


FORM OF ORDER SHEET


Court of _____

Appeal No. 1645/2023

**SCANNED
KPST
Peshawar**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/08/2023	<p>The appeal of Mr. Ijaz Ali presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>15.08.2023</u>.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
15.08.2023		<p>Learned counsel for the appellant present and argued that appellant appeared in test and interview for the post of Village Secretary as a result of which appointment orders to the other candidates was issued on 14.01.2016 by malafiedly ignoring the appellant, he filed writ petition bearing No. 1598-p/2016 which was allowed by the Worthy Peshawar High Court, Peshawar vide order dated 22.02.2018. Private respondent No. 5 filed review petition against order dated 21.02.2018 before Worthy Peshawar High Court, Peshawar which was dismissed vide order dated 03.05.2018. Respondents in light of order of Worthy Peshawar High Court, Peshawar appellant was appointed vide order dated 21.08.2018 with immediate effect. Appellant filed departmental appeal for grant of seniority w.e.f 14.01.2016 like other candidates who were appointed on 14.01.2016. Learned counsel argued that appellant on the basis of Rule of consistency and equality is entitled to be dealt with like civil servants who were given relief in writ petition bearing No. 227-M/2014, 228-M/2014 and 251-</p>

M/2014 wherein Worthy Peshawar High Court, Peshawar has observed that: "we have also noticed from perusal of the record that petitioner in all these writ petitions were not allowed the marks by respondents for holding the degree of Master of Health and Physical Education and they have also not considered their Senior Diploma in Physical Education. We, thus, are left with no other choice but to allowed all these petitions with direction to the official respondents to allow appointment of petitioners against the posts of PET by considering their respective professional qualification of SDPE and M.Sc in Health and Physical Education into their accumulative scores. Needless to observe that the petitioners shall be appointed w.e.f the date their other colleagues were appointed pursuant to the same advertisement. They shall be entitled to seniority but not arrears of salaries. Moreover, the candidates/private respondents, if any, already appointed shall not be disturbed." Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 04.10.2023 before S.B. P.P given to learned counsel for the appellant.


(Rashida Bano)
Member (J)