

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1308/2018

Date of Institution ... 26.09.2018

Date of Decision ... 24.12.2019

Asif Ali S/O Niaz Ali R/O Gharibabad, City Railway, Tehsil and District Peshawar.
... (Appellant)

VERSUS

The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar
and three others. ... (Respondents)

MR. HABIB ULLAH MOHMAND,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

--- For official respondents.

MR. MUHAMMAD NAZIR
In person

--- Private respondent no.4.

MR. AHMAD HASSAN
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT:

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

ARGUMENTS:

02. Learned counsel for the appellant argued that he was appointed as Naib Qasid in the respondent-department on contract basis vide order dated 13.12.2007. That his services were regularized through order dated 26.06.2013. On the other hand private respondent no.4 was initially appointed as Naib Qasid on 15.02.2012 but his services were regularized as junior clerk illegally vide impugned order dated 26.06.2013. The appellant agitated his legitimate grievances through numerous applications but to no avail. Private respondent no.4 was promoted as junior Clerk

in violation of laid down criteria notified by the provincial government. He exerted political influence/pressure and the said order smacked of malafide on the part of the respondents. The appellant as a last resort submitted an application under Right to Information Act on 18.05.2017 for provision of relevant record which failed to any bear fruit. Finally, departmental appeal filed by the appellant on 30.05.2018 also failed to evoke any response from the respondents, hence, the present service appeal. Reliance was placed on case law reported as 2019 PLC (C.S) 507, 2019 PLC (C.S) 771, 2006 SCMR 1938, 2006 PLC (C.S) 1159 and PLD 2014 338.

03. Learned Deputy District Attorney argued raised preliminary objection that departmental appeal was barred by time, therefore, the present service appeal was not maintainable in its present form. He further argued that it was not disputed that the appellant was initially appointed as Naib Qasid on contract basis on 13.12.2007. Though, private respondent no.4 was appointed as Naib Qasid on contract basis on 15.02.2012 but as a sequel to approval of the competent authority his services were regularized as junior clerk vide order dated 26.06.2013. The appellant and private respondent belong to separate cadres. No vacant post of junior clerk was available to accommodate the appellant.

04. Private respondent no.4 relied on the arguments advanced by the learned Deputy District Attorney for official respondents.

CONCLUSION:

05. The appellant in the present service was appointed as Naib Qasid on contract basis vide order dated 13.12.2007. His services were regularized through order dated 26.06.2013. On the other hand private respondent no.4 was appointed as Naib

Qasid on contract basis vide order dated 15.02.2012 and vide order dated 26.06.2013, he was appointed/promoted as Junior Clerk. This act of the respondents was not only blatant violation of law/rules but also worst form of nepotism and favoritism. They miserably failed to pinpoint any rules under which his appointment was covered. Attention is invited to Section-5 of Khyber Pakhtunkhwa Civil Servants Act, 1973, wherein it is mentioned that appointment should be made in the prescribed manner. Similarly, Section-7 of the act abid provides procedure for conformation. Appointments/promotions are made under Rule-5 of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules 1989 on the recommendation of DPC/DSC.

06. Learned DDA remained unable to rebut the laws/rules quoted above and his arguments were not convincing. He also could not defend how after one year of appointment as Naib Qasid private respondent no.4 was adjusted against the post of Junior Clerk? When he failed to defend illegalities committed by the respondents on merit, then took shelter under technicalities like limitation etc. We cannot condone illegalities at the cost of substantial justice. The present case has all the ingredients to be decided on merit and to uphold the cause of justice, equity fairness and rule of law. Discriminatory attitude of the respondents towards the appellant was established beyond the shadow of doubt. It cannot be dislodged on the point of limitation, as Article-25 of the Constitution provides for equal treatment. Our view point is backed by 2002 SCMR 71, 2007 SCMR 410 and 2010 SCMR 1933. It is high time for the respondents to fill these posts strictly in accordance with law and rules and till that time it shall be deemed to be vacant.

07. Foregoing in view, the appeal is accepted, impugned order dated 26.06.2013 is set aside to the extent of private respondent no. 4 and respondents are directed to make fresh appointments strictly in accordance with law/rules. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member



(MUHAMMAD HAMID MUGHAL)
Member


ANNOUNCED
24.12.2019

ORDER

24.12.2019 Counsel for the appellant present. Mr. Muhammad Jan, DDA for official respondents and private respondent no. 4 in person present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 26.06.2013 is set aside to the extent of private respondent no. 4 and respondents are directed to make fresh appointments strictly in accordance with law/rules. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
24.12.2019




(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member

10.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, the instant matter is adjourned to 24.12.2019 for the same.


Reader

ORDER

24.12.2019

Counsel for the appellant present. Mr. Muhammad Jan, DDA for official respondents and private respondent no. 4 in person present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 26.06.2013 is set aside to the extent of private respondent no. 4. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
24.12.2019

(Muhammad Hamid Mughal)
Member

(Ahmad Hassan)
Member

12.04.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the official respondents and private respondent No.4 in person present. Appellant requested for adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 13.06.2019 before D.B.


Member


Member

13.6.2019


The Bench is incomplete, therefore, the case is adjourned for arguments on 24.07.2019 before D.B.

Reader

24.07.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Muhammad Nazir Junior Clerk for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.12.2018

Learned counsel for the appellant present. Hanif Khan AD representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply on 30.01.2019 before S.B.


Member

30.01.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hanif, Assistant Director for official respondents No. 1 to 3 present and submitted written reply on their behalf. None present on behalf of private respondent No. 4 nor written reply submitted therefore, notice be issued to private respondent No. 4 for attendance and filing of written reply. Adjourned. To come up for written reply/comments on behalf of private respondent No. 4 on 25.02.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

25.02.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents and private respondent no. 4 in person present. Written reply on behalf of private respondent no.4 submitted which is placed on file. Case to come up for rejoinder and arguments on 12.04.2019 before D.B.


Member
(Ahmad Hassan)

05.10.2018

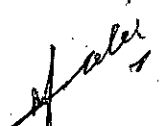
Counsel for the appellant Asif Ali present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Naib Qasid in Sports Department vide order dated 13.12.2007, later on he was regularized vide order dated 26.06.2013. It was further contended that the private respondent was appointed as Naib Qasid in the same department in the year 2012 but with the passage of time he was also regularized vide notification dated 26.06.2013. It was further contended that the first appointment of the appellant was earlier than the private respondent, but the private respondent was promoted and the appellant was ignored from promotion despite the fact that the appellant was senior to the private respondents. It was further contended that the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that since the appellant is senior to the private respondent therefore, the appellant was entitled for promotion to the post of Junior Clerk.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 21.11.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

21.11.2018

Since 21.11.2018 has been declared as public holiday on account of 12th Rabi ul Awal. Therefore, the case is adjourned. To come up on 28.12.2018.



Reader

The appeal of Mr. Asif Ali son of Niaz Ali r/o Gharib Abad City Railway Station Peshawar received today i.e. on 26.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Address of respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ② Copy of impugned promotion order of respondent no.4 is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1936 /S.T,

Dt. 27-9/2018.


REGISTRAR 27/9/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Habibullah Mohmand Adv. Pesh.

— objections have been removed and
re-submitted today. while at the
time of arguments the learned
— Council/Advocate will assist —
• The august tribunal in detail.
with the permission.

Dated. 27/9/18



Sir

The objection of the office and
reply of counsel for the appellant is
submitted for order please

Habibullah
Chairman


27/9/18

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1308 /2018

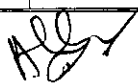
Asif Ali.....(Appellant)

V E R S U S

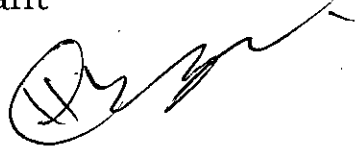
Additional Chief Secretary FATA and others.....(Respondents)

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of the parties		9
4.	Copy of CNIC	A	10
5.	Copy of appointment order	B	11
6.	Copy of regularization order	C	12
7.	Copies of applications	D	13-14
8.	Copy of application / Relevant documents	E	14-20/20A
9.	Copy of departmental representation/ appeal	F	20-21
10.	Wakalat Nama		22


Appellant

Through


Habib Ullah Mohmand
Advocate High Court,
Peshawar.
Cell: 0321-9087842

Dated: 26/09/2018

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BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No. 1308 /2018

Diary No. 1475

Dated 26/9/2018

Asif Ali S/o Niaz Ali R/o Gharib Abad, City Railway, Tehsil and District Peshawar.....(Appellant)

V E R S U S

- 1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
- 2. Secretary Sport and Youth Affairs of FATA, FATA Secretariat Warsak Road, Peshawar.
- 3. Director Sport and Youth Affairs of FATA, FATA Secretariat Warsak Road, Peshawar.

4. Muhammad Nazir (Junior Clerk BPS-11) S/o Jan Zada R/o Mohallah Haji Abad No. 2 (C) Tehsil and District Nowshera... *at* *Respondent Dept. FATA*..(Respondents)

secretariat warsak Road Peshawar

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PUKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THAT ALL THE IMPUGNED ORDER/ ACTION PASSED BY THE RESPONDENTS DEPARTMENT OF KPK/FATA SECRETARIAT WHEREBY THE APPELLATE WAS IGNORED AND BYPASSED FROM RIGHT OF PROMOTION BY THE RESPONDENT

Filed to-day
[Signature]
Registrar
26/9/18

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DEPARTMENT AND PROMOTE THE
RESPONDENT NO. 4 FROM NAIB QASID TO
JUNIOR CLERK AND APPELLANT ALSO
SUBMITTED DEPARTMENTAL APPEAL/
REPRESENTATION, BUT SAME WAS NOT
CONSIDERED / RESPONSE WITH IN THE
STATUTORY PERIOD OF LAW.

Prayer:

On acceptance of this appeal, that all the impugned order/action of the respondents department may kindly be set aside and be declare null and void and the appellant may kindly be promoted from Niab Qasid (Class-IV) to Junior Clerk with all back benefits for which the appellant is entitled under the law.

Respectfully Sheweth:

1. That appellant is law abiding citizen of Pakistan of Pakistan and is permanent resident of Gharib Abad, City Railway, Tehsil and District Peshawar. (Copy of CNIC is attached as annexure "A").

2. That the appellant was initially appointed as Naib Qasid on contract basis at parent department on 13/12/2007. (Copy of appointment order is attached as annexure "B").
3. That thereafter the appellant was regularized by the respondent department through different notifications and at last respondents department issued the regularization order of appellant on 26/06/2013. (Copy of regularization order is attached as annexure "C").
4. That respondent No. 4 was initially appointed on contract basis on dated 15/02/2012 and then the respondent No. 4 was regularized and also promoted from Naib Qasid to Junior Clerk, which is against the law and also against the norms of justice.
5. That the appellant also submitted so many applications before the respondents department/authority dated 19/02/2018 and

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30/07/2018 for promotion, but not in vain. (Copies of applications are attached as annexure "D").

6. That infact the appellatant is senior from respondent No. 4 on the basis of appointment order, length of service and qualification etc, but promoted the respondent No. 4, which is against the law and also against the norms of justice.
7. That under the law the appellatant is entitled/eligible for promotion that an employee shall be promoted from Naib Qasid to Junior Clerk, one who possess Matric Qualification with two years services experience and 33 % of quota etc, but despite of that the appellatant was ignored from fundamental right, which is against law and also against the norms of justice.
8. That appellatant is also eligible under experience, length of service and qualification, but respondents department did not promoted the appellatant from Naib Qasid to Junior clerk with malafide intention and respondent No. 4 had been promoted through approach/ political influence, in which appellatant

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become junior from respondent No. 4, which is against law and also against the norms of justice.

9. That appellant continuously knocked the door of respondents department under Right to Information in form of an application on dated 18/05/2017 to provide the Seniority List of respondent No. 4 and other relevant documents of respondent No. 2, but in vain. (Copy of application is attached as annexure "E").

10. That respondents department are legally bound to produce the whole documents i.e. the seniority list, appointment order and other relevant documents before the Tribunal to know about the facts of the case and also for the sake of justice.

11. That at last the appellant submitted departmental representation/ appeal before the competent authority for promotion on dated 30/05/2018 and copies of said departmental representation/ appeal forwarded to the respondents department also, but after passing of statutory period there is no response from the respondents department, which

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is against law and also against the norms of justice.

(Copy of departmental representation/ appeal is attached as annexure "F").

GROUND:

- A. That the impugned order of respondent is illegal, unlawful, void and ineffective beside being against the law and facts.
- B. That each and every citizen of Pakistan (appellant/ employee) shall be treated equally.
- C. That there shall be no discrimination on base of creed and colour.
- D. That each and every citizen should be treated Under Article 4, 8, 25 of Constitution of Islamic Republic of Pakistan, 1973.
- E. That appellant will take other ground with permission of this Hon'ble Court.

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It is, therefore, most humbly prayed that On acceptance of this appeal, that all the impugned order/action of the respondents department may kindly be set aside and be declare null and void and the appellant may kindly be promoted from Niab Qasid (Class-IV) to Junior Clerk (BPS-11) with all back benefits for which the appellant is entitled under the law.



Appellant



Through

Dated: 26/09/2018

Habib Ullah Mohmand
Advocate High Court,
Peshawar.

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BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No: _____/2018

Asif Ali.....(Appellant)

V E R S U S

Additional Chief Secretary FATA and others.....(Respondents)

AFFIDAVIT

I, Asif Ali S/o Niaz Ali R/o Gharib Abad, City Railway, Tehsil and District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ASIF ALI

DEPONENT
CNIC: 17301-0678631-5

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**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018

Asif Ali.....(Appellant)

V E R S U S

Additional Chief Secretary FATA and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Asif Ali S/o Niaz Ali R/o Gharib Abad, City Railway, Tehsil and District Peshawar.

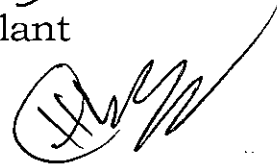
RESPONDENTS:

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. Secretary Sport and Youth Affairs of FATA, FATA Secretariat Warsak Road, Peshawar.
3. Director Sport and Youth Affairs of FATA, FATA Secretariat Warsak Road, Peshawar.
4. Muhammad Nazir (Junior Clerk BPS-11) S/o Jan Zada R/o Mohallah Haji Abad No. 2 (C) Tehsil and District Nowshera.


Appellant

Through

Dated: 26/09/2018


Habib Ullah Mohmand
Advocate High Court,
Peshawar.



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name: Asif Ali

Father Name: Niaz Ali

Gender: M Country of Stay: Pakistan

Identity Number: 17301-0878631-5

Date of Birth: 01.01.1985

Date of Issue: 01.05.2018

Date of Expiry: 01.05.2028



Holder's Signature

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17301-0678631-5



Secretary General of Pakistan

505571054879

گمشدہ کارڈ ملنے پر قریبی لیز بیکس میں ڈال دیں

GOVERNMENT OF PAKISTAN
 FATA SECRETARIAT PESHAWAR
 SERVICE IDENTITY CARD

Name: ABJIF ALI KHAN

Designation: Naib Qasid

Department: Directorate of Education (FATA)

Signature of Holder

Signature of Authority

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Card No: 27 Date of Issue: 01-12-2007

ID Mark: Photo on face of ID Card Valid Date: 01-12-2014

Address: City Railway Station, Gharcob Area, Mohallah, Haiderabad, District, Peshawar

Contact No: 0321-9064066

Period: 5 Years

ICNS: 01-12-2007-01-12-2014

Note: If found please return to the Secretary, FATA Secretariat, Peshawar

Directorate of Sports

CIVIL SECRETARIAT (FATA)

Canal View Road, Abshar Colony, Warsak Road, Peshawar.



Bungalow# 09

Ph# 091-9213721

Fax# 091-9213752

OFFICE ORDER

Mr. Asif Ali S/o Niaz Ali Village Ghareeb Abad, City Railway station, Street No 2. Muhalla Haidar Shah Colony Peshawar is here by appointed as Class IV (BPS-02) on contract basis according the following terms and conditions.

1. The appointment of the Class- IV is in BPS-02 purely on contract basis for a period of one year which is extendable. The contract will be automatically terminated on expiry of stipulated period; however it can be extended only through a fresh order in writing by competent authority.
2. Annual increment to the employ is admissible after completion of one year service.
3. The employ is entitled to conveyance allowance, House rent allowance, leave, TA/DA, Medical allowance as per Govt: Rules.
4. If the employ wants to leave the job, he will have to give two month prior notice in advance or his two months salary will be forfeited in lieu thereof.
5. The employ appointed on contract basis will not contribute to G.P Fund and shall not be entitled to pension and gratuity benefits.
6. The employ will remain on probation for a period of 6 months. If he does not come up to the required standard of project or fails to fulfill the requirement of the post he will be terminated from service without any notice.
7. you are hereby advised to report to the undersigned along with original certificate, Domicile, NIC and Medical fitness certificate from the authorized Medical officer within ten days of the issue of this order. In case of non- joining to the duty by appointee within stipulated period, his appointment order will stand canceled automatically.

Director Sports & youth Affairs (FATA)
NWFP, Peshawar.

Endst: No 824-27 /CS (FATA) / D.S&Y.A (FATA): Dated 13/12/ 2007. ✓

Copy:

1. Additional Accountant General (PR) Sub- office, Peshawar.
2. Budget & Account Officer.
3. Official concerned
4. Personal File.

Handwritten signature and date: 13/12/07

Director Sports & Youth Affairs (FATA)
NWFP, Peshawar.

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Sports are essential for the development of a happy & vigorous society

Directorate of Sports & Youth Affairs (FATA)

NOTIFICATION:

No. SO/I/I-I/GS/2012/10935-52: Consequent upon the Directives of the Governor Khyber Pakhtunkhwa, the competent authority has been pleased to order the regularization of the following project incumbents, against the sanctioned SNE posts created for the Directorate of Sports FATA with effect from 01-07-2013 on the terms & conditions mentioned below in the interest of public service.

#	Name with designation	Appointed against post
1.	Mr. Obaid -ur-rahman Siddiqui S/O Amjid Hussain	Office Assistant (BPS-14) (8,000-610-26,300)
2.	Mr. Hayat uz Zaman S/O Abdul Karim	Computer Operator (BPS-12) (7,000-500-22,000)
3.	Mr. Jamil Khan S/O Shah Mehmood Khan	Computer Operator (BPS-12) (7,000-500-22,000)
4.	Muhammad Nazir S/O Jehan Zada	Junior Clerk (BPS-07), (5,800-320-15,400)
5.	Mr. Taza Gul S/O Meher Gul	Driver (BPS-04), (5,200-230-12,100)
6.	Mr. Asif Ali Khan S/O Niaz Ali Khan	Naib Qasid (BPS-01), (4,800-150-9,300)
7.	Mr. Israr Ahmad S/O Saïd Muhammad	Naib Qasid (BPS-01), (4,800-150-9,300)
8.	Mr. Rehmat Elahi S/O Faqir Hussain	Naib Qasid (BPS-01), (4,800-150-9,300)
9.	Muhammad Rafiqat S/O Muhammad Rafiq	Naib Qasid (BPS-01), (4,800-150-9,300)

- Their regularization will be governed under Rule 10 sub rule-2 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rule, 1989.
- They will get their pay at the minimum of the relevant Basic Pay Scale including usual allowance as admissible or to be admissible to the Civil Servants under the rules. They will be entitled to Annual Increment falls on 1st of December of each year, in their relevant BPS as per existing policy.
- They shall be governed by the Khyber Pakhtunkhwa under the relevant Civil Servants Act 1973 (now called as Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules, 2011).
- In case they wish to resign from service, at any time, one month's notice will be necessary or in lieu thereof one month pay will be forfeited.
- The GPF will be deducted from them, as per Government rates.

-Sd-
(MUHAMMAD ABID MAJEED)
 Principal Secretary to Governor KPK/
 Secretary Education FATA

Endst: No.4790-4811/Appointment order Dated: 26 /06/2013.

Copy for information to:-

- Additional Accountant General (PR) Sub Office, Peshawar.
- Section Officer (B&A) Admn, FATA Secretariat, Peshawar.
- Secretary Finance FATA, FATA Secretariat Peshawar.
- Section Officer (B&A), FATA Secretariat, Peshawar.
- Section Officer -I Governor's Secretariat, Peshawar w/r to her letter No. quoted above.
- PS to Additional Chief Secretary FATA, FATA Secretariat Peshawar.
- PS to Secretary (A, I&C) Department, FATA Secretariat, Peshawar.
- Director Education FATA, FATA Secretariat, Peshawar.
- Section Officer (Education) FATA, FATA Secretariat Peshawar.
- Account officer local Directorate.
- Officials concerned
- Personal Files.

(Signature)
 26/6/13
(Faisal Jamil Shah)
 Director Sports FATA

بخدمت جناب ڈائریکٹر سپورٹس فائٹ اور سک روڈ پشاور

عنوان :- اپیل بابت پروموشن (Promotion to Junior Clerk BPS-11)

جناب عالی!

مودبانہ گزارش کی جاتی ہے کہ مسائل عرصہ 2007 سے بحیثیت نائب قاصد آپ کے زیر سایہ اپنی خدمات سرانجام دے رہا ہے۔ مسائل اپنی پروموشن کے سلسلے میں آپ جناب والا کے علم میں یہ بات لانا چاہتا ہے جو کہ 2013 میں ہو چکے ہیں۔ جس میں نذیر خان کو جو نیر کلرک کے پوسٹ پر ڈائریکٹ پروموٹ کیا گیا ہے۔

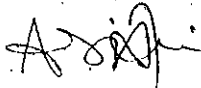
پروموشن کے اس سارے عمل میں نہ DPC بنا تھا، نہ ہی شارٹ لسٹنگ ہوئی تھی اور نہ ہی کوئی ٹیسٹ انٹرویو وغیرہ لیا گیا ہے۔ کوئی Advertisement بھی نہیں ہوئی تھی۔ پریجیکٹ میں میری Appiontment 2007 میں ہوئی تھی اور نذیر خان 2012 میں بھرتی ہوا تھا۔

پروموشن کے وقت میرا تجربہ اور Education Qualification نذیر خان سے زیادہ تھی۔ پھر بھی مجھے نظر انداز کیا گیا۔

آپ صاحبان سے گزارش ہے کہ جو نا انصافی میرے ساتھ ہوئی ہے اسکا ازالہ کیا جائے اور مجھے اپنا حق دیا جائے اور مجھے جو نیر کلرک کے پوسٹ پر پروموٹ کیا جائے۔

آپ کا تابعدار

آصف علی خان



مورخہ:- 30-07-2018

بخدمت جناب ڈائریکٹر سپورٹس صاحب فائنا، فائنا سیکرٹریٹ پشاور۔

درخواست براد:- (ترقی برائے جونیئر کلرک پوسٹ)

جناب عالی!

مکودبانہ عرض کیا جاتا ہے کہ سائل آصف علی مورخہ 13-12-2007 کو بمقام ڈائریکٹریٹ آف سپورٹس فائنا میں نائب قاصد کی خالی آسامی پر بھرتی ہوا تھا۔ اور 2013 میں سائل ریگولر پوسٹ پر تعینات ہوا۔

جناب عالی! یہاں عرض کرتا چلوں کہ اسٹبلشمنٹ ڈیپارٹمنٹ خیبر پختونخواہ کی پالیسی کے مطابق وہ نائب قاصدان جن کی تعلیمی قابلیت اور تجربہ جونیئر کلرک کی خالی آسامی کے معیار پر پورا اترتا ہو۔ ان کو اس آسامی پر ترقی دے کر تعینات کیا جاتا ہے۔ اس لحاظ سے سائل کا حق جونیئر کلرک کی اس پوسٹ پر بنتا ہے۔ جس پر سابقہ نائب قاصد محمد نذیر کام کر رہا ہے اور میرا تجربہ اس سے تقریباً 4 سال زیادہ ہے۔ کیونکہ سائل محمد نذیر سے سینئر نائب قاصد تھا۔ اس ضمن میں آپ جناب کی خدمت میں عرض کی جاتی ہے کہ سائل کو اس کا حق دلایا جائے اور جونیئر کلرک کی پوسٹ پر تعینات کیا جائے۔

سائل تاعمر دعا گور ہے گا۔

العارض

آصف علی

نائب قاصد

ڈائریکٹریٹ آف سپورٹس فائنا

Jaamil has detail report regarding the applications of the applicant.

18.2.18

15



Directorate of Sports & Youth Affairs (FATA)

OFFICE ORDER

Mr. Muhammad Nazir S/o Janzada Muhalla Haji Abad No.2 (C) Tehsil and District Nowshera, is hereby appointed as Naib Qasid in BPS-01 Fixed Pay package on contract basis on Rs. 7,000/- per month as per the following terms and conditions.

1. The appointment is purely on temporary basis and liable to termination at any time. The contract for a period of one year which is extendable.
2. Annual increment at @ of 5% will be allowed/ enhanced.
3. If the employ wants to leave the job, he will have to give two month prior notice in advance or his two months salary will be forfeited in lieu thereof.
4. No GP Fund and other deductions i.e. GI, BF, will be made from the pay of the official being contract employ.
5. The employ will remain on probation for a period of three months. If he does not come up to the satisfaction of the Directorate of Sports & youth Affairs FATA, his service will be terminated without any notice.
6. He will have to produce his health and age certificate from the civil surgeon concerned within ten days of the issue of this appointment order, failing which the appointment order will be considered as cancelled.

(FAISAL JAMIL SHAH)
Director Sports & youth Affairs (FATA)

Endst: No. 3339-35/office order/Naib Qasid: Dated: 15/02/2012.

Copy:

1. Additional Accountant General (PR) Sub-office, Peshawar.
2. Director Education FATA, FATA Secretariat, Peshawar.
3. Official concerned
4. Personal File.

Faisal Jamil Shah

Director Sports & youth Affairs (FATA)

Faisal Jamil Shah
A. S. O.
Director Sports FATA
Peshawar.



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(ESTABLISHMENT WING)

NOTIFICATION

Peshawar, dated the 6th December 2012.

No SOE.IV(E&AD)/1-35/2012:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Establishment and Administration Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Khyber Pakhtunkhwa Civil Secretariat, specified in column 2 of the said Appendix.

APPENDIX

S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Superintendent.		-	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant with atleast five years service as such.

17

S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
2.	Assistant.	Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with atleast five years service as Junior and Senior Clerk. (b) twenty-five per cent by initial recruitment.
3.	Senior Clerk.			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerk with atleast two years service as such.
4.	Junior Clerk.	(i) Matriculation with second division or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) <u>Thirty-three per cent by promotion</u> , on the basis of <u>seniority-cum-fitness</u> , from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with <u>two years service as such</u> , who have passed S.S.C Examination; and (b) sixty-seven per cent by initial recruitment. ✓

Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc., with reference to the dates of their acquiring the Secondary School Certificate.

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1

df

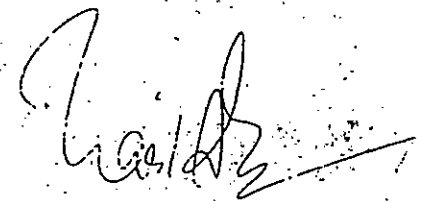
S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
				Provided that- (a) if two or more officials have acquired the Secondary School Certificate in the same session, the <u>inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;</u> (b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA.

Encls: No. S.O. AME & AD/1-35/2012, dated 6th December, 2012

Copy forwarded for information and necessary action to:

1. All Administrative Secretaries, Government of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Addl. Chief Secretary (FA) A, Khyber Pakhtunkhwa.
3. The Chairman, Khyber Pakhtunkhwa Public Service Commission.
4. The Senior Member of Board of Revenue.
5. Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. The Chairman to Khyber Pakhtunkhwa Service Tribunal Peshawar.
9. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary, Establishment Department.
11. The P.A. to Special Secretary (Estt) Establishment Department.
12. The P.A. to Addl. Secretary (Estt/Reg) Establishment Department.
13. The P.A. to Addl. Secretary (HRD Wing) Establishment Department.
14. All the Deputy Secretaries in Establishment Department.
15. All Section Officers Establishment Department, Khyber Pakhtunkhwa Peshawar.
16. The Manager Government Printing Press for publication in the Extra Ordinary Gazette.



(NASIR AMAN)
SECTION OFFICER (E.IV)

خدمت جناب سیکرٹری سپورٹس اینڈ یوتھ افیئر، فاٹا
سیکرٹریٹ، پشاور

20A

درخواست زیر رائٹ ٹوانفارمیشن ایکٹ، بمراد فراہمی
سیناریٹ لسٹ، حکم تقرری و دیگر متعلقہ کاغذات

- 1- یہ کہ سائل محکمہ ہذا میں بطور نائب قاصد بھرتی ہوا تھا اور بعد میں سائل کو ریگولر کیا گیا۔
 - 2- یہ کہ سائل کا تجربہ، تعلیمی قابلیت بطور جونیئر کلرک پرموٹ کئے جانے کیلئے مکمل تھا مگر پھر بھی ڈیپارٹمنٹ نے سائل کو نظر انداز کیا گیا ہے اور محمد نذیر نامی کو نائب قاصد سے جونیئر کلرک پرموٹ کیا گیا ہے، جو کہ خلاف قانون ہے اور سائل کو اپنے حق سے محروم کیا گیا ہے، اور مجھ سے جونیئر تھا، لیکن پھر بھی Promotion کیلئے اہل قرار دیا گیا جو کہ خلاف قانون ہے۔
 - 3- یہ کہ سائل نے بہت منت سماجت کی ہے کہ سائل کو میرٹ لسٹ، تقرری حکم و دیگر متعلقہ کاغذات فراہم کئے جائیں مگر کوئی شنوائی نہ ہو، بدیں وجہ سائل RTI ایکٹ کے تحت آپ کے حضور درخواست گزار رہا ہے۔
- لہذا استدعا ہے کہ بمنظوری درخواست ہذا سائل کو میرٹ لسٹ، تقرری حکم و دیگر متعلقہ کاغذات کی فراہم کے صریح احکامات صادر فرمائے جائیں۔

مورخہ: 18/05/2017

سائل
آصف علی ولد نیاز علی
سکنہ غریب آباد، سٹی ریلوے سٹیشن
تخصیل ضلع پشاور۔

کاپی برائے اطلاع:

- 1- ایڈیشنل چیف سیکرٹری (فاٹا) فاٹا سیکرٹریٹ، ورسک روڈ، پشاور۔
- 2- ایڈیشنل چیف سیکرٹری (فاٹا) فاٹا سیکرٹریٹ، ورسک روڈ، پشاور۔
- 3- سیکرٹری سپورٹس (فاٹا) فاٹا سیکرٹریٹ، ورسک روڈ، پشاور۔
- 4- ڈائریکٹر سپورٹس (فاٹا) فاٹا سیکرٹریٹ، ورسک روڈ، پشاور۔

خدمت جناب ڈائریکٹر سپورٹس فاٹا ورسک روڈ، پشاور

عنوان: اپیل بابت پروموشن (Promotion to Junior Clerk BPS-11)

جناب عالی!

مودبانہ گزارش کی جاتی ہے کہ سائل عرصہ 2007 سے بحیثیت نائب قاصد آپ کے زیر سایہ اپنی خدمات سرانجام دے رہا ہے، سائل اپنی پروموشن کے سلسلے میں جناب والا کے علم میں یہ بات لانا چاہتا ہے جو کہ 2013 میں ہو چکے ہیں جس میں نذیر خان کو Initially نائب قاصد بھرتی کیا گیا تھا جو کہ بعد میں جونیئر کلرک کے پوسٹ پر پروموٹ کیا گیا ہے جو کہ خلاف قانون ہے۔

پروموشن کے اس سارے عمل میں نہ DPC بنا تھا، نہ ہی شارٹ لسٹنگ ہوئی تھی اور نہ ہی کوئی ٹیسٹ انٹرویو وغیرہ لیا گیا ہے، کوئی Advertisement بھی نہیں ہوئی تھی، پراجیکٹ میں میری Appointment 2007 میں ہوئی تھی، جبکہ نذیر خان 2012 میں بھرتی ہوا تھا۔

پروموشن کے وقت میرا تجربہ Experience، Education Qualification، Lenght of Service نذیر خان سے زیادہ تھی، پھر بھی مجھے نظر انداز کیا گیا جو کہ خلاف قانون ہے جو کہ سائل کا حق بنتا تھا اسکے باوجود سائل نے بالا افسران کو منت سماجت کی مگر کوئی شنوائی نہ ہوئی۔

آپ صاحبان سے گزارش ہے کہ جو نا انصافی میرے ساتھ ہوئی ہے اسکا ازالہ کیا جائے اور مجھے اپنا حق دیا جائے اور مجھے جونیئر کلرک کی پوسٹ پر پروموٹ کیا جائے۔

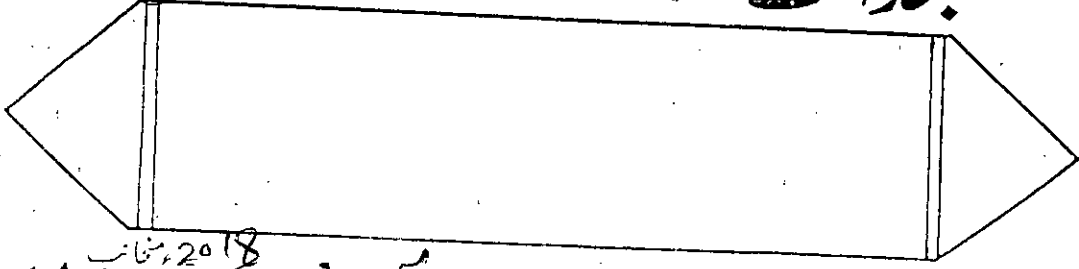
آپ کا تابعیدار
آصف علی خان

مورخہ: 30/05/2018

کاپی برائے اطلاع:

- 1- ایڈیشنل چیف سیکرٹری فاٹا، فاٹا سیکرٹریٹ، پشاور۔
- 2- سکرٹری سپورٹس فاٹا، فاٹا سیکرٹریٹ، پشاور۔

بعدالت جیس میں سروس ٹرانسپل ہنڈاؤس گیسٹار



بیکٹری میں
آصف علی کی نام ایڈیشنل جیف

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز غصہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز غصہ
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپ یہاں عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم _____ ماہ _____ سن 2018

کے لئے منظور ہے۔

بمقام لکھتہ

APPELLANT/Plt
آصف علی ولد نیاز علی سید
ڈگری لکھتہ

BEFORE THE HON'BLE KHYBER

PAKHTUNKHWASERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1308/2018.

Asif Ali S/O Niaz Ali(Appellant)

Versus

Additional Chief Secretary FATA & Others.....(Respondents)

Parawise Comments on behalf of Respondent No. 1, 2,3.

Respectfully Sheweth:

Preliminary Objections:

- a. Appellant has no '**Locus Standi**' / or **Cause of Action** to file the instant Service Appeal.
- b. The appeal is not maintainable under Section 4 of Khyber Pakhtunkhwa Service Tribunal ACT 1974.
- c. The Service Appeal is wholly **incompetent, misconceived and untenable**.
- d. Appellant has not come to the Service Tribunal with clean hands. The Service Appeal also suffers from Mis-statement and concealment of facts.


FACTS:-

1. No Comments.
2. Correct to the extent that the Appellant was initially appointed as a Naib Qasid on contract basis on 13-12-2007.
3. Correct to the extent that the Appellant services were placed against SNE Post on June 26th, 2013.
4. Correct to the extent that respondent No. 04 was initially appointed as a Naib Qasid on contract basis on February 15th, 2012. Later on his services were placed on SNE post and was regularized as a Junior Clerk while the appellant as a Naib Qasid.
5. Correct to the extent of his applications and his departmental appeal but the Directorate of Sports have no vacant position of Junior Clerk against which the appellant could be promoted.
6. Correct to the extent that the Appellant was senior to private respondent when they were serving in Project. After regularization, both appellant and respondent have different cadre and different seniority lists of both cadre are maintained.
7. Correct, to the extent that the Appellant is eligible for promotion but the Directorate of Sports FATA has no vacant position of Junior Clerk, therefore, the appellant has not been promoted so far.
8. The respondents are impartial, unbiased and have no discrimination with the Appellant, but due to non-availability of the position of Junior Clerk, the appellant has not been promoted.
9. Pertains to record and subject to proof.
10. The respondents are law-abiding and obeying the law in letter and spirit.
11. The respondents have no discrimination on their part, but due to non-availability of the vacant position of Junior Clerk in the Directorate of Sports FATA, the Appellant has not been promoted up till now.

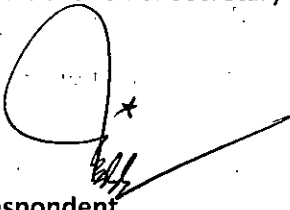
GROUNDS:-

- a. Incorrect, the order of official respondents is legal and according to law.
- b. Correct, that each and every citizen of Pakistan shall be treated equally.
- c. Correct, to the extent that there shall be no discrimination on basis of creed and colour.
- d. Correct, that each citizen should be treated Under Article 4, 8, 25 of the Constitution of Islamic republic of Pakistan.
- e. The respondents seek leave to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of the above clarification, the Service Appeal in hand may graciously be dismissed in favour of the respondents with costs throughout.


1. Respondent
Additional Chief Secretary FATA


3. Respondent
Director Sports FATA


2. Respondent
Secretary Sports & Youth Affairs FATA

BEFORE THE HON'BLE KHYBER
PAKHTUNKHWASERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1308/2018.

Asif Ali S/O Niaz Ali(Appellant)

Versus

Additional Chief Secretary FATA & Others.....(Respondents)

Parawise Comments on behalf of Respondent No. 1, 2,3.

Respectfully Sheweth:

Preliminary Objections:

- a. Appellant has no 'Locus Standi' / or Cause of Action to file the instant Service Appeal.
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5. Correct to the extent of his applications and his departmental appeal but the Directorate of Sports have no vacant position of Junior Clerk against which the appellant could be promoted.
6. Correct to the extent that the Appellant was senior to private respondent when they were serving in Project. After regularization, both appellant and respondent have different cadre and different seniority lists of both cadre are maintained.
7. Correct, to the extent that the Appellant is eligible for promotion but the Directorate of Sports FATA has no vacant position of Junior Clerk, therefore, the appellant has not been promoted so far.
8. The respondents are impartial, unbiased and have no discrimination with the Appellant, but due to non-availability of the position of Junior Clerk, the appellant has not been promoted.
9. Pertains to record and subject to proof.
10. The respondents are law-abiding and obeying the law in letter and spirit.
11. The respondents have no discrimination on their part, but due to non-availability of the vacant position of Junior Clerk in the Directorate of Sports FATA, the Appellant has not been promoted up till now.

GROUNDS:-

- a. Incorrect, the order of official respondents is legal and according to law.
- b. Correct, that each and every citizen of Pakistan shall be treated equally.
- c. Correct, to the extent that there shall be no discrimination on basis of creed and colour.
- d. Correct, that each citizen should be treated Under Article 4, 8, 25 of the Constitution of Islamic republic of Pakistan.
- e. The respondents seek leave to raise additional grounds at the time of arguments.

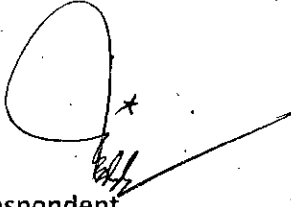
It is therefore, humbly prayed that on acceptance of the above clarification, the Service Appeal in hand may graciously be dismissed in favour of the respondents with costs throughout.



1. Respondent
Additional Chief Secretary FATA



3, Respondent
Director Sports FATA



2. Respondent
Secretary Sports & Youth Affairs FATA

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 111 /ST Dated 15-01- 2020


To

The Director Sport & Youth Affairs,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 1308/2018, MR. ASIF ALI.

I am directed to forward herewith a certified copy of Judgement dated 24.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE HON'BLE KHYBER PAKHTUNKHWASERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1308/2018.

Asif Ali S/O Niaz Ali(Appellant)

Versus

Additional Chief Secretary FATA & Others.....(Respondents)

Parawise Comments on behalf of Respondent No. 1, 2, 3,4.

Respectfully Sheweth:

Preliminary Objections:

- a. Appellant has no '**Locus Standi**' / or **Cause of Action** to file the instant Service Appeal.
- b. The appeal is not maintainable under Section 4 of Khyber Pakhtunkhwa Service Tribunal ACT 1974.
- c. The Service Appeal is wholly **incompetent, misconceived and untenable.**
- d. Appellant has not come to the Service Tribunal with clean hands. The Service Appeal also suffers from Mis-statement and concealment of facts.

FACTS:-

1. No Comments.
2. Correct to the extent that the Appellant was initially appointed as a Naib Qasid on contract basis on 13-12-2007.
3. Correct to the extent that the Appellant services were placed against SNE Post on June 26th, 2013.
4. Correct to the extent that respondent No. 04 was initially appointed as a Naib Qasid on contract basis on February 15th, 2012. Later on his services were placed on SNE post and was regularized as a Junior Clerk while the appellant as a Naib Qasid.
Now the appeal is badly time barred, furthermore valuable right have been accrued to the respondent No.4 under the prevailing law and rules ~~of the court~~. The authority cannot undo his own orders after extending/ accruing legal rights to the beneficiary under the Principal of locus penitential
5. Correct to the extent of his applications and his departmental appeal but the Directorate of Sports have no vacant position of Junior Clerk against which the appellant could be promoted.
6. Correct to the extent that the Appellant was senior to private respondent when they were serving in Project. After regularization, both appellant and respondent have different cadre and different seniority lists of both cadres are maintained.
7. Correct, to the extent that the Appellant is eligible for promotion but the Directorate of Sports FATA has no vacant position of Junior Clerk, therefore, the appellant has not been promoted so far.
8. The respondents are impartial, unbiased and have no discrimination with the Appellant, but due to non-availability of the position of Junior Clerk, the appellant has not been promoted.
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10. The respondents are law-abiding and obeying the law in letter and spirit.
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GROUNDS:-

- a. Incorrect, the order of official respondents is legal and according to law.
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- d. Correct, that each citizen should be treated Under Article 4, 8, 25 of the Constitution of Islamic republic of Pakistan.
- e. The respondents seek leave to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of the above clarification, the Service Appeal in hand may graciously be dismissed in favour of the respondents with costs throughout.


25/2/2019

Respondent No. 4
Junior Clerk Directorate of
Sports FATA