. *Attig-ur-Rehman, Junior Clerk*
21. *Khan Shah, Junior Clerk*
22. *Zafar Ali, Junior Clerk*
23. *Khalid Mehmood, Junior Clerk*
24. *Waqas Ahmad, Junior Clerk*
25. *Asghar Ali, Junior Clerk*
26. *Usman Wazir, Junior Clerk*

27. *Miraj-ud-Din, No.2, Junior Clerk*
28. *Rashidullah, Junior Clerk*
29. *Islam-ud-Din, Junior Clerk*


*All serving in the Office of Deputy Commissioner,
South Waziristan.*

Respectfully Sheweth,

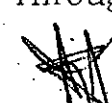
1. That the above titled Service Appeal is pending adjudication before this Honourable Court.
2. That the appellant in above titled appeal has sought issuance of common/joint seniority list with the Seniority List of the sanctioned strength/establishment of the Deputy Commissioner, South Waziristan.
3. That applicants are at the sanctioned strength of Deputy Commissioner, South Waziristan, whereas, appellant is not at the sanctioned strength of D.C. South Waziristan. Therefore in case of preparation of joint or common seniority list for appellant, or merger of appellant in the seniority list with applicants, shall cause an adverse effect on the seniority list of applicants and thereby the seniority of applicants will be affected.
4. That the applicants have every right to save their rights and interests qua their seniority, and same can only be done when applicants are provided opportunity of hearing and defending their rights by impleading them in the panel of respondents. Thus, the impleadment of applicants in the Service Appeal in order to safeguard their valuable rights and seniority, in the panel of respondents would be in the interest of justice and this Honourable Tribunal has got ample powers to implead the applicants as respondents.

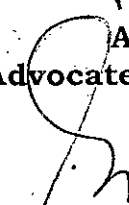
It is, therefore, very humbly prayed that applicants may please be impleaded in the above titled Service Appeal in the panel of respondents.

Yours Humble Applicants



(Sanaulah etc)
Through Counsel


Dt. 10.10.2021


Ahmad Ali
Advocate Supreme Court.


Miss Shumaila Awan
Advocate High Court, D.I.Khan

AFFIDAVIT: I, Farman Ullah, Junior Clerk, applicant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this Civil Miscellaneous Petition are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court.


Identified by counsel:
Ahmad Ali ASC


Deponent