

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

Service appeal No:- 3936 /2020

Arshad Khan

**Versus**

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

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Dated:- 29/03/2023

Through:-

*Arshad*  
Appellant

*Hazrat Said*  
Hazrat Said

Advocate Supreme Court

①

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



Service appeal No:- 3936-9/2020

Arshad Khan S/o Toor Muhammad, Naib Qasid, Governor House,  
Peshawar, R/o Fatu Abdur Rahima, District Peshawar

..... Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa, through Secretary Establishment, Civil Secretariat, Peshawar.
2. Secretary to Governor Khyber Pakhtunkhwa, Governor House, Peshawar.
3. Special Secretary Establishment, Civil Secretariat, Peshawar
4. Section Officer to Military Secretary to Governor, Peshawar
5. Secretary Administration Govt of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

..... Respondents



**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL ACT, 1974.**

***Prayer in appeal:***

On acceptance of the instant Service Appeal the respondents may please be directed to include the name of the appellant in the seniority list form the date of his appointment and be promoted on his turn according to the seniority list.

***Respectfully Sheweth:-***

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*The appellant submits as under:-*

1. *That appellant is working in Governor House, Khyber Pakhtunkhwa Peshawar, since his appointment. (Copy of appointment order is attached as annexure "A").*
2. *That the appellant is a civil servant and as per the Government Policy and Service Structure, the appellant has the right to be promoted/ upgraded with the passage of time of his services.*
3. *That some of the colleagues of the appellant were promoted while having the same qualification and service as the appellant had, therefore, the appellant approached the respondents and they regretted that the name of the appellant is not in the seniority list as such he has not been promoted and for that purpose, the establishment department and the Secretary to Governor Khyber Pakhtunkhwa Communicated through letters but the matter could not resolve. (Copy of the letter is attached as annexure "B")*
4. *That in the meanwhile another seniority list was issued in 2015, through notification No. E&A (AD)04(17)2015 in which again the name of the appellant was missing. (Copy of the Notification is attached as annexure "C").*

5. *That the appellant having no other adequate way/ remedy approached the Peshawar High Court, Peshawar in Writ jurisdiction through Writ Petition No 789-P/2016 for the inclusion of his name in the seniority list but that was dismissed on the ground of jurisdiction/maintainability. (Copy of the order is attached as annexure "D").*
6. *That in the year 2018, a notification NO. E&A(AD)04(17) 2015, dated 26/01/2018 was issued in which the name of petitioner was missing and again another seniority list was prepared through Notification No E&A(Ad)04 (17)2019 in the year 2019 for promotion in which the name of the appellant was again not included. (Copy of Notifications are attached as annexure "E" & "F").*
7. *That the appellant aggrieved of the same filed a departmental appeal/ representation, which is still pending disposal after three long months. (Copy of the representation is attached as annexure "G").*
8. *That the employees of the Civil Secretariat, Chief Minister Secretariat and Governor Secretariat has a joint seniority list and in the notification No. E&A(AD)04(17)2019 the names of the Class-IV of Chief Minister Secretariat, Civil Secretariat and some of the Governor Secretariat have been*

included while the Appellant's name is not in the list issued on 24/04/2019. (Referred above as annexure "F").

9. That this Honourable Tribunal directed the appellant to array the Worthy Secretary Administration KPK in the list of respondents for proper disposal of appeal. (Copy of order is attached as annexure "H").
10. That being aggrieved and having no other adequate remedy, the appellant submit the instant Service Appeal in this Honourable Tribunal, on the following grounds, inter alia;-

**Grounds:-**

- A. That the appellant is the Government Servant, properly appointed and performing his duties without any stigma as such has the right to be promoted / upgraded according to the Service Rules/ Regulations and not doing so is violation of basic service rights of the appellant, also illegal, unlawful and beyond Jurisdiction.
- B. That other similarly placed employees/ persons working in the Governor Secretariat as well as in the Chief Minister Secretariat have been promoted and also the seniority list of the whole Class-IV employees is prepared while the appellant is neither promoted nor his name is in the seniority

(6)

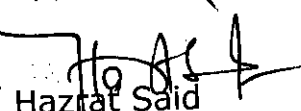
*turn in the seniority list from the date of his appointment  
with cost throughout.*

*Any other relief, which this Honourable Tribunal  
deems appropriate, may kindly be awarded to meet the ends  
of justice.*

Dated:- 29/03/2023

Through:-

  
Appellant

  
Hazrat Said  
Advocate Supreme Court

(7)

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

~~Amended Service Appeal No. 3936-2/2020~~

Service appeal No:- 3936-2/2020

Arshad Khan

**Versus**

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

**AFFIDAVIT**

I, Arshad Khan S/o Toor Muhammad, Naib Qasid,  
Governor House, Peshawar, R/o Fatu Abdur Rahima, District  
Peshawar, (The appellant) do hereby solemnly affirm and declare  
on oath that the contents of this accompanying Amended Service  
Appeal are true and correct to the best of my knowledge and belief  
and nothing has been concealed from this Honourable Court.

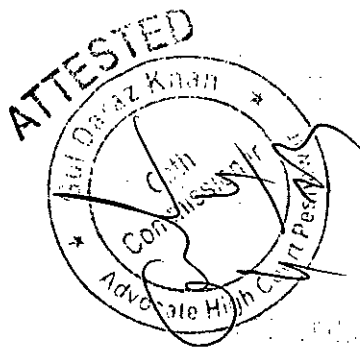
Identified by

DEPONENT

CNIC No:- 17301-7013959-1

Cell No:- 0300-9567733

Hazrat Said  
Advocate Supreme Court



2/A

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

~~Arshad Khan Service Appeal No. 3936/2020~~

Service appeal No:- 3936/2020

Arshad Khan

**Versus**

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT**

Arshad Khan S/o Toor Muhammad, Naib Qasid, Governor House,  
Peshawar, R/o Fatu Abdur Rahima, District Peshawar

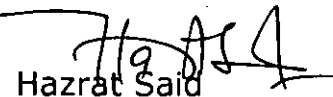
**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa, through Secretary Establishment, Civil Secretariat, Peshawar.
2. Secretary to Governor Khyber Pakhtunkhwa, Governor House, Peshawar.
3. Special Secretary Establishment, Civil Secretariat, Peshawar
4. Section Officer to Military Secretary to Governor, Peshawar
5. Secretary Administration Govt of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

Dated:- 29/03/2023

  
Appellant

Through:-

  
Hazrat Said  
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