

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

**SERVICE APPEAL NO. 1649/2022**

Arbab Muhammad Ahtisham S/O Arbab Muhammad Jahanzeb, Assistant Public Prosecutor (BP-17).

**Appellant.....**

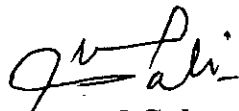
**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Home & Tribal Affairs Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Director General Prosecution, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar.
5. Assistant Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar

**Respondents.....**

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**Muhammad Gulzar Ali**  
(Superintendent)  
Directorate of Prosecution,  
Khyber Pakhtunkhwa

①

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6749

Dated 31/07/23

**APPEAL NO. 1649/2023.**

Mr. Arbab Muhammad Ahtisham s/o Arbab Muhammad Jahanzeb, Assistant  
Public Prosecutor (BPS-17).

.....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary.
2. Khyber Pakhtunkhwa Home & Tribal Affairs Department through Secretary.
3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
4. Director Administration, Khyber Pakhtunkhwa, Prosecution Department, Peshawar.
5. Assistant Director Administration, Khyber Pakhtunkhwa, Prosecution Department, Peshawar.

..... Respondents

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 5.**

**RESPECTFULLY SHEWETH.** The Respondents submit as under;

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has challenged the Seniority List issued by the Respondents without any cogent or valid reason hence, has got no Cause of Action.
2. That the impugned Seniority List was prepared according to the Merit List/ Inter-se Seniority List assigned and provided by the Khyber Pakhtunkhwa Public Service Commission (KPPSC).
3. That the Appellant has not arrayed the Khyber Pakhtunkhwa Public Service Commission as Respondent, which is a necessary party for just conclusion of the matter, hence the Appeal is not maintainable.

- 4. That the Appellant has got no Cause of action to file the instant Appeal.
- 5. That the Appellant is estopped by his own conduct to bring the present Appeal before this Honourable Tribunal.
- 6. That the Appeal is barred by law and limitation.
- 7. That the Appeal is bad for mis-joinder and non-joinder of necessary parties.

**PARAWISE REPLY:-**

- 1. Pertains to record.
- 2. Pertains to record.
- 3. Correct to the extent that the impugned Seniority List was issued in the year 2022. The Petitioner, however, has termed the impugned List illegal without providing any grounds, hence denied. Moreover, the Appellant has also mentioned that the impugned list is against the Rules of Khyber Pakhtunkhwa Public Service Commission, thus the issue pertains to Khyber Pakhtunkhwa Public Service Commission which has not been arrayed as Respondent in the instant Service Appeal. The Appeal is not maintainable on this score alone.
- 4. The Seniority List of those employees, who are selected and recommended for appointment to the Government by Khyber Pakhtunkhwa Public Service Commission, is always prepared in accordance with the Merit List/Inter –Se Seniority list issued by Khyber Pakhtunkhwa Public Service Commission. The Respondent Department has also issued the Seniority list as per the Merit List/Inter-Se Seniority list, issued by Khyber Pakhtunkhwa Public Service Commission (Annex-I), where the Appellant has been placed at his due place. Moreover, the Para pertains to Khyber Pakhtunkhwa Public Service Commission but they have not been arrayed as Respondent in the instant Service Appeal.
- 5. Incorrect hence denied. The Appellant was replied and informed vide letter dated 14-11-2022 (Annex-II).
- 6. Incorrect hence denied. The Departmental representation of the Appellant was rightly turned down. Detailed reply has already been provided vide Para 4 above.
- 7. Incorrect.

**GROUND:**

- a) Incorrect hence denied.
- b) Incorrect hence denied. Detailed reply has already been given vide para 04 of the Para-wise Reply.
- c) Incorrect hence denied. Detailed reply has already been given vide para 04 of the Para-wise Reply.
- d) Correct.
- e) As already responded, the Appellant has been placed at his due place in the impugned Seniority list.
- f) Incorrect hence denied. Detailed reply has already been given vide para 04 of the Para-wise Reply.

g) Incorrect hence denied.

3  
B

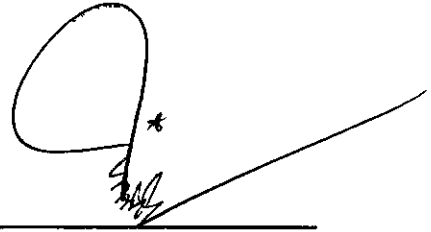
**PRAYER:**

In the light of above factual and legal aspects, the instant Service Appeal, being devoid of any legal substance, may kindly be dismissed with Costs, please.



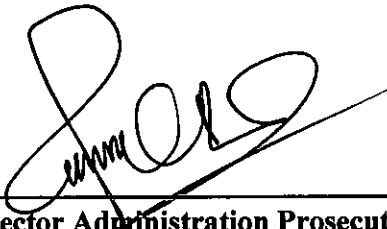
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**The Secretary ,  
Home & Tribal Affairs Department,  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.2)**



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**The Director General Prosecution  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.03)**



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**Director Administration Prosecution  
Government of  
Khyber Pakhtunkhwa  
(Respondent No.04)**



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**Assistant Director Administration  
Prosecution,  
Government of  
Khyber Pakhtunkhwa  
(Respondent No.05)**



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**The Chief Secretary  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.1)**

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION****APPENDIX-A**

COMBINED INTER-SE-MERIT OF 89 POSTS OF ASSISTANT PUBLIC PROSECUTOR (B-17) (GENERAL/FEMALE/DISABLE AND MINORITY QUOTAS) OF ADVERTISEMENT NO. 01/2015 S.N. 58, 59, 60 AND 61.

Merit order	Name	Father's Name	District/Zone	Adjustment
1.	Sidra Aslam	D/O Muhammad Aslam	Haripur/5	Female Quota ✓
2.	Asif Zeb	O Jehan Zeb	Peshawar/2	General Seats ✓
3.	Rashid Ahmad	anad S/O Munawar Khan	Dir (L)/3	General Seats
4.	Wahedullah	illah S/O Fazal Wahid	Dir (L)/3	General Seats
5.	Farmanullah	lah S/O Jangi Mar Khan	SWAT/2	General Seats X 20/05
6.	Uzma Nadeem	r D/O Nasir Khan	Peshawar/2	Female Quota
7.	Fahim Ullah	h Khan S/O Jamshid Khan	Chardarda/2	General Seats
8.	Zulfiqar	i S/O Arsalan Khan	Peshawar/2	General Seats
9.	Sadaq Hussain	jum S/O Shams ul Qamar	Peshawar/2	General Seats
10.	Muhammad	ad Kamran S/O Shamsul Islam	Mardan/2	General Seats X 20/05
11.	Kamran	lah S/O Rizwan Ullah	Peshawar/2	General Seats
12.	Sheeraz	abar S/O Ali Akbar	Mohajir/1	General Seats
13.	Haron	an Safi S/O Muhammad Jamil Safi	Mohajir/1	General Seats
14.	Sikandar	aman S/O Nadar Khan	Chardarda/2	General Seats
15.	Shah Saad	S/O Abdul Chaffar	Peshawar/2	General Seats
16.	Sohail Ahmad	ad S/O Farida Muhammad	Mardan/2	General Seats X 20/05
17.	Muhammad	ad Saqib S/O Jan Muhammad	Peshawar/2	General Seats X
18.	Meena	iser D/O Qaiser Khan	Nowshera/2	Female Quota X 20/05
19.	Zeesha	aj S/O Taj Muhammad	Manshera/5	General Seats
20.	Andaleeb	Shabeer D/O Shabeer Ahmad	Manshera/5	Female Quota
21.	Ata Ullah	S/O Alamgeer Khan	East Faisalabad/3	General Seats
22.	Muhammad	ad Ali Shan S/O Muhammad Ghalib	Mardan/2	General Seats
23.	Umar	Muhammad S/O Jehan Zeb Khan	Swat/2	General Seats
24.	Mukhtyar	Ahmad S/O Khybareen	Shanghar/3	General Seats
25.	Zohaib	ahmad Sher S/O M. Sher Khan	M.W. 2/3	General Seats
26.	Imran	Khan S/O Parvez Khan	Swat/2	General Seats

Attested  
Superintendent

(Cont: P/2.....)

27.	Abdul Muheed S/O Abdul Hamid Khan	MKE Agy/3	General Seats
28.	Mujeeb ur Rahman S/O Mahtab Khan	Bung /3	General Seats
29.	Umair Z. S/O Ikhranj	Peshawar/2	General Seats
30.	Fazal Q. um S/O Hidayat Ullah Shah Khattak	Charadda/2	General Seats
31.	Mulana Saad Usman Ali S/O Fayyaz ur Rahman	Peshawar/2	Disable Quota
32.	Minhaj. an S/O Nasrullah Khan	Maran/2	General Seats
33.	Nigar A. mad S/O Nazir Muhammad	Maran/2	General Seats
34.	Huma Farid D/O Farid Ullah Khan	Charadda/2	Female Quota
35.	Kanwar. Amir S/O M. Ismail Khan	Ban. /4	General Seats
36.	Becnis. Gul D/O Muhammad Sakhi	Peshawar/2	General Seats
37.	Asad A. war Khan S/O Muhammad Anwar Khan	Lak. Marwat/4	General Seats
38.	Daulat. an S/O Gul Meer	Charadda/2	General Seats X
39.	Imran. i S/O Liaqat Ali	Maran/2	General Seats
40.	Talnu. han S/O Noor Muhammad	Maran/2	General Seats
41.	Sana A. al D/O Ajmal Khan	Swat/2	General Seats
42.	Islah U. Din S/O Zaki Ud din	Dir. /3	General Seats
43.	Asad U. ah S/O Khurshid Kamal	Swat/3	General Seats
44.	Sardar. li S/O Haji Pakar Khan	Peshawar/2	General Seats
45.	Hansa. Khan S/O Talib Khan	M. : Agy/1	General Seats
46.	Anjad. li S/O Muhammad Hamayun Khan	Bal. gram/3	General Seats
47.	Israr A. mad S/O Abdul Ghaffar	Bal. /4	General Seats
48.	Shahr. ir Khan S/O Ayub Khan	F.F. Peshawar/1	General Seats
49.	M. ha. mad Sohail Khan S/O Hamid Ullah Khan	D. Khan	General Seats
50.	M. sha. wan Khan S/O Ayub Khan	Peshawar/2	General Seats
51.	Hayat. han S/O Yousaf Khan	Peshawar/2	General Seats
52.	Tansir. Ali Mehdi S/O Altaf Hussain	D. Khan	General Seats
53.	Junai. Alam S/O Khan Ghalib	Mardan/2	General Seats
54.	Manz. or Khan S/O Waris Khan	M. h: Agy/1	General Seats
55.	Anja. Ali S/O Khurshed Gul	Charsadda/2	General Seats
56.	Syed. bdul Mujeeb S/O Syed Tilawat Shah	Charsadda/2	General Seats
57.	Shak. Ullah Khan S/O Alif Khan	M. D AGY/3	General Seats
58.	A. ba. Muhammad Ahtisham S/O A. ba. Muhammad Jahanzeb	P. Lawar/2	General Seats
59.	Farm. n S/O Raz Wali Khan	M. h: Agy/1	General Seats
60.	Jave. Yousaf S/O Muhammad Yousaf	H.ipur/5	General Seats
61.	Imra. Hussain S/O Zafar Hussain	P. hawar/2	General Seats
62.	Abd. Haleem Khan S/O Abdur Razaq Khan	C. ral/3	General Seats
63.	Khal. Hussain S/O Muhammad Hussain	M. dan/2	General Seats

(Cont: P/3.....)

Attest  
*[Signature]*  
 Superintendent

64. ✓	Muhammad Hussain S/O Muhammad Rasheed	D.I. Khan/4	General Seats
65. ✓	Muhammad Arif S/O Arsala Khan	Mol. Agy/1	General Seats
66. ✓	Muhammad Usman ALI S/O Malik Muhammad Pervaiz	Abbottabad/5	General Seats
67. ✓	Naird Wali S/O Haji Akbar Khan	FR. Hat/1	General Seats
68. ✓	Muhammad Shahab Alam Shah S/O Zahir Shah	D.I. Khan/4	General Seats
69. ✓	Inam Ullah S/O Gul Nawaz Khan	D. Murwat/4	General Seats
70.	Saba Jabeen D/O Muhammad Israr Khan	Diry	Female Quota
71. ✓	Hidayatullah S/O Abdul Karim	Diry/3	General Seats
72.	Shoaib Ali Khan S/O Shoukat Ali Khan	Ban. /4	General Seats
73. ✓	Ashraf Ali S/O Muhammad Ajmal Khan	Shah. /3	General Seats
74. ✓	Fozia Chirani D/O Iftikhar Hussain	Peshawar/2	Female Quota
75. ✓	Muhammad Imran S/O Taj Muhammad	M. Agy/1	General Seats
76.	Imran Khan S/O Wilayat Khan	Har. /5	General Seats
77. ✓	Haidar Ali S/O Hazrat ur Rehman	M. Khan/2	Disable Quota
78. ✓	Humaira S/O Danial Murad	Peshawar/2	Minority Quota
79. ✓	Muhammad Javed S/O Abdul Sattar	M. Agy/1	General Seats
80. ✓	Jaunhar Ali S/O Habib Ullah	M. Agy/1	General Seats
81. ✓	Syeda Amina Shah D/O Syed Azhar Ali Shah Bukhari	Peshawar/2	Female Quota
82. ✓	Muhammad Bilal Khan S/O Gul Sarwar Jan	F.R. Minu/1	General Seats
83. ✓	Sumaira D/O Muhizullah	M. Khan/2	Female Quota
84. ✓	Bushra Ashraf D/O Muhammad Ashraf	Abbottabad/5	General Seats
85. ✓	Lulna Wahzadi D/O Aurang Zeb	Abbottabad/5	General Seats
86. ✓	Hassan Khan S/O Khalid Khan	M. Sehra/5	General Seats
87. ✓	Bushra D/O Aurangzeb	M. Sehra/5	General Seats
88. ✓	Rabail Afsar D/O Khan Afsar	Abbottabad/5	General Seats
89. ✓	Suzeeb D/O James Masih	Sw. /2	Minority Quota

72310 NESCO - X.  
Shahzad NESCO

Attest  
Superintendent

(GHU) M. DASTAGIR AHMAD  
Director Recruitment.



**DIRECTORATE OF PROSECUTION  
KHYBER PAKHTUNKHWA**

No. DP/E & A / PF / 18053-54

Dated Peshawar 14 / 11 / 2022

Office Phone # 91-9212559

Fax # 091-9212559

E-mail [kpprosecution@yahoo.com](mailto:kpprosecution@yahoo.com)

To

The District Public Prosecutor,  
Peshawar.

Subject: -

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED FINAL SENIORITY LIST OF ASSISTANT PUBLIC PROSECUTOR (BPS-17) VIDE NOTIFICATION NO. SO (PROS)/HD/ SENIORITY LIST APPA/1-27/2022 DATED: 1<sup>st</sup> SEPTEMBER, 2022, CIRCULATED THROUGH OFFICE ORDER NO. DP/E&A/1(49)14544-89 DATED: 06-09-2022, WHEREBY JUNIORS FROM THE APPELLANT HAS BEEN ADJUSTED AS SENIOR IN AN ILLEGAL AND UNLAWFUL MANNER AND LIABLE TO BE MODIFIED BY GIVING RESPECTIVE CORRECT POSITION TO THE APPELLANT IN THE IMPUGNED SENIORITY LIST.**

Respected Sir,

I am directed to refer to your letter No. 792-3/D.P.P/Peshawar Dated: 25-10-2022 on the subject noted above and to enclose herewith a copy of self-explanatory letter No. SO (Pros)/HD/ 1-27/2022/KC Dated: 07-11-2022 received from Section Officer (Prosecution), Home Department, and to state that the Competent Authority has filed the departmental appeal of Mr. Arbab Ahtisham, Assistant Public Prosecutor (BPS-17), please.

Attested  
F. A.  
Superintendent

Yours Sincerely,

*Abul Masud*

Assistant Director Administration

Copy forwarded for information to the: -

- Mr. Arbab Ahtisham, Assistant Public Prosecutor, Peshawar.
- PA to Director General Prosecution, Khyber Pakhtunkhwa.

*Abul Masud*

Assistant Director Administration



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

**SERVICE APPEAL NO. 1649/2022**

Arbab Muhammad Ahtisham S/O Arbab Muhammad Jahanzeb, Assistant Public Prosecutor  
(BP-17).

**Appellant.....**

**VERSUS**

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4. Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar.
5. Assistant Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar

**Respondents.....**

**AFFIDAVIT**

**I, Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution, Khyber Pakhtunkhwa do hereby solemnly affirm and declare on oath that the contents of the application in the Service Appeal No. 1649/2022, are true and correct to the extent of office record and nothing has been concealed from this Service Tribunal Kp, Peshawar.**



*Muhammad Gulzar Ali*  
**Deponent**

**CNIC No: 17301-1440140-1**

**Cell No: 0332-9279260**

9

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

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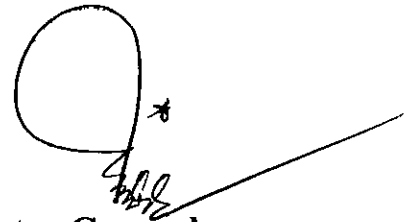
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4. Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar.
5. Assistant Director Administration, Khyber Pakhtunkhwa Prosecution department, Peshawar

**Respondents.....**

**AUTHORITY LETTER**

Mr. Gulzar Ali, Supreitendent ,Directorate of Prosecution is hereby authorized to appear before the Khyber Pakhtunkhwa Service Tribunal, at Peshawar , on behalf of Director General Prosecution in service appeal No.1649/2022.



**Director General**  
Directorate of Prosecution  
Khyber Pakhtunkhwa  
Peshawar

✓  
Verbal Copy

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

**APPEAL NO. 1649/2023.**

Mr. Arbab Muhammad Ahtisham s/o Arbab Muhammad Jahanzeb, Assistant  
Public Prosecutor (BPS-17).

.....Appellant

**VERSUS**

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4. Director Administration, Khyber Pakhtunkhwa, Prosecution Department, Peshawar.
5. Assistant Director Administration, Khyber Pakhtunkhwa, Prosecution Department, Peshawar.

..... Respondents

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 5.**

**RESPECTFULLY SHEWETH.** The Respondents submit as under;

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has challenged the Seniority List issued by the Respondents without any cogent or valid reason hence, has got no Cause of Action.
2. That the impugned Seniority List was prepared according to the Merit List/ Inter-se Seniority List assigned and provided by the Khyber Pakhtunkhwa Public Service Commission (KPPSC).
3. That the Appellant has not arrayed the KPPSC as Respondent, which is a necessary party for just conclusion of the matter, hence the Appeal is not maintainable.
4. That the Appellant has got no Cause of action to file the instant Appeal.

5. That the Appellant is estopped by his own conduct to bring the present Appeal before this Honourable Tribunal.
6. That the Appeal is barred by law and limitation.
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**PARAWISE REPLY:-**

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4. The Seniority List of those employees, who are selected and recommended for appointment to the Government by KPPSC, is always prepared in accordance with the Merit List/Inter-Se Seniority list issued by KPPSC. The Respondent Departments has also issued the Seniority list as per the Merit List/Inter-Se Seniority list, issued by KPPSC (Annex-I), where the Appellant has been placed at his due place. Moreover, the Para pertains to KPPSC but they have not been arrayed as Respondent in the instant Service Appeal.
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6. Incorrect hence denied. The Departmental representation of the Appellant was rightly turned down. Detailed reply has already been provided vide Para 4 above.
7. No comments. *in correct*

**GROUND:**

- a) Incorrect hence denied.
- b) Incorrect hence denied. Detailed reply has already been given vide para 04 of the Para-wise Reply.
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g) Incorrect hence denied.

**PRAYER:**

In the light of above factual and legal aspects, the instant Service Appeal, being devoid of any legal substance, may kindly be dismissed with Costs, please.

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**The Secretary ,  
Home & Tribal Affairs Department,  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.2)**

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**The Director General Prosecution  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.03)**

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**Director Administration Prosecution  
Government of  
Khyber Pakhtunkhwa  
(Respondent No.04)**

---

*Abdul*  
*Shah*

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**Assistant Director Administration  
Prosecution,  
Government of  
Khyber Pakhtunkhwa  
(Respondent No.05)**

---

**The Chief Secretary  
Government of Khyber  
Pakhtunkhwa  
(Respondent No.1)**

*Submitted for vetting, please.*

*Vetted  
Subject to correction  
annexed all relevant  
documents along with index  
and affidavit. [Signature] 18/7/23*

*[Signature]  
Superintendent  
18/7/2023*

*Submitted for approval of AAG [Signature] 18/7/23*

**Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar  
8-7-23**