

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1816/2022

Diary No. 5224

Feroz Khan.....Appellant


31/5/2023

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Law and others
.....Respondents.

INDEX

S. No.	Documents	Page No.	Annexure
1	Joint Parawise Comments	1-2	
2	Affidavit	3	
4	Authority Letter	4	
2	Final Seniority List issued on 22.01.2021	5-9	A


MUHAMMAD ISMAIL
Superintendent (Lit)
Law Department
NIC No. 17301-0876331-9
Cell# 03459782603



①

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 1816/2022

Feroz Khan Naib Qasid (BPS-03).....

Appellant

VERSUS

Secretary Law and other.....

Respondent

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 AND 2

Respectfully Sheweth

Preliminary Objections

1. That no cause of action or locus standi lies with the Appellant for filing the instant appeal.
2. That the instant appeal is not maintainable in its present form.
3. That the Appellant has concealed material facts from this Hon'able Tribunal.
4. That the Appellant is stopped by his own conduct to file the present appeal.
5. That the instant appeal is barred by Law.
6. That the appeal is not maintainable due to Non-joinder of necessary parties.

On facts.

1. Para No.1 to the extent of appointment pertains to record whereas the rest of the para is subject to proof.
2. Para No.2 pertains to record, hence needs no comments.
3. Para No.3 pertains to the academic qualification of the Appellant, hence needs no comments.
4. Para No. 4 is incorrect. As per Tentative Seniority list as stood on 27.01.2020 was issued to all the officials inviting their objection. The Appellant vide his application available at page 14 objected the tentative seniority list and requested for inclusion of his name at the right position. After receiving objection from all aggrieved officials including the Appellant, final seniority list as stood on 20.01.2021 [Annex-A] was issued and the Appellant was assigned position at serial No. 11 of the ibid list.
5. In reply to Para No. 5, it is submitted that the grievances of the Appellant has been redressed and he was assigned proper position in the seniority list, however he will be promoted to the post of Junior Clerk on his turn as and when DPC is convened.
6. Pertains to record.
7. The Appellant has got no cause of action to file the present Service Appeal.

Ground:

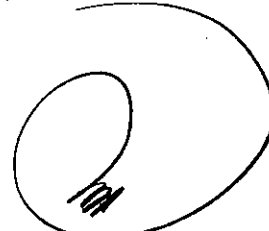
- A) Incorrect. The name of the Appellant has been included in the seniority list and will be promoted on his turn as and when DPC is convened hence the respondent has acted according to Law and Rules.
- B) Incorrect. The Appellant has been treated by the respondent Department in accordance with Law and Rules on the subject and as such the respondents have acted according to the Articles of Constitution of Islamic Republic of Pakistan 1973.
- C) Incorrect. The name of the Appellant has been included in the seniority list before the promotion order of his senior. Hence the Appellant has no cause of action.
- D) Incorrect. The Appellant has not been discriminated.
- E) Incorrect. As replied in para No. B.
- F) The respondents seek permission of this Hon'able Tribunal to agitate further grounds during the course of hearing.

Prayer:

It is therefore, requested that the appeal may be dismissed with cost.



SECRETARY LAW
Law, Parliamentary Affairs and
Human Rights Department



DIRECTOR GENERAL
Law and Human Rights
Khyber Pakhtunkhwa.

Director General
Law & Human Rights
Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1816/2022

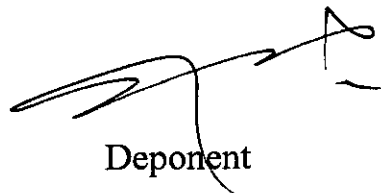
Feroz Khan.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Law and others
.....Respondents.

AFFIDAVIT

I, Muhammad Ismail Khalil, Superintendent (Lit) (BPS-17), Law Department, do hereby solemnly affirm and declare on oath that contents of Parawise Comments on behalf of Respondents No. 1 and 2 are true to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Tribunal.



Deponent

NIC No. 17301-0876331-9
Cell# 03459782603



31 MAY 2023



**GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

Dated: 29.05.2023

AUTHORITY LETTER

Mr. Muhammad Ismail Khalil, Superintendent (BPS-17), Law Department, is hereby authorized for filing Joint Parawise Comments in Service Appeal No. 1816/2022 Feroz Khan Versus Secretary Law and others on behalf of respondents No. 1 and 2 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.


SECRETARY,

Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs and
Human Rights Department



DIRECTORATE GENERAL OF LAW &
HUMAN RIGHTS
KHYBER PAKHTUNKHWA

5

Dated Peshawar, the 22/01/2021

Notification

NO.DG/SLT/AD/SENIORITY OFFICIAL/2-17/2019:

In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the final seniority list of the Naib Qasid (BPS-03) offices of the District Attorneys, Law Department (as stood on 20-01-2021) is hereby notified/circulated for general information.

FINAL SENIORITY LIST OF NAIB QASID (BPS-03) OFFICES OF THE DISTRICT ATTORNEYS, LAW DEPARTMENT

(AS STOOD ON 20-01-2021).

S. No	Name of Official	Designation	Date of Birth	Qualification	Domicile	Date of 1 st Joining Govt: Services
1.	Mr.Muhammad Yousaf	N/Q,	1976	Matric	Kohistan	24.02.2004
2.	Mr.Muhammad Ilyas,	N/Q	03-09-1982	Matric	D.I.Khan	15.01.2007
3.	Mr.Sher Bacha,	N/Q,	07-05-1978	Matric	Charsadda	01.07.2008
4.	Mr.Javaid	N/Q,	02-10-1966	Matric	Charsadda	07.07.2008
5.	Mr.Lal Zaman	N/Q	05-03-1982	F.A	Charsadda	07.07.2008
6.	Mr.Mukhtiar Ahmad	N/Q	08-09-1976	Matric	Charsadda	09.09.2008
7.	Mr.Farooq Shah	N/Q	09-04-1969	Matric	Charsadda	10.08.2009
8.	Mr.Abdur Rehman Khalid	N/Q	20-05-1970	F.A	Charsadda	10.08.2009
9.	Mr.Shakeel Ahmad	Chowkidar	10-05-1971	F.A	Charsadda	10.08.2009
10.	Mr.Muntazim Shah	N/Q	08-10-1973	(B.A)	Charsadda	10-08-2009
11.	Mr.Feroz Khan	N/Q	02-05-1975	Matric	Charsadda	10-08-2009
12.	Mr.Syed Rasool	N/Q	20-09-1975	Matric	Charsadda	10-08-2009
13.	Mr.Aziz Ahmad	N/Q	01-05-1977	(F.A)	Charsadda	10-8-2009
14.	Muhammad Yasir	Chowkidar	02-03-1979	Matric	Charsadda	10-8-2009
15.	Mr.Gul Alam Jan	Chowkidar	04-05-1979	(F.A)	Charsadda	10-08-2009
16.	Mr.Sajid Khan S/O Muhammad Ayaz	Chowkidar	18-05-1985	(B.A)	Charsadda	10-08-2009
17.	Muhammad Imran Khan	Chowkidar	15-03-1986	(B.A)	Peshawar	10-08-2009

Handwritten signature
SUPERINTENDENT
Govt: Khyber Pakhtunkhwa
Law Department

Handwritten signature
SUPERINTENDENT
Govt: Khyber Pakhtunkhwa
Law Department

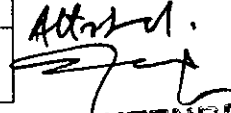
18.	Mr.Said Ur Rehamn	Chowkidar	01-00-1970	(F.A)	Charsadda	10-08-2009
19.	Mr.Noor Alam	N/Q	09-01-1989	(F.A)	Charsadda	17-08-2009
20.	Mr.Taimur Khan	Chowkidar	07-04-1989	(F.A)	Charsadda	18-08-2009
21.	Mr.Nasir Shah	Chowkidar	02-04-1983	(F.A)	Charsadda	01-09-2009
22.	Mr.Fawad Ahamd,	N/Q,	27-03-1985	Matric	Charsadda	04-09-2009
23.	Mr.Sikandar Khan	N/Q,	03-01-1991	Matric	Charsadda	04-09-2009
24.	Mr.Farhad Ali	Chowkidar	08-01-1991	(F.A)	Charsadda	14-09-2009
25.	Mr.Hayat Muhammad	Chowkidar	09-04-1974	Matric	Charsadda	14-09-2009
26.	Mr.Imran Khan S/o Sahib Zada	Chowkidar	18-03-1985	(F.A)	Charsadda	01-04-2011
27.	Mr.Zabardast Khan	N/Q	01-11-1977	(F.A)	Shangla	11-04-2011
28.	Mr.Safeer Ullah	N/Q,	10-03-1990	(Matric)	Battagram	08-08-2011
29.	Mr.Aziz Ahmad	N/Q	02-04-1977	(B.A)	Dir Lower	08-08-2011
30.	Mr.Nasir Khan	Chowkidar	15-05-1974	FA	Charsadda	08-08-2011
31.	Mr.Inam Ullah	Chowkidar	15-09-1983	FA	Peshawar	08-08-2011
32.	Mr.Mudassir Shah	N/Q,	04-01-1982	(B.A)	Charsadda	10-08-2011
33.	Mr.Hazrat Zaman	N/Q	12-04-1983	Matric)	Charsadda	10-08-2011
34.	Mr.Afsar Ali	N/Q	02.04-1992	Matric	Peshawar	10-08-2011
35.	Mr.Bakht Room	N/Q	08-04-1977	B.A/DIT	Swat	26-09-2011
36.	Mr.Imtiaz Khan	N/Q,	11-02-1972	FA	Charsadda	15-03-2012
37.	Mr.Diyar Khan	Sweeper	01-04-1975	(Matric)	Charsadda	15-03-2012
38.	Mr.Nadeem Khan	Chowkidar	05-04-1976	F.A	Charsadda	15-03-2012
39.	Mr.Tahir Shah	N/Q	05-04-1977	(Matric)	Charsadda	15-03-2012
40.	Mr.Sajid Ali	Sweeper	01-03-1981	(B.A)	Charsadda	15-03-2012
41.	Mr.Aftab Ahmad	N/Q,	15-01-1982	Matric	Charsadda	15-03-2012
42.	Mr.Zahoor Khan	Chowkidar	15-03-1982	Matric	Charsadda	15-03-2012
43.	Mr.Nasrullah	Naib Qasid	11-04-1983	FA	Charsadda	15-03-2012
44.	Mr.Gul Khan	Naib Qasid	24-03-1986	Matric	Charsadda	03-10-2012
45.	Mr.Wajid Ali	Naib Qasid	04-04-1974	FA	Charsadda	15-03-2012
46.	Mr.Kashif Jan	Naib Qasid	03-03-1991	FA	Charsadda	17-03-2012
47.	Mr.Mushtaq Ali	Naib Qasid	15-08-1972	B.Com	Charsadda	17-03-2012
48.	Mr.Sabz Ali	Chowkidar	1974	Matric	Charsadda	17-03-2012
49.	Mr.Asghar Khan	Chowkidar	02-01-1979	Matric	Charsadda	17-03-2012
50.	Mr.Niaz Muhammad	Sweeper	02-05-1982	FA	Charsadda	17-03-2012
51.	Mr.Kashif Khan	Chowkidar	01-01-1985	Matric	Charsadda	17-03-2012
52.	Mr.Abdul Aziz	Chowkidar	05-04-1986	BA	Charsadda	17-03-2012
53.	Muhammad Jehangir	Naib Qasid	04-02-1988	FA	Charsadda	17-03-2012
54.	Mr.Saddam Hussain	Naib Qasid	01-03-1992	FA	Charsadda	19-03-2012

6

Ad-td.

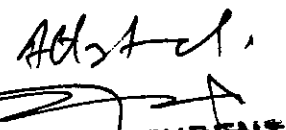
55.	Mr.Zubair Khan	Naib Qasid	05-12-1991	BA	Charsadda	27-09-2012
56.	Mr.Aftab Ahmad	Naib Qasid	15-09-1975	Matric	Peshawar	03-10-2012
57.	Mr.Hamid Ur Rehman	Naib Qasid	04-04-1974	FA	Charsadda	03-10-2012
58.	Mr.Asim Ali Khan	Naib Qasid	01-05-1977	BA	Charsadda	03-10-2012
59.	Mr.Fazal Muhammad Roshan	N/Qasid	06-08-1969	SSC	Charsadda	03-10-2012
60.	Mr.Adbus Sattar	Naib Qasid	01-01-1979	SSC	Charsadda	03-10-2012
61.	Mr.Gulzar Ali	Naib Qasid	01-09-1970	BA	Charsadda	03-10-2012
62.	Mr.Farman ul haq	Naib Qasid	04-02-1990	FA	Charsadda	03-10-2012
63.	Mr.Salim shah	Naib Qasid	30-08-1975	BA	Charsadda	03-10-2012
64.	Mr.Liaqat shah	Naib Qasid	10-04-1993	SSC	Charsadda	03-10-2012
65.	Mr.Muhammad Usman	Naib Qasid	27-01-1993	DAE	Charsadda	03-10-2012
66.	Mr.Imran khan	Naib Qasid	02-03-1979	SSC	Charsadda	03-10-2012
67.	Mr.Lal badshah	Naib Qasid	15-01-1973	SSC	Charsadda	03-10-2012
68.	Mr.Mussawir Shah	Naib Qasid	01-01-1982	SSC	Charsadda	03-10-2012
69.	Mr.Rizwan ullah	Naib Qasid	31-03-1968	SSC	Charsadda	03-10-2012
70.	Mr.Muhammad ali	Naib Qasid	06-04-1991	BA	Charsadda	03-10-2012
71.	Mr.Ramez jan	Naib Qasid	05-05-1991	DAE	Charsadda	03-10-2012
72.	Mr.Shah Faisal s/o Saif ur Rehman	Naib Qasid	01-05-1988	BA	Charsadda	03-10-2012
73.	Mr.Amer zeb	Naib Qasid	10-01-1994	DAE	Charsadda	03-10-2012
74.	Mr.Muarad ali	Naib Qasid	17-11-1971	SSC	Charsadda	03-10-2012
75.	Mr.Zain Ullah Jan	Naib Qasid	15-04-1991	FA	Charsadda	03-10-2012
76.	Mr.Qaisar Khan	Naib Qasid	05-04-1991	BA	Peshawar	03-10-2012
77.	Mr.Zafar Ali	Naib Qasid	06-07-1974	SSC	Charsadda	03-10-2012
78.	Mr.Abdul Ghafoor	Chowkidar	18-04-1994	SSC	Charsadda	03-10-2012
79.	Mr.Izat Shah	Chowkidar	31-08-1971	SSC	Charsadda	03-10-2012
80.	Mr.Hassan Shah	Chowkidar	15-03-1990	FA	Charsadda	03-10-2012
81.	Mr.Bashir Ahmed	Chowkidar	14-02-1986	SSC	Charsadda	03-10-2012
82.	Mr.Wisal Khan	Chowkidar	10-04-1983	SSC	Charsadda	03-10-2012
83.	Mr.Fawad Khan	Chowkidar	05-04-1990	SSC	Charsadda	03-10-2012
84.	Mr.Bahar Ali	Chowkidar	30-07-1990	SSC	Charsadda	03-10-2012
85.	Mr.Ihsan Ullah S/O Noor Muhammad	Chowkidar	01-04-1973	Matric	Momd: Agency	03-10-2012
86.	Mr.Tahir Shah	Chowkidar	04-02-1992	Matric	Charsadda	03-10-2012
87.	Mr.Muhammad Adil S/o Zafar Ullah	Chowkidar	05-09-1992	DAE(E.Tech)	Charsadda	03-10-2012

7

Attended.

SUPERINTENDENT
Govt: Khyber Pakhunkhwa
Law Department

88	Mr. Kausar Ali	Chowkidar	01-12-1979	Matric	Charsadda	03-10-2012
89	Mr. Ihsan Ullah S/O Ikram Ud Din	Chowkidar	08-02-1969	Matric	Mardan	03-10-2012
90	Mr. Amir Muhammad Khan	Chowkidar	02-05-1977	FA	Charsadda	03-10-2012
91	Muhammad Junaid	Chowkidar	01-11-1989	Matric	Peshawar	03-10-2012
92	Mr. Fazle Malik	Chowkidar	16-05-1980	Matric	Peshawar	03-10-2012
93	Mr. Qaiser Shah	Chowkidar	15-09-1981	Matric	Charsadda	03-10-2012
94	Mr. Tufail Jan	Chowkidar	01-01-1987	FA	Charsadda	03-10-2012
95	Muhammad Abubakkar	N/Q	08-10-1974	FA	Charsadda	01-11-2012
96	Mr. Danilay Khan	Chowkidar	26-10-1980	Matric	D. I. Khan	07.10.2013
97	Muhammad Asif	Chowkidar	01-01-1984	Matric	D. I. Khan	07-10-2013
98	Mr. Saeed Ud Din	N/Q	06-11-1998	Matric/ Shahdat Ul Alama	D. I. Khan	07-10-2013
99	Muhammad Adnan	N/Q	01-01-1991	MA	D. I. Khan	07-10-2013
100	Muhammad Arif	Chowkidar	01-01-1992	Matric	D. I. Khan	07-10-2013
101	Mr. Aftab Hussain	Chowkidar	02.02.1982	FA	Charsadda	10.08.2009
102	Mr. Mir Azam Khan	N/Q	01-05-1993	BA	Swabi	18-01-2014
103	Mr. Kamran S/o Muhammad Aslam	Chowkidar	06-04-1984	FA	Haripur	25-08-2014

8


SUPERINTENDENT
 Govt: Khyber Pakhtunkhwa
 Law Department


104	Malik Umair Wajid	Naib Qasid	07-07-1996	FSC	Peshawar	08-06-2015
105	Mr. Adnan Yasir S/O Iqbal Hussain	Chowkidar	06.10.1988	B.A	Swat	14.10.2016
106.	Mr. Nasir Shah	Naib Qasid	01.02.1984	Matric	Charsadda	04.06.2008
107	Mr. Pazir Gul	Naib Qasid	08.02.1982	Matric	Mardan	11.03.2005

**-SD-
DIRECTOR GENERAL
FOR LAW & HUMAN RIGHTS
KHYBER PAKHTUNKHWA**

Endst: No. DG/SLT/AD/Seniority/2-17/2019:

Copy forwarded to:-

1. All District Attorneys in Khyber Pakhtunkhwa is requested to circulate seniority list amongst concerned staff.
2. PS to Secretary, Law Department.
3. Reference & Research Officer Law Department is requested to upload on Law Department Website.

Ats Lal,

**SUPERINTENDENT
Govt: Khyber Pakhtunkhwa
Law Department**


**ASSISTANT SOLICITOR
(M&E)**