

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

CM NO. \_\_\_\_\_/2022

IN

APPEAL NO. 1421/2022

ABDALI SHAH VS GOVT.OF KPK

**I N D E X**

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of Application with affidavit	-----	1-2
4	Letter dated 12-12-2022	A	3

APPELLANT/APPLICANT

Through:

  
NOOR MOHAMMAD KHATTAK,  
ADVOCATE  
SUPREME COURT OF PAKISTAN

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**BEFORE THE KHYBER PAKHYUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

CM NO. \_\_\_\_\_/2022

IN

APPEAL NO. 1421/2022

Khyber Pakhtunkhwa  
Service Tribunal  
File No. 2308  
Date 14-12-22

**ABDALI SHAH VS GOVT.OF KPK**

**APPLICATION FOR RESTRAINING THE RESPONDENT NO. 1**  
**TO 4 THAT NOT TO CONDUCT THE UPCOMING**  
**DEPARTMENTAL PROMOTION COMMITTEE WHICH IS TO**  
**BE HELD ON 16.12.2022.**

**R/SHEWETH:**

- 1- That the above mentioned Appeal is pending before this Hon'ble Tribunal and fixed for 31-01-2023.
- 2- That the Appellant/Applicant filed the ibid Service appeal against the impugned notification dated 31.01.2022 to the extent of note attached to rule (1) (iii) (d) in respect of promotion on the basis of seniority to be reckoned from the date of first regular appointment rather than date of acquiring the Degree of B.Tech engineering.
- 3- That during pendency of the ibid Service Appeal the respondents scheduled the meeting of Departmental Promotion Committee for the promotion of juniors to the Appellant/Applicant which is to be held on 16.12.2022. **(Copy of letter dated 12-12-2022 is enclosed as Annexure A).**
- 4- That the petitioner has got good prima facie case and hopeful for its success.
- 5- That the balance of convenience also lies in favour of the Appellant/Applicant.

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6- That the issuance of such an adverse letter at this juncture which the case in hand is subjudice in the Hon'ble Tribunal which is absolutely the spirit of natural justice.

It is therefore, most humbly prayed that on acceptance of this application the respondent No. 1-4 may kindly be restrained not to conduct the Departmental Promotion Committee, till the final disposal of the above mentioned Service Appeal.

Dated: 14-12-22

**APPELLANT/APPLICANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT.

**AFFIDAVIT**

I, **Mr. Abdali Shah S/o Haji Sufaid Shah**, SDO (OPS), Public Health Engineering, Sub Division Charsadda, do hereby solemnly affirm and declare on Oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



**DEPONENT**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/4-53-B/2020-21  
Dated Peshawar, the December 12, 2022

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To

1. The Additional Secretary (Regulation),  
Govt: of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar
2. The Additional Secretary (Reg),  
Govt: of Khyber Pakhtunkhwa,  
Finance Department, Peshawar
3. The Chief Engineer (Center),  
PHE Department Peshawar

"A"

Subject: **MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE.**

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting of the Departmental Promotion Committee is scheduled to be held on **16.12.2022 at 1100 Hours** under the chairmanship of Secretary Public Health Engineering Department in his office to consider the promotion case of B. Tech Hons (Civil) Degree Holder Sub Engineers to the posts of Assistant Engineers/SDOs (BPS-17) on regular basis in PHED.

2. You are, therefore, requested to depute representative of your respective department to attend the said DPC meeting on the scheduled date, time and venue. Working Papers alongwith relevant documents are enclosed herewith.

Yours faithfully,

*Aram*  
12/12/22  
SECTION OFFICER (ESTT)

**ENDST: OF EVEN NO. & DATE**

Copy forwarded to the:-

1. Deputy Secretary (Admn) PHE Department Peshawar
2. PS to Secretary PHE Department Peshawar for Information.

Chief Engineer (Center) PHE Department Peshawar	
Dairy No.	719
Dated	13/12/22
Case No.	
S.E (H/O)	
CHO	

*Aram*  
12/12/22  
SECTION OFFICER (ESTT)