

BEFORE THE KHYBER PAKHTOONKHWASERVICE TRIBUNAL PESHAWAR

C. Misc Application No. _____/23

In service Appeal No. 1334/2022

Mohammad Anwar Khan

VERSUS

Secretary to the Govt for population Welfare and others

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Dated 22/03/2023

Mohammad Anwar

Through



Riaz Ahmad

Counsel

cell NO. 03038238839

(1)

BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

C. Misc Application No. _____/23

In service Appeal No. 1334/2022

Mohammad Anwar Khan

VERSUS

Secretary to the Govt for population Welfare and others

APPLICATION FOR TRANSFER OF APPEAL FROM MINGORA CAMP TO THE PRINCIPAL SEAT, PESHAWAR

Respectfully submitted:


1. That this Hon'ble Tribunal is hearing the above titled appeal at Mingora Camp which is at the stage of preadmission notice and is fixed for 6/04/2023.
(Copy of appeal for ready reference is enclosed as Annex A)
2. That all the respondents against whom the relief is being sought are stationed at Peshawar.
3. That Peshawar is easily approachable for the Appellant also.
4. That there is law that an appeal or suit is to be filed where the respondents or defendants reside or are stationed or where the subject matter is situate, whereas in the instant appeal all the jurisdictional requirements are fulfilled.
5. That if the appeal is transferred from Minora Camp to the principal seat at Peshawar both the parties will be facilitated.

In view of the above submissions it is requested that above titled appeal may very graciously be transferred from Mingora Bench to the principal seat at Peshawar for facilitation of the parties, please.

Dated ___03/2023


Applicant/Appellant

Through


Riaz Ahmad
(Advocate)

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BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

C. Misc Application No. _____/23

In service Appeal No. 1334/2022

Mohammad Anwar Khan

VERSUS

Secretary to the Govt for population Welfare and others

APPLICATION FOR TRANSFER OF APPEAL FROM MINGORA CAMP TO THE PRINCIPAL
SEAT, PESHAWAR

AFFIDAVIT

I, Mohammad Anwar Khan R/O village Kheema, Tehsil and P.O. Timargarah, Dir Lower, do hereby affirm and declare that the contents of the instant petition are true and correct and as per record present.

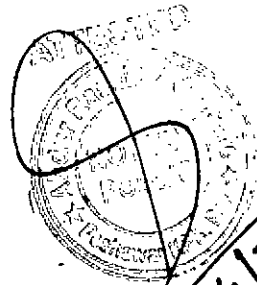
Dated 22/03/2023

DEPONENT

Handwritten signature

Mohammad Anwar Khan

NIC NO. 15302-8750503-1



24/3/2023

BEFORE THE KHYBER PAKHTOOKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Mohammad Anwar Khan APPELLANT

VERSUS

Secretary to the Government of Khyber Pakhtoonkhwa, Population Welfare
Department, civil secretariat Peshawar and others RESPONDENTS

I N D E X

S.No.	Description of Documents	Annexure	Pages
1.	Appeal		1- 2
2.	Affidavit		3
3.	Memo of addresses		4
4.	Copy of the retirement order,	Annex - A	5
5.	Copies of the letter / bio data.	Annex - B	6-9
6.	Copies of the promotion order and application/ departmental appeal,	Annex - C	10-13
7.	Wakalatnamah		

(Appellant)

Through:


Riaz Ahmad

(Advocate High Court)

Cell No. 0303 8238839

and 0348 9615837

(4)

BEFORE THE KHYBER PAKHTOOKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Mohammad Anwar Khan R/O Village Kheema, Tehsil and P.O. Timargarah, District Lower Dir (Assistant BPS- 16 retired from the office of District Population Welfare Office, Lower Dir.)

..... APPELLANT

VERSUS

1. Secretary to the Government of Khyber Pakhtoonkhwa, Population Welfare Department, civil secretariat Peshawar.
2. Directorate General Population Welfare Department, Population Welfare Complex, Near PDA Building Hayatabad, Phase-V, Peshawar.
3. District Population Welfare Officer, Dir Lower.

.....RESPONDENTS

Appeal Under Section 4 Of The Khyber Pakhtoonkhwa Service Tribunal Act (Act 1 Of 1974) From The Order Bearing No. 4(5)/2018 Dated 04/05/2018 Whereby Assistants Bps 16 Were Promoted To The Post Of Assistant District Population Welfare Bps-16, Where The Order Being Was Due In 2017.

Prayer: On acceptance of the instant appeal this Hon'ble Tribunal would be pleased to grant proforma promotion to the appellant as the order was due in 2017 while the appellant was in service but it was delayed inordinately and the appellant proceeded on retirement on 31/03/2018 and the appellant's right of promotion was not granted to him.

Respectfully sheweth:

1. That the appellant has proceeded on retirement on 31/03/2018 as Assistant BPS-16 from the District Population Welfare Office, Population Welfare Department.
(Copy of the retirement order is enclosed herewith as Annex-A)
2. That in 2017 vacancies occurred for promotion of Assistants BPS-16 and other cadres to the post of Assistant District Population Welfare Officer BPS-16 and ACRs of the appellant were requisitioned which were sent to the office of respondent No. 2.
(Copies of the letter / biodata are enclosed herewith as Annexure-B)
3. That the promotion case was delayed till 04/05/2018 after a month a few days of the retirement of the appellant. The appellant submitted

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applications to the competent authority for redress of his grievance but those were not considered.
(Copies of the promotion order and application is enclosed herewith as Annex-C)

4. That the appellant would have been promoted if the promotion had been made within time.
5. That the appellant, being deprived of his due legal right to promotion, and his grievance not being redressed, therefore, files the instant appeal on the following.

GROUND

- A. That the promotion order has been illegally inordinately delayed.
- B. That the appellant's right to promotion under the law has not been upheld.
- C. That reasons for the delay are not due to any act of the appellant.
- D. That the delay affected the appellant's right and his junior was granted benefit.
- E. That any ground / document needed by the circumstances of the case may kindly also be allowed to be presented at the time of arguments, proceedings.

It is, therefore, prayed that on acceptance of the instant appeal, the appellant may very graciously be granted proforma promotion as prayed for in the heading of the appeal, please.

Theraz
Appellant

Through:

Riaz Ahmad
Riaz Ahmad
(Advocate High Court)

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BEFORE THE KHYBER PAKHTOOKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Mohammad Anwar Khan

..... APPELLANT

VERSUS

Secretary to the Government of Khyber Pakhtoonkhwa, Population Welfare
Department, civil secretariat Peshawar and othersRESPONDENTS

AFFIDAVIT

I, Mohammad Anwar Khan S/O Bakhtawar Kahn R/O Village Kheema,
Tehsil and P.O. Timargarah, District Lower Dir Assistant BPS- 16 retired
from the office of District Population Welfare Office, Lower Dir, do hereby
solemnly declare and affirm on oath that the contents of the instant appeal
are true and correct to the best of my knowledge and belief and that
nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

Mohammad Anwar Khan

NIC No. 15302-8750503-1

Identified by



Riaz Ahmad
(Advocate)

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BEFORE THE KHYBER PAKHTOOKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Mohammad Anwar Khan APPELLANT

VERSUS

Secretary to the Government of Khyber Pakhtoonkhwa, Population Welfare
Department, civil secretariat Peshawar and othersRESPONDENTS

MEMO OF ADDRESSES

APPELLANT

Mohammad Anwar Khan R/O Village Kheema, Tehsil and P.O.
Timargarah, District Lower Dir.

RESPONDENTS

1. Secretary to the Government of Khyber Pakhtoonkhwa, Population Welfare Department, civil secretariat Peshawar.
2. Directorate General Population Welfare Department, Population Welfare Complex, Near PDA Building Hayatabad, Phase-V, Peshawar.
3. District Population Welfare Officer, Dir Lower

(Appellant) .

Through:



Riaz Ahmad

(Advocate High Court)