

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- 3937/2020

Maqbali Khan

Versus

Government of Khyber
Pakhtunkhwa & others
.....Respondents

..... Appellant

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Dated:- 29/03/2023

Through:-


Appellant


Hazrat Said

Advocate Supreme Court

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-F/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) 2012, dated 26/01/2018 was issued in which the names 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 is not included while the Appellant's name is not in the list issued on 24/04/2019. (Referred above as annexure "F").

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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 list which is against the service laws, void-ab-initio, beyond jurisdiction and fair play.*

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- C. *That not including the name of the appellant in the Seniority List means not promoting the appellant at his turn is based on malafide intention and ulterior motives and also discriminatory which needs to be corrected by this Hon'ble Tribunal.*
- D. *That the appellant has no stigma in his career and is a qualified person as such has a fundamental right to be treated according to the law and not doing so is unlawful, without lawful authority and jurisdiction, which is tantamount to the violation of the lawful rights of the appellant.*
- E. *That any other grounds will be agitated at the time of hearing of instant departmental appeal.*

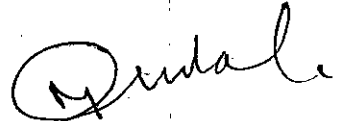
It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the respondents may please be directed to include the name of the appellant in the seniority list from the date of his appointment as per the rules /policy and be promoted to the next post on his turn in the seniority list from the date of his appointment with cost throughout.

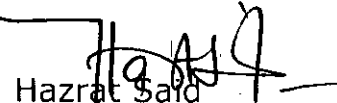
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*Any other relief, which this Honourable Tribunal
deems appropriate, may kindly be awarded to meet the ends
of justice.*

Dated:- 29/03/2023

Through:-


Appellant


Hazrat Said
Advocate Supreme Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- 3937-8/2020

Maqbali Khan

Versus

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Pakhtunkhwa & others

..... Appellant

..... Respondents

AFFIDAVIT

I, Maqbali Khan S/o Rasool Khan, Naib Qasid, Governor
House, Peshawar, R/o Gulshan Abad, Shagai Hindkiyan, Tehsil
& 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:- 17301-1392049-5

Cell No:- 0321-9008847


Hazrat Said
Advocate Supreme Court



FIA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- 3937-0/2020

Maqbali Khan

Versus

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

ADDRESSES OF PARTIES

APPELLANT

Maqbali Khan S/o Rasool Khan, Naib Qasid, Governor House, Peshawar,
R/o Gulshan Abad, Shagai Hindkiyan, Tehsil & District Peshawar

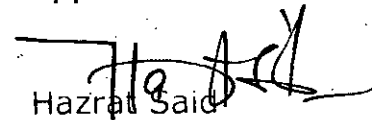
RESPONDENTS

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
Advocate Supreme Court