

15th Nov, 2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Additional Advocate General for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not
available today. To come up for arguments on 15.12.2022 before the

D.B at Camp Court Abbottabad.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16.06.2022

Appellant alongwith his counsel present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

For the just decision of case, production of relevant record in shape of service rules and seniority list is very much essential, therefore, learned AAG is directed to make sure the presence of an official on behalf of the respondents but not below Grade-17 alongwith entire relevant record in shape of service rules of Electricians, appointment and promotion orders of all BPS-05 employees. Copy of this order sheet be sent to learned AAG for perusal and further necessary action on his part.

Adjourned to 17.08.2022 for hearing before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

19th Oct., 2022

Appellant present in person. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Appellant seeks adjournment due to engagement of his learned counsel before Hon'ble Peshawar High Court, Abbottabad Bench. Last opportunity is granted. To come up for arguments on 15.11.2022, before ~~D.B at Camp Court,~~

~~Abbottabad.~~



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


19.01.2022

Appellant in person present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that
his counsel not available today due to death of his close relative.
Adjourned. To come up for rejoinder, if any, as well as
arguments on 16.03.2022 before the D.B at Camp Court
Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court A/Abad



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

16.03.2022

Due to non-functional of the Tribunal, the case is
adjourned for the same on 19.05.2022.



Reader

19.05.2022

None for the appellant present. Syed Naseer Ud
Din, Assistant Advocate General for respondents present.

Previous date was changed through Reader note,
therefore, notice for prosecution of appeal be issued to the
appellant and his counsel. To come up for arguments
before D.B on 16.06.2022 at camp court Abbottabad.



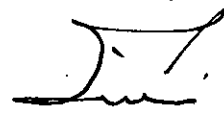
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Fareeha Paul)
Member(E)

22.09.2021

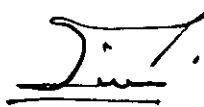
Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present and requested for adjournment for submission of reply/comments. Request is accorded with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 23.12.2021 at Camp Court Abbottabad.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

23.12.2021

Appellant in person present. Mr. Muhammad Ali, Junior Clerk alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Written reply on behalf of respondents No. 1 to 4 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 19.01.2022 before the D.B at Camp Court Abbottabad.

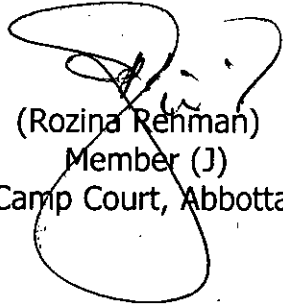

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

18.02.2020

Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 21.04.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee
27/2/21


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

21-4-21

Due to covid 19, the case is adjourned
to 22-9-2021 For the same.



Reads

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- **6138** /2020

| 1S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|------------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 23/06/2020 | <p>The appeal of Mr. Ghulam Qadir resubmitted today by Haji Sabir Hussain Tanoli 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- | | <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-11-2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| 19.11.2020 | | <p>Appellant is present in person and requested for adjournment on the ground that his counsel is not available today. Adjourned to 18.02.2021 on which date file to come up for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p> |

The appeal of Mr. Ghulam Qadar son of Gul Qadar received today by post i.e on 29.04.2020 through Haji Sabir Hussain Tanoli, Advocate which is incomplete on the following score and returned to his counsel for completion and resubmission within 15 days:-

1. Annexures of the appeal may be attested by the appellant or his counsel.
2. Annexures of the appeal may be flagged.
3. Pages 13 and 14 of the appeal are illegible which may be replaced by legible one.
4. Two more copies of appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.


REGISTRAR
K.P SERVICE TRIBUNAL
PESHAWAR.

No 1097 ST.

Dated 5-5-2020

HAJI SABIR HUSSAIN TANOLI,
ADVOCATE ABBOTTABAD.

Sir,

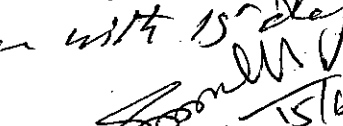
Re submitted after removal
of objections.


HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

objection no. 2 & 3 are still stand
and the appeal is again returned to
the counsel for the appellant for
completion and resubmission with 15 day

No 1229 1ST
dt 15-06/2020

PTO


15/6/2020
Registrar

Sir,

objection no. 2, 3
Removed by placing
better copy of the
documents and
re-submitted pl.

22/6/2020 ↓

HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO- **6138** /2020

Ghulam Qadir, Son of Gul Qadir, Presently Electrician in C&W Department,
Tehsil & District, Abbottabad

..... APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Communication &
Works Department, Peshawar & others.

..... RESPONDENTS

SERVICE APPEAL

INDEX

| S.# | Description | Page No. | Annexure |
|-----|---|--------------|----------|
| 1 | Appeal with Affidavit | 1-7 | |
| 2 | Addresses of the Parties | 8 | |
| 3 | Copy of the promotion Order | 9 | "A" |
| 4 | Copy of the order dated 20/04/2016 | 10 | "B" |
| 5 | Copy of the Letter dated 10/06/2016 | 11-12 | "C" |
| 6 | Copies of the Orders dated 29/05/2006 and 22/02/2013 | 13-14 | "D" |
| 7 | Copies of the Writ petition and order dated 30/05/2018 | 15-23 | "E" |
| 8 | Copies of the COC, Reply and order thereon | 24-29 | "F" |
| 9 | Copy of the order dated 07/11/2019 | 30-31 | "G" |
| 10 | Copy of the representation/ departmental appeal | 32-33 | "H" |
| 11 | Wakalatnama | 34 | |

..... Ghulam Qadir S/O Gul Qadir,

..... APPELLANT

Through

Dated: **28/9** /2020

(HAJI SABIR HUSSAIN TANOLI)

Advocate Supreme Court of Pakistan

Abbottabad

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Appeal No. **6138**
70/2020

Diary No. 321

Dated 29-4-2020

Ghulam Qadir, S/O Gul Qadir, Presently Electrician in C&W Department, Tehsil & District, Abbottabad.

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Communication & Works Department, Peshawar.
2. Chief Engineer, C&W Department, Abbottabad.
3. Superintendent Engineer, C&W Department, Abbottabad.
4. Executive Engineer, C&W Department, Abbottabad

..... RESPONDENTS

SERVICE APPEAL AGAINST THE NON PROMOTION OF APPELLANT TO THE POST OF SUPERVISOR AGAINST THE VACANT POST WITH EFFECT FROM THE DATE WHEN MR. SHAHID CARPENTER WAS PROMOTED AS SUPERVISOR. ANY OTHER RELIEF WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED.

Filed to-day

W
Registrar

29/4/2020

Re-submitted to -day
and filed.

Registrar

Respectfully Sheweth,

FACTS;

1. That, appellant was appointed as an electrician in the respondent department in the year 1988, and since then he is serving against the said post without any promotion and also having unblemished record..
2. That, one Muhammad Khalid, was retired from the post of supervisor in BPS-9, in his place one Mr. Shahid carpenter was promoted to the post of supervisor (**Copy of the promotion Order is Annexure "A"**)
3. That, petitioner being aggrieved by the order of said Shahid, Impugned the same order before this honorable tribunal by way of service appeal bearing No. 1220 of 2013. During the pendency of appeal, respondent No.3 was pleased to withdraw the said promotion order and as such service appeal was disposed of having become infructuous vide order dated 20/04/2016 (**Copy of the order dated 20/04/2016 is Annexure "B"**)
4. That, after order dated 20/04/2016, appellants sought his promotion through respondent No.3 wherein

respondent No.4 apprised the respondent No.3 vide latter dated 10/06/2016, prior to this many electricians in BPS-5 have been promoted as supervisors in BPS-9. **(Copy of the Latter dated 10/06/2016 is Annexure "C")**

5. That, as all the similarly placed electricians have been promoted to the post of supervisor in BPS-9 vide orders dated 29/05/2006 and 22/02/2013, accept the appellant which amounts to glaring and patent discrimination within the meaning of article 25 of the constitution. **(Copies of the Orders dated 29/05/2006 and 22/02/2013 are Annexure "D")**

6. That, being aggrieved by the discrimination, appellant invoked the constitutional jurisdiction of Peshawar High Court through writ Petition No. 579A / 2018, which was disposed off with the directions to respondent No.3 to decide the petitioners appeal within period of two months positively vide order dated 30/05/2018. **(Copies of the Writ petition and order dated 30/05/2018 is Annexure "E")**

7. That, when respondent No.3 failed to comply with order of honorable Peshawar High court dated 30/05/2018, appellant filed a contempt of court petition

bearing COC No. 82A of 2018 upon which reply was submitted by the respondents wherein they took the plea of the said post is of initial recruitment and no promotion could be made hence petition for contempt of court was dismissed **(Copies of the COC, Reply and order thereon is Annexure "F")**

8. That, petitioner feeling aggrieved from the action/in action of respondent filed another writ petition bearing No.852 of 2019 which was withdrawn on 07/11/2019 with permission to approach the proper forum for redressal of his grievance. **(Copy of the order dated 07/11/2019 is Annexure "G")**
9. That, appellant filed representation before the competent authority. **(Copy of the representation/departmental appeal is Annexure "H")**
10. That, departmental was duly received by the respondent No.3 but no order / reply have been made on the representation hence instant appeal inter alia on the following;

GROUNDS;

- a) That, appellant in view of the past precedents and rules is eligible to be promoted as supervisor in BPS-9, thus, his non promotion to the post of supervisor in BPS-9 is illegal, highly unjust, unfair, malafide and act of the respondents is illegal exercise of their powers.
- b) That, appellant is being discriminated as all similarly placed electricians were promoted as supervisors but appellant despite being eligible and fit for the post which is lying vacant since 2013 is not being promoted as yet.
- c) That, appellant fulfill the criteria of eligibility cum fitness for the said post.
- d) That, all junior employees/electricians by the appellant have been promoted to the said post and they are still working on the same posts and appellant being illegally deprived off promotion by the competent authority.
- e) That, could not be filed earlier due to COVID-19 lockdown, however appeal is within time.

It is, therefore, most humble prayed that respondent department may kindly be directed to promote the appellant as a supervisor in BPS-9 as similarly placed employees have been promoted.

غلام قادر

.....Ghulam Qadir S/O Gul Qadir,
.....APPELLANT

Through

Dated: 28/4 /2020

(HAJI SABIR HUSSAIN TANOLI)
Advocate Supreme Court of Pakistan
Abbottabad

&

(AHMED HUSSAIN TANOLI)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

غلام قادر

.....Ghulam Qadir S/O Gul Qadir,
.....APPELLANT



BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO- _____ /2020

Ghulam Qadir, Son of Gul Qadir, Presently Electrician in C&W Department,
Tehsil & District, Abbottabad

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Communication & Works Department, Peshawar.
2. Chief Engineer, C&W Department, Abbottabad.
3. Superintendent Engineer, C&W Department, Abbottabad.
4. Executive Engineer, C&W Department, Abbottabad

..... RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Ghulam Qadir, Son of Gul Qadir, Presently Electrician in C&W Department, Tehsil & District, Abbottabad, do hereby affirm and declare on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.



غلام قادر
DEPONENT

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO- _____ /2020

Ghulam Qadir, Son of Gul Qadir, Presently Electrician in C&W Department,
Tehsil & District, Abbottabad

..... **APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Communication & Works Department, Peshawar.
2. Chief Engineer, C&W Department, Abbottabad.
3. Superintendent Engineer, C&W Department, Abbottabad.
4. Executive Engineer, C&W Department, Abbottabad

..... **RESPONDENTS**

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under;

Addresses of the parties have been correctly given in the heading of Appeal.

..... **Ghulam Qadir S/O Gul Qadir,**
..... **APPELLANT**

Through

Dated: 28/4 /2020

(HAJI SABIR HUSSAIN TANOLI)
Advocate Supreme Court of Pakistan
Abbottabad

&

(AHMED HUSSAIN TANOLI)
Advocate High Court, Abbottabad

Annex A

9

P-16

BETTER COPY

P-11

OFFICE OF THE
SUPERINTENDING ENGINEER
C&W CIRCLE ABBOTTABAD
Phone# 0992-9310258
E-mail:-circle_atd@yahoo.com
No.3497/5-E
Dated 05/09/2012

Annex A

OFFICE ORDER

Mr. Shahid (Carpenters) attached to O/O Executive Engineer C&W Division Abbottabad is hereby proceed as Work Supervisor (BPS-09) in the interest of public service.

SUPERINTENDING ENGINEER

Copy to the:-

1. Executive Engineer C&W Division Abbottabad.
2. District accounts Officer Abbottabad.
3. Office order file.

SUPERINTENDING ENGINEER

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

Annex B² 10

ANNEX - D

P-18

10

12

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.



Annex B

Ghulam Qadir S/o Gul Qadir presently Electrician in C&W Department, Tehsil and District
Abbottabad

...APPELLANT

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Communication and works Department Peshawar.
- 2) Chief Engineer C&W Department Abbottabad.
- 3) The Executive Engineer C&W Department Abbottabad.
- 4) Secretary C&W Secretariat Office Machni Road Peshawar.
- 5) Muhammad Shahid S/o Munir Khan, R/o Noor Colony Bauda Dilazak Supply Abbottabad presently working as Car Painter C&W Department Abbottabad.
- 6) Superintending Engineer C&W Department Peshawar.
- 7) The Secretary Commission & Works Department Khyber Pakhtunkhwa, Peshawar.

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

1220/13

20.04.2016

Counsel for the appellant Ms. Tahira SDO (Building) alongwith Mr. Muhammad Siddique, Sr. GP for the official respondents and counsel for private respondent No. 5 present. Written reply submitted by respondent No. 5 while Sr. GP also submitted office order dated 18.06.2015 on the basis whereof promotion order of Mr. Shahid Carpenter to the post of Works Supervisor impugned by the appellant, has been withdrawn.

Learred counsel for the appellant submitted that due to fresh order appellant is to re-agitate the matter at departmental level. Requested for withdrawal of the appeal. The same is dismissed as withdrawn. The appellant may agitate the issue at departmental level afresh, if so advised. File be consigned to the record room.

[Handwritten signature and stamp]

Announced
20-4-2016

Chairman
Comp Court Abbottabad

Annex "C"

Annex "C"

DP

ANNEX - 9

No. 4744

163.12

Dated Abbottabad the 10/06/2016.

To

The Superintending Engineer
C&W Circle Abbottabad.

P-21

Annex C

Subject: - PROMOTION AGAINST THE VACANT POST OF WORK SUPERVISOR.

Reference:- Your Letter No. 2647/1-A Dated 21/12/2016.

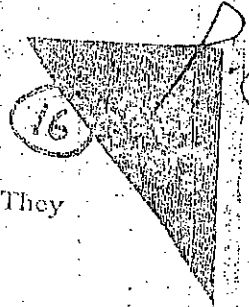
In this connection it is submitted that the court has ordered to re-agitate the matter of Mr. Ghulam Qadir Electrician at department level. In the post on Mr. Shahid (Carpenter) BPS-09) vide Superintending Engineer No. 3473/S-E dated 05/09/2012 (photo copy attached) and Mr. Ghulam Qadir requested the department dated 31/01/2012 and 16/04/2013 and 01/05/2013 and to the secretary to Govt. of Khyber Pakhtoon Khwa Peshawar and S.O (ESTT). Sent his application for immediate necessary action. But was sent back to Superintending Engineer by this office vide No. 1097/15-A dated 23/05/2013 (photo copy attached). The case was then sent to Superintending Engineer C&W Circle Abbottabad of 04 Nos official (Photo copy attached) including Ghulam Qadir Electrician who agitate the case in the Court of Law when his application for promotion was not considered being senior amongst the official on seniority cum fitness.

Two Nos Electrician were also promoted vide Executive District officer office order no. 1005/S-E dated 29-05-2006 (photo copy attached) one Mr. Abdul Rasheed electrician (BPS-05) promoted as work supervisor BPS-09 and

ATTESTED
M. MOHAMMAD HUSSAIN YAKHOLI
Secretary
Court of Pakistan

12

P- 22



Mr. Muhammad Khurshid Plumber BPS-05 to Work Supervisor (BPS-09). They were retired after availing full benefits of (BPS-09).

In The letter of this office No. 49/15-A dated 22/02/2013 (Photo copy attached). Vide which the name (05) of electrician were given as per seniority list amongst them, and in the same letter recommendations for promotion as per rules E&A / C&W/125/91 in Sub-Rule (2) of Rule (3) NWFP Civil servant, appointment / promotion/ which requires the merit / eligibility i.e DAE (Civil) for which Mr. Muhammad Faisal S/O Akhtar Nawaz cleaner was fit for promotion, but the promotion of Mr. Shahid carpenter as work supervisor was recommended as non eligible for the post as per above rules, without consideration by the departmental promotion committee.

In view of above and the notification dt: 11/06/1997 (Photo Copy attached) and rules regarding Appointment, Promotion, and transfer rules 1989, (photo copy attached) and as per rule 7 of esta code (photo copy attached) regarding appointment by promotion or transfer (photo copy attached) are clear on the subject matter, which case of Mr. Ghulam Qadir Electrician should be dealt with at your office level as the matter of promotion truly relates to your office, and need redressed, of his grievance as per rules.

o/c
Executive Engineer
C&W Division Abbottabad

*Received
14/11/16*

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

Annex "D" (13)

OFFICE OF THE
EXECUTIVE DISTRICT OFFICE
WORKS & SERVICES DEPT.
ABBOTTABAD.

OFFICE ORDER No. 1085 / S-E

Dated at Abbottabad the 29 / 5 / 2006.

ANNEX - H
Annex (D)
P-25

OFFICE ORDER

As recommended by the Deputy Director (U&R) Works & Services Deptt. Abbottabad, following Promotion/Adjustments amongst Electrician / Plumber are hereby made in the public interest with effect from the dates as noted against each:-

| S# | Name of Officials | From | To | Remarks |
|----|-------------------|----------------------|---------------------------|--|
| 1 | Abdul Rashid | Electrician BPS-5 | Works Supervisor BPS-9 | With effect from 1-3-2006 against existing vacancy. |
| 2 | Muhammad Khershid | Plumber BPS-5 | Works Supervisor BPS-9 | With effect from 7-10-2006 on the retirement of Sl: No-1 |

EXECUTIVE DISTRICT OFFICER

Copy to the:-

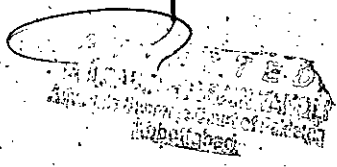
1. Deputy Director (U&R) Works & Services Deptt. Abbottabad, for information with reference to above.
2. District Accounts Officer Abbottabad.
3. Divisional Accounts Officer (U&R).
4. Office Order file.

EXECUTIVE DISTRICT OFFICER

(D) Khairat - Electrician

- 1999

S-09-12
29/5/2006
2013



~~Form~~ (14)

No. 49 / 15-A

Dated Abbottabad the 21/2/2013

The Superintending Engineer,
Communication & Works Circle,
Abbottabad.

ANNEX - I

P-24

Subject: PROMOTION AGAINST THE VACANT POST OF WORK SUPERVISOR
Reference: Your letter No. 26471-A, dated 21.12.2012.

Please refer to the above, it is submitted that there are 07 Nos. Electricians performing in this office, whereas the 02 Electrician name were given, because they are most senior amongst the Electricians. However the bio-data of all Electricians are working in this Division as under:

| S # | Name of official | Designation | Date of Birth | Date of appointment | Date promotion |
|-----|------------------|-------------|---------------|---------------------|----------------|
| 1 | Muhammad Salar | Electrician | 09.07.1967 | 28.03.1985 | 29-4-2002 |
| 2 | Ghulam Qadir | Electrician | 01.06.1969 | 29.12.1986 | 19-2-1999 |
| 3 | Nasir Khan | Electrician | 30.05.1972 | 10.05.1991 | 19-2-1999 |
| 4 | Naveed Ullah | Electrician | 02.01.1976 | 01.03.1995 | 17-6-2006 |
| 5 | Muhammad Sajjad | Electrician | 20.04.1975 | 25.03.1996 | 26-2-2009 |
| 6 | Amyad Hussain | Electrician | 03.02.1970 | 02.06.1999 | 5-5-2006 |
| 7 | Arshad-ur-Rehman | Electrician | 30.10.1983 | 20.02.2006 | |

It is further added that the post of Work Supervisor, is based on Diploma of Associate Engineer (DAE) Civil as per file Mr. Muhammad Faisal S/O Akhtar Nawaz Cleaner already recommended for promotion as a work supervisor vide this Office No. J620/163-IE dated 04/07/2012 is based on merit / eligibility, but the person namely Muhammad Shahid Carpenter who was promoted against the post of Work Supervisor having qualification only E.A and is not eligible for the said post as per rule E&A/C&W 1125/91 in sub-rule (2) of rule-3 NWFP Civil Servant, Appointment / Promotion & Transfer.

Executive Engineer
C & W DIVISION
Abbottabad

ATTESTED
Haji Sabir Hussain Tanoli
Advocate Supreme Court of Pakistan
Abbottabad

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
WORKS AND SERVICES DEPTT: ABBOTTABAD 13

Office Order No. 1005/S.EDated Abbottabad the 26/05/2006Notification:-**OFFICE ORDER**

As recommendation by the Deputy Director (B&R) Works & Services Deptt; Abbottabad following promotion/Adjustment amongst electrician/plumber are hereby made in the public interest with effect from the dates as noted against each.

| S# | Names of Officials | From | To | Remarks |
|----|--------------------|-------------------|-----------------------|--|
| 1 | Abdul Rashid | Electrician BPS-5 | Work Supervisor BPS-9 | With effect from 01.03.2006 against existing vacancies |
| 2 | Muhammad Khurshid | Plumber BPS-5 | Work Supervisor BPS-9 | With effect from 07.10.2006 on the retirement of SE .No. 1 |

EXECUTIVE DISTRICT OFFICER

Copy to the:-

1. Deputy Director (D&R) Works and Service Deptt; Abbottabad, for information with reference to above.
2. District Accounts Officer Abbottabad.
3. Divisional Account Officer Abbottabad.
4. Office Order file.

EXECUTIVE DISTRICT OFFICER

usc
Alam
92

HAJI SABIR HUSSAIN TANDLI
 Advocate Supreme Court of Pakistan
 Advocate Abbottabad
 Advocate Abbottabad

No. 49/15ADated Abbottabad the 22/2/2013

To,

The Superintending Engineer,
Communication & Work Circle
Abbottabad

Subject: **PROMOTION AGAINST THE VACANT POST OF WORK SUPERVISOR**

Reference: Your letter No. 26471/1-A dated 21/12/2012

Please refer to the above, it is submitted that there are 07 Nos. Electrician performing in this office whereas the two electrician names were given, because they are most senior amongst the electrician. However the bio data of all the electrician are working in this Division as under

| S# | Names of Officials | Designation | Date of Birth | Date of appointment | Date of promotion |
|----|--------------------|-------------|---------------|---------------------|-------------------|
| 1 | Muhammad Sabir | Electrician | 07/07/1967 | 23/03/985 | 29/04/2002 |
| 2 | Ghulam Qadir | Electrician | 01/06/1969 | 29/12/1986 | 19/02/1999 |
| 3 | Nasir Khan | Electrician | 30/05/1972 | 10/05/1991 | 19/02/1999 |
| 4 | Naveed Ullah | Electrician | 02/01/1976 | 01/03/1995 | 17/06/2006 |
| 5 | Muhammad Sajjad | Electrician | 20/04/1975 | 23/03/1996 | 26/02/2009 |
| 6. | Amjad Hussain | Electrician | 03/02/1970 | 02/06/1999 | 05/05/2006 |
| 7. | Annayat ur Rehman | Electrician | 03/10/1985 | 20/02/2006 | - |

It is further added that the post of Work Supervisor, is based on diploma of Assassinate Engineer (DAE) Civil as per rule Mr. Muhammad Faisal S/o Akhtar Nawaz Cleaner are already recommended for promotion as a Work Supervisor vide the office No. 3620/163-IE dated 04/07/2012 is based on merit/eligibility, but the person namely Muhammad Shahid Carpenter who was promotion against the post of Work Supervisor having qualification only F.A and is not eligible for the said post as per rule E&A/C&W 1125/91 in sub-rule(2) of rule-3 NWFP Civil Servant, Appointment/Promotion & Transfer.

EXECUTIVE ENGINEER
C&W Division
Abbottabad

C7L
Abdom
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

Annex ¹⁰ EP ¹⁷ 15

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 5751-A/2018

Annex (E)

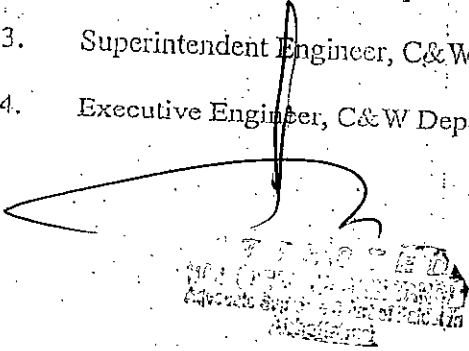
Ghulam Qadir son of Gul Qadir, presently Electrician in C&W Department,
Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Communication & Works Department, Peshawar.
2. Chief Engineer, C&W Department, Abbottabad.
3. Superintendent Engineer, C&W Department, Peshawar.
4. Executive Engineer, C&W Department, Abbottabad.

...RESPONDENTS


RECEIVED
SECRETARY
COMMUNICATION & WORKS DEPARTMENT
PESHAWAR

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973, AGAINST THE NON-
PROMOTION OF PETITIONER TO THE POSITION
OF SUPERVISOR DESPITE HIS FILLING AN
APPEAL DATED 05/05/2016 TO THIS EFFECT

(16)

18

BEFORE THE RESPONDENT NO.3 AFTER THE
WITHDRAWAL OF PROMOTION OF ONE MR.
SHAHID AS SUPERVISOR AGAINST WHOSE
PROMOTION PETITIONER HAD FILED SERVICE
APPEAL NO.1220 OF 2013 BEFORE THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL AND SAME
WAS DISMISSED AS WITHDRAWN ON 20/04/2016
AND THEREAFTER FILED SERVICE APPEAL
NO.915/2016 BEFORE THE SERVICE TRIBUNAL
WHICH HAS BEEN DECIDED ON 20/03/2018.

PRAYER: ON ACCEPTANCE OF THE INSTANT
WRIT PETITION, THE RESPONDENTS MAY
KINDLY BE DIRECTED TO PROMOTE THE
PETITIONER FROM THE POST OF ELECTRICIAN
TO SUPERVISOR WITH EFFECT FROM THE DATE
WHEN MR. SHAHID CARPENTER WAS
PROMOTED AS SUPERVISOR. ANY OTHER
RELIEF WHICH THIS HONOURABLE COURT
DEEM APPROPRIATE IN THE CIRCUMSTANCES
OF THE CASE MAY ALSO BE GRANTED TO THE
PETITIONER.

ATTESTED
SAEED HUSSAIN TANOLI
Court of Pakistan

17

P 14

Respectfully Sheweth:-

That the facts forming the background of the instant writ petition are arrayed as under:-

1. That the petitioner was appointed as Electrician in the year 1988 and he was placed in BPS-05. He had served for almost 28 years in the same scale and not promoted as yet in higher scale of Supervisor.
2. That after the retirement of one Muhammad Khalil son of Bostan Khan from the post of Supervisor in BPS-09, Mr. Shahid Carpenter was promoted against the said post of Supervisor. Copies of retirement order of Muhammad Khalil and promotion of Mr. Shahid as Supervisor are attached as Annexure "A" & "B".
3. That the petitioner being aggrieved from the promotion of aforementioned Shahid Carpenter after preferred service appeal No.1220 of 2013 before Khyber Pakhtunkhwa Service Tribunal. During the pendency of the said appeal, the respondent No.3 in compliance with the direction

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

18

20

of respondents No.1 & 2 vide order dated 18/06/2015, reversed the promotion order of Mr. Shahid Carpenter. As a result, whereof, the aforesaid service appeal No.1220 of 2013 has gone infructuous. Therefore, the same was dismissed as withdrawn. Copies of order dated 18/06/2015 and order of Honourable Service Tribunal dated 20/04/2016 are annexed as Annexure "C" & "D".

4. That after withdrawal of aforesaid appeal, the petitioner on 05/05/2016 preferred an appeal before respondent No.3 for his promotion against the post of Supervisor. As previously many electricians in BPS-05 have been promoted as Supervisors in BPS-09. The respondent No.3 instead of taking an action upon the appeal of petitioner vide his letter dated 18/05/2016, asked the respondent No.4 for information and detail report, so it may take necessary action respecting the said appeal of the petitioner. Copies of appeal dated 05/05/2016 and letter of respondent No.3 dated 18/05/2016 are attached as Annexure "E" & "F".

ATTESTED
HAJI SAEB HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

19

P-24

5. That during the pendency of departmental appeal of the petitioner, the respondent No.4 had apprised to respondent No.3 that earlier many electricians in BPS-05 have been promoted to the posts of Supervisors in BPS-09 and the case of promotion of petitioner is within his competence. As such, he may deal with the case of petitioners' promotion. Copies of letter of respondent No.4 dated 10/05/2016 addressed to respondent No.3 alongwith two letters dated 29/05/2006 and 22/02/2013 where under Electricians in BPS-05 have been promoted to the position of Supervisors in BPS-09 are attached as Annexure "G", "H" & "I".

↑
ATTESTED
Haji Sabir Hussain Tanoli
Advocate Supreme Court of Pakistan
Abottabad

6. That the petitioner filed service appeal No.915/2016 dated 29/08/2016 which decided on 20/03/2018 wherein it has been mentioned that the Tribunal has no jurisdiction. Copy of judgment of Service Tribunal is attached as Annexure "J".
7. That the respondents have neither promoted the petitioner nor made any response respecting his departmental appeal. As such, under the circumstances, petitioner is left with no other

20

P 22

option, but to file the instant writ petition before this Honourable Court. Hence, this writ petition is filed, inter-alia, on the following grounds.

GROUND3:-

- a) That the petitioner in view of the past precedents is eligible to be promoted as supervisor in BPS-09, thus, his non-promotion to the post of Supervisor in BPS-09 by respondents is highly unjust, unfair and un-ethical.
- b) That, petitioner is suffering on account of inaction and non-action of the respondents due to non-constitution of DPC for his promotion as supervisor in BPS-09. It is well settled that no one shall suffer on account of inaction and non-action of public functionaries, thus, the petitioner under the circumstances in no way can be deprived of his right of promotion as supervisor in BPS-09.
- c) That, it is highly unjust, un-fair, against the equity and good conscience that petitioner

ATTESTED
Haji Sabir Hussain Tanoli
Advocate Supreme Court of Pakistan
Abottabad

21

23

who was having legal right to be promoted as supervisor in BPS-09 was not promoted for benefiting some blue eyed babies. Under the policy of fair play it is utmost duty of respondents that they may do needful for the promotion of petitioner as supervisor in BPS-09. So he may be promoted as Supervisor in BPS-09.

- d) That, petitioner is being discriminated against all those who being electricians were promoted as supervisors, but, petitioner despite having vacant post of Supervisor in BPS-09 since 2013, is not being promoted as yet. This act on the part of respondents is violation of Article 25 of the constitution of Pakistan, 1973.
- e) That there is no prompt and efficacious remedy available to the petitioner except the invocation of constitutional jurisdiction of this Honourable Court.
- f) That necessary notices as per law has been served upon the respondents through register A/D. Copies of the notice and receipts are attached as Annexure "K".

ATTESTED
Haji Saif Hussain Tanoli
Advocate Supreme Court of Pakistan
Abbottabad

22

P-24

g) That court fee stamp paper worth Rs.500/- is attached.

h) That, other points will be raised at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant writ petition, the respondents may kindly be directed to promote the petitioner from the post of electrician to supervisor with effect from the date when Mr. Shahid Carpenter was promoted as Supervisor. Any other relief which this Honourable Court deem appropriate in the circumstances of the case may also be granted to the petitioner.

APPOINTED
MUSHAHAR MUHAMMAD TANOLI
Advocate High Court of Pakistan

Dated: 25/4/2018

Through

علامہ قاری
...PETITIONER

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

علامہ قاری
...PETITIONER

P 25

23

16

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET

Court of.....

Case No..... of.....

| Date of Order of Proceedings 1 | Order or other Proceedings with Signature of Judge (s) 2 |
|-----------------------------------|--|
| 30.05.2018 | <p><u>W.P.No.579-A/2018.</u></p> <p>Present:- Mr. Muhammed Arshad Khan Tanoli, Advocate for petitioner.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.</u> At the very outset, learned counsel for the petitioner stated at the bar that he would not press this petition anymore, if direction is given to the respondent No.3 to pass an order on the appeal submitted to him by the petitioner regarding his grievance.</p> <p>2. In view of the above, this writ petition is disposed of with direction to the respondent No.3 to decide the petitioner's appeal within a period of two months positively in accordance with law and rules on the subject.</p> <p><u>Announced.</u> 30.05.2018.</p> <p><i>[Handwritten Signatures]</i></p> |

ATTESTED,
HAJI SAEED HUSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

Certified to be True Copy
EXAMINER
21 JUN 2018
Peshawar High Court, Abbottabad Bench
Abbottabad Under Sec. 75 Evid Ordns.

Amir 'F' 28
24

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

C.O.C No. 82 - -A/2018

IN

Writ Petition No. _____

Ghulam Qadir son of Gul Qadir, Electrician C&W Department Abbottabad.

...PETITIONERS

VERSUS

1. Ijaz Insari, Chief Engineer C&W Department, Abbottabad.
2. Amir Durrani, Superintending Engineer C&W Department, Abbottabad.
3. Rafaqat Shah, Executive Engineer C&W Department Abbottabad.

....RESPONDENTS/ACCUSED

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

APPLICATION FOR INITIATION OF CONTEMPT
OF COURT PROCEEDINGS AGAINST THE
CONTEMNORS / RESPONDENTS FOR NOT
COMPLYING WITH ORDER OF THIS
HONOURABLE COURT DATED 30/05/2018.

Respectfully Sheweth:-

1. That the petitioner was to be promoted from Electrician to the post of Supervisor but

respondent did not promote the petitioner from Electrician to Supervisor (BPS-09) against the post of Shahid Carpenter whose promotion of Supervisor has been reversed on 16/06/2015. Copy of reversal order of Shahid is attached as Annexure "A".

2. That, the petitioner filed departmental appeal on 10/06/2016 to respondent No.2, which is still pending decision before him. Copy of departmental appeal is annexed as Annexure "B".
3. That the petitioner filed writ petition No.579-A/2018 before this Honourable Court which was decided on 30/05/2018 wherein, respondent No.2 was directed to decide the petitioner's appeal within the period of two months positively in accordance with law and rules. Copy of judgment dated 30/05/2018 is annexed as Annexure "C".
4. That, the petitioner as well as registrar of this Honourable Court have provided the judgment of this Honourable Court to the respondents for doing the needful, but the respondents did not comply with the direction of this Honourable

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

26

P. 26

Annex F

BEFORE THE HIGH COURT BENCH, ABBOTTABAD.

COC No. 82-A/18.

Ghulam Qadir

Petitioner.

Versus.

Ijaz Insari and others:

Respondents.

PARA WISE REPLIES ON BEHALF OF RESPONDENT NO. 1, 2 & 3.

Respectfully Sheweth.

Preliminary Objections.

1. That the petitioner has neither cause of action nor locus standi to file the instant petition.
2. That the petitioner has not come to this Honourable Court with clean hands.
3. That the instant petition is not maintainable as no contempt of court has been made by the answering respondents.
4. That the petitioners have concealed the material facts from this Honourable Court.

ON FACTS.

1. Incorrect. As per rules the post of Supervisor/Work Supervisor is required to be filled by initial recruitment with minimum qualification (i) SSC or equivalent qualification (ii) with 03 years Diploma in Civil Technology. Therefore, the petitioner is not entitled for the promotion to the post of Supervisor. (Copy of recruitment rules is attached at Annexure-A). Otherwise, the said rules do not permit any sort of promotion to the post of petitioner.
2. Correct to the extent that petitioner filed departmental appeal to the answering respondent No.2. However, this Honourable Court vide order dated 30.05.2018 disposed of the WP 579-A/18 and directed answering respondent No.2 to decide the petitioner's appeal within a period of two months positively in accordance with law and rules on the subject.

27

P (27)


3. Correct.

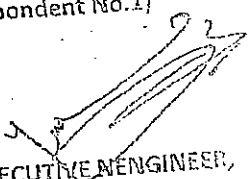
4. Incorrect. As per decision of this Honourable Court dated 30.05.2018 the Government of Khyber Pakhtunkhwa, Communication and Works Department, Peshawar vide letter No.SOE/C&WD/11-270/2018 Elect: dated 05.09.2018 (copy attached at Annexure-B) directed the answering respondent No.2 to dispose of the case as per existing service rules and policy and the answering respondent No.2 forwarded the above letter to answering respondent No.3 vide letter dated 08.10.2018(copy attached at Annexure-C) with the direction that to take appropriate necessary action in light of the para-1 and 2 of the above referred letter under the prevailing appointment/promotion rules in the best of Government interest. As stated above the post of Supervisor/Work Supervisor is required to be filled by initial recruitment with minimum qualification (i) SSC or equivalent qualification (ii) with 03 years Diploma in Civil Technology. Therefore, the petitioner is not entitled for the promotion to the post of Supervisor. The Registrar of this Honourable Court has already intimated vide No.667 dated 25.03.2019(copy attached at Annexure-D) that matter regarding promotion of petitioner was taken up with higher authorities by respondent No.2 stating therein that post of Supervisor cannot be filled through promotion as the method of initial recruitment will be adopted; however, the petitioner has not the prescribed qualification for the said post.

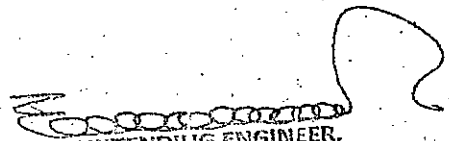
5. That the answering respondents are responsible Government officers and law abiding citizen of Pakistan, who got utmost respect towards the courts of law and cannot even think for any disobedience of the court order.

It is, therefore, humbly prayed that on acceptance of the above reply, the instant petition may graciously be dismissed with cost.

ATTESTED
HAJI SABIR MUSSAIN TANOLI
 Advocate Supreme Court of Pakistan
 Abbottabad


 CHIEF ENGINEER,
 C&W DEPTT: ABBOTTABAD
 (Respondent No.1)


 EXECUTIVE ENGINEER,
 C&W DEPARTMENT, ABBOTTABAD.
 (RESPONDENT No.3)


 SUPERINTENDING ENGINEER,
 C&W DEPARTMENT, ABBOTTABAD
 (Respondent No.2).

28

30

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET

| Date of Order of Proceedings | Order or other Proceedings with Signature of Judge (s) |
|------------------------------|---|
| 1 | 2 |
| 22.05.2019 | <p><u>C.O.C.No. 82-A/2018 in W.P.No. 579-A/2018.</u></p> <p>Present: Mr. Muhammad Arshad Khan Tanoli, Advocate, for the petitioner.</p> <p>Raja Muhammad Zubair, AAG alongwith the respondents-contemnors.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> Petitioner through the present petition seeks initiation of contempt of court proceedings against the respondents for their not implementing the order of this court dated 30.05.2018 passed in W.P.No. 579-A/2018 whereby the respondents were directed to decide the petitioner's appeal in accordance with law and rules on the subject within a period of two (02) months positively,</p> <p>2. The learned AAG, while referring to letter bearing No. 667 dated 25.03.2019, annexed with the written reply of the respondents, stated at the bar that the order of this court dated 30.05.2018 has been complied with in its letter and spirit.</p> <p>3. Since the order of this court dated 30.05.2018 delivered in W.P.No. 579-A/2018 has been complied with by the respondents, therefore, the instant petition, being meritless, is hereby dismissed. However, if the petitioner</p> |


ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

SCANNED

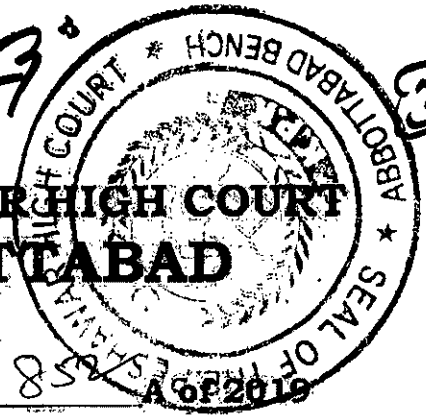
is feeling aggrieved from the ibid letter of the respondent,
he can seek his remedy before the proper forum in
accordance with law.

Reply

Stamp: A. J. Khan, District Judge, District Court, Rawalpindi

Annex 9

BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD



W.P No 852 A 6 of 2019

Ghulam Qadir, son of Gul Qadir, presently
Electrician in C&W Department, Tehsil &
District, Abbottabad.

..... Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa, through
Secretary Communication & Works Department,
Peshawar.
2. Chief Engineer, C&W Department, Abbottabad.
3. Superintendent Engineer, C&W Department,
~~ABBOTTABAD.~~
4. Executive Engineer, C&W Department,
Abbottabad.

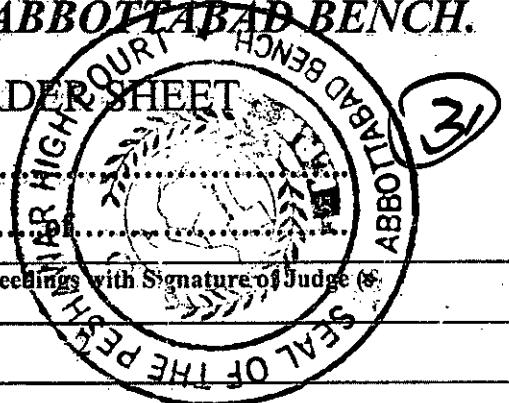
..... Respondent

Certified to be True Copy
EXAMINER
14 NOV 2019
Peshawar High Court Add. Bench
Authorized Under Sec: 75 Evld Ordns

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, FOR A DECLARATION TO THE
EFFECT THAT PETITIONER IS BEING
DISCRIMINATED AGAINST ALL THOSE BEING

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Court of.....
Case No.....

| Date of Order or Proceedings | Order or other Proceedings with Signature of Judge(s) |
|------------------------------|--|
| I | |
| 07.11.2019 | <p>WP No. 852-A/2019.</p> <p>Present: Mr. Abdul Saboor Khan, Advocate for petitioner.</p> <p>Raja Muhammad Zubair, AAG with Umair Ahmed Jan, SDO for respondents.</p> <p>***</p> <p>IJAZ ANWAR, J. Former stated at the bar that petitioner wants to approach the proper forum for redressal of his grievance, therefore, he does not want to press the instant writ petition anymore.</p> <p>Order accordingly.</p> <p><i>[Signature]</i> - JUDGE</p> <p><i>[Signature]</i> - JUDGE</p> |

Certified to be True Copy
EXAMINER
14 NOV 2019
Peshawar High Court Abd. Bench
Authorized Under Sec. 75 Evid Ordns.

To,

Annex "H" 32 H

The superintendent Engineer C&W department Abbottabad.

Subject: Appeal / Representation for promotion against the post of work supervisor

Respectfully Submitted,

1. The appellant was appointed as an electrician in the year, 1988 and he was placed in BPS-05, he served for 28 years in the same scale and not promoted as yet in the higher scale of supervisor.
2. That one Muhammad Khalid was a retired from the post of supervisor in BPS-09, in his place one Mr. Shahid carpenter was promoted to the post of supervisor.
3. That as all similarly placed electricians have been promoted to the post of supervisors BPS-09 vide orders dated 29/05/2006 and 22/02/2013, except the petitioner which amount to glaring and patent discrimination with the appellant.
4. That being aggrieved from the discrimination, appellant prefer instant appeal on the following grounds.

GROUND:

- a) That the appellant in view of past precedents is eligible to be promoted as supervisor in BPS-09, thus, his non promotion to the post of supervisor in BPS-09 is highly unjust, unfair and un-ethical.

33

- b) That petitioner is being discriminated as all who being electricians were promoted as supervisors, but petitioner despite having vacant post of supervisor in BPS-09 since 2013 is not being promoted as yet.
- c) That petitioner is eligible to be promoted to the post in question.
- d) That all junior employees / electricians to the appellant have been promoted to the said post and they are still holding the same, but appellant is not being promoted by the competent authority.

It is, therefore, most humbly prayed the appellant may kindly be promoted to the post of supervisor in BPS-09 as similarly placed electricians have been promoted.

APPELLANT

غلام قادر

Ghulam Qadir S/O Gul Qadir,
Presently electrician
C&W department, Abbottabad

Dated; 28/12 Dec, 2019

34

TANAWAL LAW ASSOCIATES

In the Court of Service TRIBUNAL K.P.K. Peshawar

WAKALATNAMA

In Re _____ of 20

Ghulam Saad VERSUS Govt of K.P.K

BY THIS POWER OF ATTORNEY, I, WE PROPELLANT

AHMED HUSSAIN TANOLI ADV HC

The above titled case do hereby constitute and the appoint HAJI SABIR HUSSAIN TANOLI ADVOCATE SUPREME COURT OF PAKISTAN, ABBOTTABAD as my / our ATTORNEY on my / our behalf to appear, act and plead and do all lawful acts and things in connection with the said case, to sign, verify, file or withdraw all proceeding, petitions, appeals, affidavit and application for the compromise or withdrawal or for submission to arbitration of the said case to withdraw and receive documents and any money payable to me / us during course or on the conclusion of proceeding and to sign proper receipts, to engage or appoint any other advocate when he thinks proper.

And hereby agree to ratify whatever the Advocate do in the proceedings that he shall be entitled to withdraw from the prosecution of the case if the whole or any part of the agreed fee remain unpaid. Read over and accepted correct by me / us this 28 day of 9 20 20.

(Handwritten Signature)

Signature of Executant (s)

(Handwritten Signature)

Accepted subject to terms mentioned above:

Haji Sabir Hussain Tanoli

Advocate Supreme Court of Pakistan, Abbottabad

E-mail: sabirtanoliadv111@gmail.com

"B"

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

No.

TB

Appeal No. 6138 of 2020

Abdul Qadir Appellant/Petitioner

Versus

Through Secy. C&W Respondent

Respondent No. I

Notice to:

Govt. of Pkth through Secy. Communication and Works Deptt. 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 24 Feb 21 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 25 ⁵

Day of Feb 20 21

at Camp Court A Alod

[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.

[Signature]
4-3-21

"B"

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

No.

113

Appeal No. 13573 of 20 20

Rustum Mehmood Appellant/Petitioner
Versus

The Secy: Health Dept. Pesh. Respondent

Respondent No. 2

Notice to:

The Director General of Health Govt. of
KPIC 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 15-6-2021 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 11th

Day of March 20 21

at Camp Court A. Akbar

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 communication.

"B"

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

No.

103

Appeal No. 13573 of 20 20

Rustum Mahmood Appellant/Petitioner

Versus

The Secy. Health Govt. of KP Respondent

Respondent No. 1

Notice to:

The Secy. Health Govt. of KP

15-6-2021

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 15-6-2021 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 11/6/21 Day of March 20 21

at Camp Court A Road

15/3/21

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.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Recd
No.

TB A/A

APPEAL No.....*6138*..... of 20 *20*

Ghulam Qadir

Appellant/Petitioner

Versus

Trough Seey Communication & Work

RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner *Haji Saib Hussain Tanoli*
(Advocate)

High Court H/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *16-6-22* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
H/Abad.

[Signature]

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Recd
No.

TB A/A

APPEAL No. *6138* of 20 *20*

Ghulam Qadir

Appellant/Petitioner

Versus

Through Secy Communication & Work

RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner *Haji Sibt Hussain Tanoli*
(Advocate)

High Court A/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *16-6-22* at *2.00 PM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
A/Abad

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Regd
No.

APPEAL No..... *6138* of 20 *20*

Ghulam Qader

Appellant/Petitioner

Versus

Through Secy: Communication & Work

RESPONDENT(S)

Notice to Appellant/Petitioner *Ghulam Qader S/O*
Gul Qadir Presently Electrician in
C&W Deptt Tehsil DISTT A/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *16-6-22* at *8.00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Recd
No

APPEAL No..... *6138* of 20*20*

Ghulam Qadir

Appellant/Petitioner

Versus

Through Supt. Comm. Air Traffic Block

RESPONDENT(S)

Notice to Appellant/Petitioner *Ghulam Qadir S/O*

*Gul Qadir Presently Electrician in
C&W Deptt Tehsil Dist. At Abad*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *16-6-22* at *8:00 AM*.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at camp court
At Abad*

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.