


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 1785/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 05/09/2023                | <p>The appeal of Mr. Bakht Shah Ali resubmitted today by Mr. Ashraf Ali Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

The appeal submitted by Mr. Ashraf Ali Khattak Advocate today i.e. on 16.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal ✓
- ② Memo of appeal is not signed by the learned counsel. ✓
- ③ Annexure -A of the appeal is illegible which may be replaced by a legible/ better one. ✓
4. Spare copies/sets attached with the appeal are incomplete which should be complete along with all annexures. ✓
5. The documents that are to be provided must be legible. ✓

No. 3082 /S.T.

Dt. 22/8 /2023



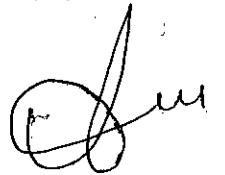
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Ashraf Ali Khattak  
High Court Peshawar.

*Respected fully shewith!*

- (1) objection No 1 Checklist is attached.
- (2) Memo is signed.
- (3) Better copies already is attached.
- (4) copies are attached.
- (5) All documents legible.

ASHRAF ALI KHAN ADV



31/8/2023

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,

PESHAWAR

Service Appeal No. 1785 of 2023 .

Bakht Shah Ali s/o Bahramand Khan resident of <sup>Tetadai</sup> <sup>Ichwaza</sup> ~~Tetadai~~ ~~Ichwaza~~ Kioaza Kaela Swat

.....Appellant

VERSUS

1. Director General ( extension ) Live Stock & dairy Development and 17 others

.....Respondents'

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Appellant Through

Ashraf Ali Khan advocate

(Advocate High Court)

Cell No: 0345-6059094

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBERPAKTUN KHWA,**

**PESHAWAR**

Service Appeal No. 1785 of 2023

**Bakht Shah Ali s/o Bahramand khan resident of Tekdarai Tehsil**

**Khwaza Khela Swat.**

..... Appellant

**VERSUS**

1. Director General ( extension ) Live Stock dairy Development BachaKhan  
Chowk Peshawar, Khyber Pakhtunkhwa
2. District Live Stock Officer Saidu Sharif Swat ( Respondent )
3. Mr. Muhammad Ishaq S/O Muhammad Ismail (Junior Clerk BPS-II) Office of the director general (Extension), L & DD, Khyber PukhtunKhwa , Peshawar , Against vacant post of Junior clerk (BPS-11)
4. Mr. Iftikhar Ahmad S/O Lal Zarim (Junior Clerk BPS-II) Office of the Director General (Extension), L & DD, Khyber pakhtunkhwa , Peshawar , against vacant post of junior clerk (BPS-11)
5. Mr. Kamran Khan S/O Fazlê Molá (Junior Clerk (BPS-II) Office of the director general (Extension), L & DD, Khyber pakhtunkhwa , Peshawar , against vacant post of junior clerk (BPS-11)
6. Mr. Haseeb Uz Zaman S/O Zaman Tariq Uz Zaman (Junior Clerk BPS-II) Office of the district Director Livestock, Peshawar , against vacant post of junior clerk (BPS-11)
7. Mr. Shah Zain S/O Shakir Ullah (Junior Clerk BPS-II) Director Poultry Health and Production Khyber Pakhtun Khwa Peshawar , against vacant post of junior clerk (BPS-11)
8. Mr. Suleman Khan S/O Saleem Khan (Junior Clerk BPS-II) Office of the pets Clinic, Kohat against vacant post of junior clerk (BPS-11)
9. Mr. Arsalan S/O Sufaid (Junior Clerk BPS-II) Director Poultry Health and production Khyber pakhtunkhwa Peshawar , against vacant post of junior clerk (BPS-11)
10. Mr. Farhan Ali shah S/O Fayyaz ali shah (Junior clerk (BPS-II) Director Poultry Health and production Khyber pakhtunkhwa Peshawar , against vacant post of junior clerk (BPS-11)
11. Mr. Muhammad Haris S/O Anwar Shad (Junior Clerk BPS-II) Office of the Director Breed Improvement and Farms, KP, Peshawar against the vacant post of junior clerk (BPS-11)
12. Mr. Hamza Ibrahim S/O Ibrahim (Junior Clerk (BPS-11) Office of the District Director Livestock , Swabi against vacant post of junior clerk (BPS-11)

(2)

13. Mr. Esa Khan S/O Jahan Zeb (Junior Clerk (BPS-11) Office of the District Director, Livestock, Swat against vacant post of junior Clerk (BS-11)
14. Mr. Waheed Ali Khan S/O Umer Ali Khan (Junior Clerk (BPS-11) Office of the pers Clinic, Directorate General Livestock & Dairy Development, KP, Peshawar Against vacant post of junior Clerk (BS-11)
15. Mr. Wazir Shah S/O Qayyum shah (Junior Clerk BPS-11) Office of the Diretor Breed Improvement and Farms, KP, Peshawar against vacant post of junior Clerk(BS-11)
16. Mr. Taimor Khan S/O Muhammad Tariq jan (Junior Clerk BPS-11) Office of the Director Breed Improvement and Farms, KP, Peshawar against vacant post of junior Clerk(BS-11)
17. Mr. Zeshan S/O Muhammad Iqbal (Junior Clerk BPS-11) Office of the milk Quality Testing Lab: Directorate General, Livestock & Dairy Development , KP, Peshawar against vacant post of Junior Clerk (BS-11)

..... Respondents

**Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974**  
**against the promotion Orders dated 02-01-2023 and 16-01-2023 which is not**  
**communicated to the appellant, whereas the junior colleagues of the appellant calss**  
**- IV were promoted to the post of Junior Clerks, against the above illegal order**  
**departmental Appeal dated 09-05-2023 vide dairy No. 3101 has not been**  
**responded.**

**Prayer in Appeal:**

On acceptance of this Service Appeal the Appellant may kindly be declared fit and senior for Promotion to the post of junior clerk against the reserve 33 % quota for promotion from amongst The Class IV employees on the basis of seniority – cum – fitness, and Orders dated 02-01-2023 and 16-01-2023 and maykindly be set aside which are null and vide in the eye of law. The Appellant has got prior right for the purpose of promotion against reserve quota with all back and consequential benefits.

Or

Any other relief deems proper may also be allowed in favor of appellant against the respondents for the end of justice.

**Respectfully Submitted**

- 1) That the appellant was appointed as Chowkidar-cum-beshh in BPS 1 in the office of the district officer livestock & diary development Swat against the vacant post at C.V.D Azad Bandai as per Govt. Rules/ policy with terms and

(3)

dated Amankot 10-03-2010. During his entire Departmental services the appellant performed his duties to the best of his potentials, with full devotion and commitment till date.

**(Copy of order dated 10-03-2010 annexed as annexure "A")**

- 2) That as per law and rules of the concern department any Govt. Servant serving as Class IV having the requisite qualification has the right to be promoted to the post of Junior Clerk from Class IV with 33% reserve quota on the basis of seniority - cum - fitness as appellant has improved his academic faculties with the passage of time and have been rewarded with degrees of master an English and bachelor of Law.(LLB)

**(Copy of educational testimonials are annexed as annexures "B And C")**

- 3) That according to the process of recruitment and promotion in the concern department all the Class IV having the requisite Qualification may be promoted to the post of Junior Clerk according to the 33 % promotion quota as per rules.
- 4) That the petitioner since his appointment as Class IV performing his duties with great zeal and devotion, and with the passage of time improved his abilities made himself eligible for promotion according to the rules.
- 5) That the Appellant since his appointment requested the department for his inter se seniority through which he can understand his promotional turn according to the prescribed procedure as he has to be promoted on the basis of seniority - cum - fitness but the same is till date was not provided to the Appellant with their ulterior and Malafide intention to adjust their own blue eyed ones , which they almost have achieved by promoting Juniors to the Appellant to the next higher post . Junior Clerk and left b behind the present Appellant without any proper and just reason.
- 6) That the Appellant when not succeeded by receiving the information on account of his seniority turn also came to know about the promotion process of the Junior colleagues submit applications to the respondent department and but the efforts of appellant were proved fruitless, Furthermore the appellant maneuver all the ways and means for finding' the truth about the promotion notification in

(4)

question but finds no hands till date. Now appellant after reasonable effort the appellant took: the photo copies of the impugned orders dated 16-01-2023 and 02-01-2023 from the official of the department at the time when appellant was attending the tribunal on account of priorly filled appeal No.11947 2020 against the orders 15-05-2019 and 27-07-2019.

**(Copies of the Appeal has been annexured as annexured D and E.**

- 7) That the Appellant submitted: departmental appeal for promotion to the post of Junior clerk while having the requisite qualification despite This the same is not being responded and Junior most colleagues were consider for promotion according to the impugned orders.

**(Copy of the departmental appeal is attached as annexure F).**

- 8) That cases were prepared and placed before the departmental promotion committee meeting in respect of Class IV employees the name of the Appellant was not included in the list of promotion due to biased approach of the respondents No. 1 & 2 but the Junior most employees colleagues of the Appellant were promoted without scrutiny of the deserving candidates. Moreover the appellant filled appeal No.11947 2020 against the prior illegal orders of the respondent no.1 which is pending for disposal. During the pendency of the above appeal respondent no.1 through respondent no.2 communicated the appellant for the withdrawl of the same appeal and have orally promised to consider the case of the present appellant, but the appellant refused to withdraw appeal No.11947 on the oral request of respondent no.1 through cell phone.

- 9) That the act and omission of the respondents by not promoting the present Appellant is illegal, unlawful, without lawful authority and against the law and facts, hence liable to be set aside inter alia on the following grounds.

A. That the Appellant has not been treated in accordance with law, his guaranteed and secured rights under the law and Constitution has been violated through the impugned orders.

B. That the respondents are not moving in accordance with law by not considering the appellant for the post of Junior clerk. as per his due rights.

(5)

- C. That the apparent conduct of the respondents is tainted with malice, similarly favoritism, nepotism & political interference prevailed in the process of promotion, thus the promotion orders is discriminatory and needed to be corrected for the end of justice.
- D. That according to the method of recruitment Promotion all the Class - IV having the requisite qualification have the right to be promoted and are eligible for promotion as per rules laid down by the statute.
- E. That the appellant has not been treated as per notified gazetted rules by the respondents which deprived the appellant from his due rights of promotion despite the fact of fulfilling the required qualifications and experience.
- F. That Government Department is duty bound to ensure the elimination of all forms of exploitation for the gradual fulfillment of the fundamental principles. State is duty bound to remove disparity in the income and earning of individuals under Article 37 & 38 of the Constitution. Moreover the state shall provide basic necessities of life to the individual citizen.
- G. That under Article 25 of the Constitution of the Islamic Republic of Pakistan 1973, all citizen are equal before law, no discrimination is permitted amongst the citizens, thus the discrimination meted out to the Appellant in, the granting of promotion is illegal, highly discriminatory and not sustainable in the eye of law and judicial norms.
- H. That inaction on the part of respondents is adversely affecting the appellant career; hence the propriety demands that the appellant should be promoted from the initial date of promotion as allowed to the similarly placed colleagues whom been prorhoted to higher posts.
- I. That the Appellant while posted in the respondents department performing their duties with honesty great zeal and devotion to the entire satisfaction of the superiors without any complaint what so ever.
- J. That the Superior Courts have repeatedly held that where a point of law is decided by the Superior Courts that cover the cases of all those civil servants who have not litigated than the good governance require that the benefit of such judgment should also be extended to those who may not participate in



(6)

the litigation instead of compelling them to approach the Service Tribunal or any other forum Reference can be made to cases reported as SCMR 1996Page 1185.2009 SCMR Page 1. The Appellant, being similarly placed is also entitled to similar treatment meted out to their counter parts.

K. That the appellant seeks the permission of this honorable Court to rely on additional grounds at the hearing of this appeal. It is, therefore, prayed that the service appeal as prayed for in the heading of this Appeal may please be accepted i in favor: of the Appellant against the respondents.

It is, therefore very humbly prayed that, On acceptance of the instant appeal the impugned orders passed by respondents No.1 and 2 dated 16-01-2023 and 02-01-2023, may kindly be declare illegal, unlawful, without lawful authority, against the service rules & regulation, hence of no legal effect may kindly, be set-aside and the name of the Petitioner may kindly be included in the final seniority list of Junior clerk with all back benefits Any other remedy which is just appropriate may also be awarded though not specifically prayed in this particular service appeal.

Petitioner

Bakht Shah Ali S/o Bahramand Khan

Through

Ashraf Ali Khan

(Advocates High court)

Certificate:-

It is certified that no appeal of such nature is pending or filed by the Petitioner before this honorable tribunal or any other competent forum.

Date: 10-08-2023

Petitioner

Bakht Shak Ali S/o Bahramand Khan

Through

Ashraf Ali Khan Advocate

(Advocates High court)

(7)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_ of 2023 .

Bakht Shak Ali 5/0 Bokramand Khan resident of <sup>Tekdabi</sup> <sup>Khwaza</sup> ~~Tear~~ Tehsil ~~Kioaza~~ Kaela Svat  
.....Appellant

VERSUS

1. Director General ( extension ) Live Stock & dairy Development and 27 others

.....Respondents

AFFIDAVIT

I Bakht Shah Ali s/o Bahramand Khan , Class IV do hereby solemnly affirm and declare on oath that all the contents of this Service appeal are true and correct to the best of my knowledge and nothing has been kept Concealed from this Honorable Tribunal.

DEPONENT B. Ali

Bakht Shah Ali

Attested

K. Khs

Kamran Khan  
Advocate

Oath Commissioner  
No. 170 Date 10-08-23

(8)

BEE ORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2023 .

Bakht Shak Ali 5/0 Bokramand Khan resident of Tear Tehsil Kioaza Kaela Swat  
.....Appellant

VERSUS

1. Director General ( extension ) Live Stock & dairy Development and 27 others  
.....Respondents

Application for condonation of delay under section 5 of limitation act

1. That the appellant is the bona fide resident of village Tigdarai tehsil khwaza khela distt swat, and have served the department since 10-03-2010 till date.
2. That the applicant don't have proper acces to the office of respondent no.1 being living far from office in another district , while attending the tribunal on dated 09-05-2023 on account of priorly filled appeal no 11947 2020 it came to the notice of the appellant through the respresentative / official of the department , that the impuned order has been passed by the respondent no.1 in the above scenario cause of action accrued to the petitioner on the date above.
3. That on the same date after getting free from court attendance the petitioner attended the office of respondent no.1 and filed departmental appeal dairy no.3101 dated 09-05-2023.
4. That the appellant is already suffering from orders dated 05-05-2019 22-07-2019 and they both been impuned through appeal no. 11947 on this account respondent no 1 and 2 came a bit harsh on petitioner .

(9)

5. That keeping in view the above mentioned circumstances delay may kindly be condone for the end of justice because limitation runs on the communication of the order not on the order contrary only, the appellant got inform at this hour of the day.

It is, therefore , very humbly prayed that the application in hand may kindly be allowed for the end of justice.

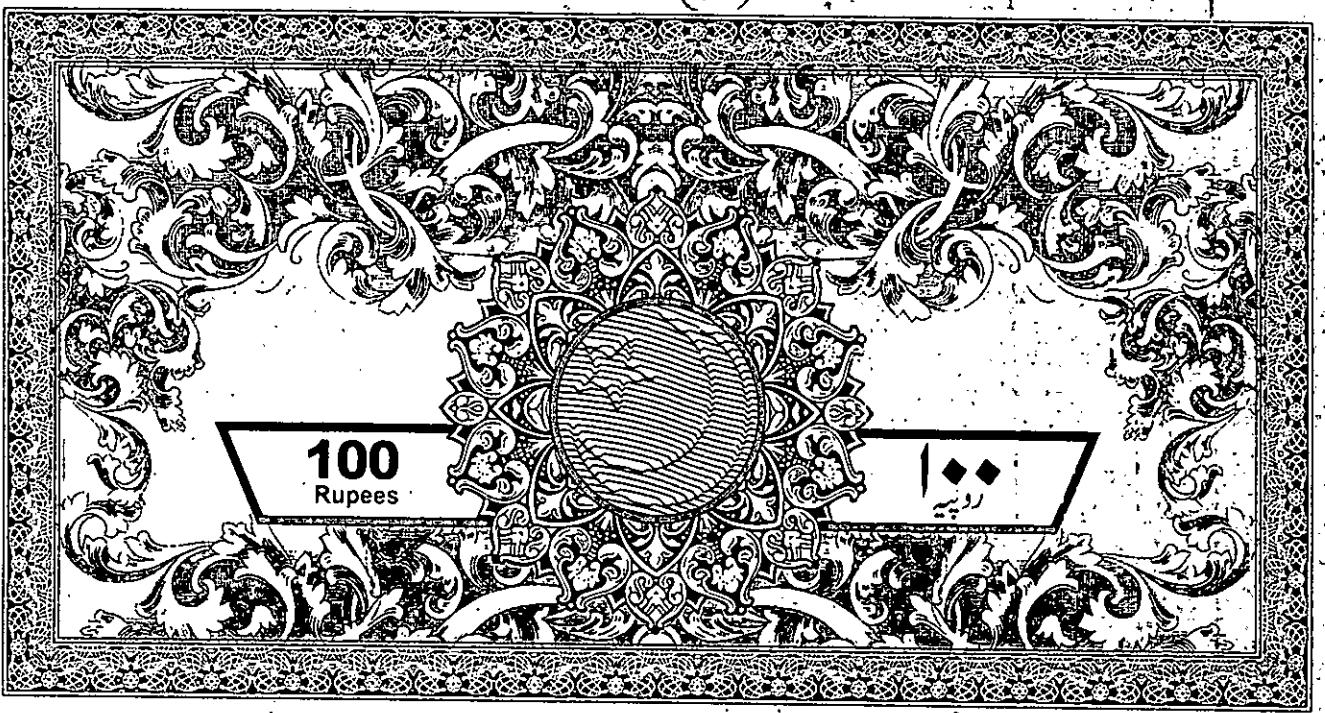
Petitioner

Bakit Shak Ali S/o Bahramand Khan

Through

Ashraf Ali Khan Advocate

(Advocates High court)



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2023 .

Bakht Shah Ali S/O Bahramand Khan resident of Tekdarai Tehsil Khwaza Kiela Swat

.....Appellant

**VERSUS**

1. Director General ( extension ) Live Stock & dairy Development and Fisheries

.....Respondents

**Application for condonation of delay under section 5 of limitation act**

**AFFIDAVIT**

I, Bakht Shah ali s/o Bahramand Khan , Class IV, in the live stock & dairy development department swat , do hereby solemnly affirm and declare on oath that all the contents of application under section 5 of limitation act is true and correct to the best of my knowledge and nothing has been kept concealed from this Honorable Tribunal.

Attested  
K. Ishaq  
Kamran Khan  
Advocate  
No 171 Date 10-08-2023

Petitioner

Bakht Shah Ali S/o Bahramand Khan

Through

Ashraf Ali Khan Advocate

(Advocates High court)

(11)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2023 .

Bakht Shah Ali s/o Bahramand Khan resident of Tear Tehsil Kioaza Kaela Swat

.....Appellant

**VERSUS**

1. Director General ( extension ) Live Stock & dairy Development and 17 others

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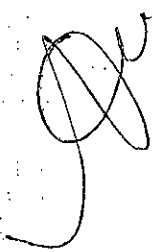
**ADDRESSES OF PARTIES**

**PETITIONERS:**

Bakht Shak Ali s/o Bokramand Khan resident of Tear Tehsil Kioaza Kaela Swat

CELL:0342-9666941

.....Petitioner

- 
1. Director General ( extension ) Live Stock dairy Development BachaKhan  
Chowk Peshawar, Khyber Pakhtunkhwa
  2. District Live Stock Officer Saidu Sharif Swat ( Respondent )
  3. Mr. Muhammad Ishaq S/O Muhammad Ismail (Junior Clerk BPS-II) Office of the director general (Extension), L & DD, Khyber PukhtunKhwa , Peshawar , Against vacant post of Junior clerk (BPS-11)
  4. Mr. Iftikhar Ahmad S/O Lal Zarim (Junior Clerk BPS-II) Office of the Director General (Extension), L & DD, Khyber pakhtunkhwa , Peshawar , against vacant post of junior clerk (BPS-11)
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  6. Mr. Haseeb Uz Zaman S/O Zaman Tariq Uz Zaman (Junior Clerk BPS-II) Office of the district Director Livestock, Peshawar , against vacant post of junior clerk (BPS-11)
  7. Mr. Shah Zain S/O Shakir Ullah (Junior Clerk BPS-II) Director Poultry Health and Production Khyber Pakhtun Khwa Peshawar , against vacant post of junior clerk (BPS-11)
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9. Mr. Arsalan S/O Sufaid (Junior Clerk BPS-II) Director Poultry Health and production Khyber pakhtunkhwa Peshawar , against vacant post of junior clerk (BPS-11)
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11. Mr. Muhammad Haris S/O Anwar Shad (Junior Clerk BPS-II) Office of the Director Breed Improvement and Farms, KP, Peshawar against the vacant post of junior clerk (BPS-11)
12. Mr. Hamza Ibrahim S/O Ibrahim (Junior Clerk (BPS-11) Office of the District Director Livestock , Swabi against vacant post of junior clerk (BPS-11)
13. Mr. Esa Khan S/O Jahan Zeb (Junior Clerk (BPS-11) Office of the District Director Livestock, Swat against vacant post of junior Clerk (BS-11)
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15. Mr. Wazir Shah S/O Qayyum shah (Junior Clerk BPS-11) Office of the Diretor Breed Improvement and Farms, KP, Peshawar against vacant post of junior Clerk(BS-11)
16. Mr. Taimor Khan S/O Muhammad Tariq jan (Junior Clerk BPS-11) Office of the Director Breed Improvement and Farms, KP, Peshawar against vacant post of junior Clerk(BS-11)
17. Mr. Zeshan S/O Muhammad Iqbal (Junior Clerk BPS-11) Office of the milk Quality Testing Lab: Directorate General, Livestock & Dairy Development , KP, Peshawar against vacant post of Junior Clerk (BS-11)

(Respondents)

Petitioner



Bakit Shak Ali S/o Bahramand Khan

Through


  
Ashraf Ali Khan Advocate

(Advocates High court)

(Annexure A)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, AGRICULTURE, DISTRICT SWAT  
CHOWKIDAR

On the recommendation of the Deptt: Selection/ Recruitment Committee vide its meeting held on 09/02/2010 in the office of the undersigned Mr. Bakht Saib Ali S/O Bahramand Resident of Tikdarai Tehsil, Kishela Distt:Swat, is hereby appointed as Chowkidar-cum-Behishti in BPS-1 Rs, 2970-90-5670) in the office of District Officer, Live Stock & Dairy Development, Swat against the vacant post at C/O Mr. Azad Bandal as per Govt: Rules/policy with the following terms and conditions:-

TERMS & CONDITIONS:

1. He will not contribute any amount towards G.P.Fund nor he will be entitled to any benefit from the G.P.Fund.
2. His services will be liable to termination through one month notice from either side, in case of resignation without any notice his one month pay / allowances if any shall be forfeited to Government.
3. His services can be terminated at any time in case, his performance is found unsatisfactory and he will be proceeded against under the removal from services (Special Powers Ordinance-2001).
4. He shall have to produce Health & Age certificate from the Medical Superintendent, Saidu Group of Hospital, Saidu Sharif.

In case, he wish to accept the offer he shall report for duty to the District Officer Livestock & Dairy Development, Swat. If he fail to join duty up to 25/02/2010, the offer will be considered as cancelled.

Sd/- (Dr. Mubarak and Kiamal)  
Executive District Officer,  
Agriculture, District Swat

No. B-2/ 4907 /EDO(A) Swat Dated Amankot the 10/02/2010

Copy to:-

- 1- The Distt: Coordination Officer, Swat for favors of information please.
- 2- The Distt: Officer, Live-stock & Dairy Development, Swat for information and necessary action.
- 3- The Official Concerned above for information.
- 4- Information/General File for record.

Executive District Officer,  
Agriculture, District Swat

ak  
re



**BETTER COPY PAGE# 13**

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER,**  
**AGRICULTURE DISTRICT SWAT.**

**OFFICE ORDER:**

On the recommendation of the Deptt: Selection/Recruitment Committee vide its meeting held on 09/02/2010 in the office of the undersigned Mr. Bakht Shah Ali S/o Bahramand resident of Tikdarai Theh: K/Khela Distt: Swat, is hereby appointed as Chowkidar-cum-Behshti in BPS-1 (Rs. 2970-90-5670) in the office of the District Officer, Live Stock & Dairy Development, swat against the vacant post at C.V.D Azad Bandai as per Govt: Rules/policy with the following terms and condition:-

**TERMS & CONDITION:**

1. He will not contribute any amount towards G.P Fund nor he will be entitled to any benefit from the G.P Fund.
2. His services will be liable to termination through one month notice from either side, in case of resignation without any notice his one month pay/allowances if any shall be forfeited to Government.
3. His services can be terminated at any time in case, his performance is found unsatisfactory and he will be proceeded against under the removal from services (Special Powers Ordinance-2001).
4. He shall have to produce Health & Age certificate from the Medical Superintendent Saidu Group of Hospital, Saidu Sharif.

In case he wish to accept the offer he shall report for duty to the District Officer Livestock & Dairy Development, Swat, if he fail to join duty upto 25-03/2010, the offer will be considered as cancelled.

-sd-

Dr. Muhammad Kamal  
Executive District Officer  
Agriculture, Distt: Swat

No.E-2/488-9/EDO(A) Swat

Dated Amankot the 10/03/2010

Copy to:-

1. The District Coordination Officer, swat for favors of information please.
2. The District Officer, Livestock & Dairy development, swat for information and necessary action.
3. The Official concerned above for information.
4. Master/General File for record.

-sd-

Executive District Officer  
Agriculture, Distt: Swat

Annexure C

(14)

# University of Peshawar Pakistan

This certifies that

Makht Shah Ali son of Bahramand Khan

having fulfilled all the requirements is hereby admitted to the degree of

Bachelor of Laws

and is entitled to all the rights and privileges and responsibilities pertaining to

Class 2010, day of September, 2010.

*AS*



*[Signature]*  
Date: \_\_\_\_\_

UNIVERSITY OF PESHAWAR  
PESHAWAR  
PAKISTAN

(15)

Annexure B

University of Swat

Serial No. 132707

Khyber Pakhtunkhwa, Pakistan

## DETAILED MARKS CERTIFICATE

Name: Bakht Shah Ali

Registration No. UOS101050020

Father's Name: Bahramand Khan

District: Private Candidate District Swat (M/18)

Program Name: Master of Arts in English

Part: Final

Roll No. 72026 M.A/M.Sc. (Annual) Examinations 2018 (Fresh)

| Subject Name                        | Max: Marks  | Marks Obtained | Remarks |
|-------------------------------------|-------------|----------------|---------|
| Paper: VI Poetry-II                 | 100         | 50             | Passed  |
| Paper: VII Drama                    | 100         | 40             | Passed  |
| Paper: VIII Criticism               | 100         | 44             | Passed  |
| Paper: IX English Language Teaching | 100         | 48             | Passed  |
| Paper: X Novel                      | 100         | 40             | Passed  |
| Viva-Voce                           | 100         | 60             | Passed  |
| M.A Previous Result                 | 500         | 243            |         |
| <b>Total:</b>                       | <b>1100</b> | <b>525</b>     |         |

Subject Pass Percentage: 46 (Theory &amp; Practical Separately), Aggregate Pass Percentage: 45

Examinations held from 04-09-2018 to 28-09-2018

Result declared on: 18-12-2018

Errors &amp; omissions are subject to subsequent rectification.

Total number of chances: 04

Availed number of chances: 01

Exam was passed as a whole

Checked by: \_\_\_\_\_

Printed on: December 18, 2018

Controller of Examinations

| No. | Name of Official   | Designation             | Department           | Address            | Telephone | Fax | E-mail |
|-----|--------------------|-------------------------|----------------------|--------------------|-----------|-----|--------|
| 1   | Mr. Muhammad Iqbal | Chief Executive Officer | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 2   | Mr. Kamran Khan    | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 3   | Mr. Faraz Ullah    | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 4   | Mr. Shah Zahir     | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 5   | Mr. Suleman Khan   | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 6   | Mr. Arsalan        | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 7   | Mr. Faraz Ali Shah | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 8   | Mr. Muhammad Hanif | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 9   | Mr. Hameed Ibrahim | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |
| 10  | Mr. Faraz Ali Shah | Deputy Commissioner     | Government of Punjab | Ministry of Health | 1930-11   |     |        |

**BETTER COPY**

(17)

**DIRECTORATE GENERAL (EXTENSION)**

**LIVESTOCK & DAIRY DEVELOPMENT KHYBER PUKHTUNKHWA**

Road Peshawar . Email : adadaa@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

No. \_\_\_\_\_

Dated Peshawar the 02/01/2023

**ORDER.**

On recommendation of the Departmental Promotion Committee (DPC) in the meeting dated 26-12-2022, the competent authority is pleased to approve promotion of the following officials (Daftari & Junior Clerk) to the post of Junior Clerk (BS-11) of the Livestock and Dairy Development Department (Extension Wing) Khyber Pakhtunkhwa, with immediate effect.

| S.No | Name of Official   | Presented is the post of |
|------|--|--------------------------|
| 1.   | Mr. Muhammad Ishaq S/O Muhammad Ismail (Chawkidar BS-03) | (Junior Clerk BPS-11)    |
| 2.   | Mr. Iftikhar Ahmad S/O Lal Zarim (Lab attendant BS-03)   | (Junior Clerk BPS-11)    |
| 3.   | Mr. Kamran Khan S/O Fazle Mola                           | (Junior Clerk BPS-11)    |
| 4.   | Mr. Haseeb Uz Zaman S/O Tariq Uz Zaman                   | (Junior Clerk BPS-11)    |
| 5.   | Mr. Shah Zain S/O Shakir Ullah                           | (Junior Clerk BPS-11)    |
| 6.   | Mr. Suleman Khan S/O Saleem Khan                         | (Junior Clerk BPS-11)    |
| 7.   | Mr. Arsalan S/O Sufaid                                   | (Junior Clerk BPS-11)    |
| 8.   | Mr. Farhan Ali Shah S/O Fayyaz Ali Shah                  | (Junior Clerk BPS-11)    |
| 9.   | Mr. Muhammad Haris S/O Anwar Shad                        | (Junior Clerk BPS-11)    |
| 10.  | Mr. Hamza Ibrahim S/O Ibrahim                            | (Junior Clerk BPS-11)    |
| 11.  | Mr. Esa Khan Jahan Zeb                                   | (Junior Clerk BPS-11)    |
| 12.  | Mr. Waheed Ali Khan S/O Umer Ali Khan                    | (Junior Clerk BPS-11)    |
| 13.  | Mr. Wazir Shah S/O Qayyum Shah                           | (Junior Clerk BPS-11)    |
| 14.  | Mr. Timor Khan S/O Muhammad Tariq Jan                    | (Junior Clerk BPS-11)    |
| 15.  | Mr. Zeeshan S/O Muhammad Iqbal                           | (Junior Clerk BPS-11)    |



**DIRECTOR GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT KHYBER PAKHTUNKHWA**  
Darya Khan Chowk, Chaman-1026  
Road Peshawar, L&DD, Khyber Pakhtunkhwa. Tel: 031-9210278, 9210249, Fax: 031-9210295

(18)

No. 5115 / 2022

Dated Peshawar the 16/10/2022

**ORDER**

On recommendation of the Departmental Promotion Committee (DPC) in the meeting dated 26/12/2022, the competent authority is pleased to approve promotion of the following officials (Daftari & Junior Clerk) to the post of Junior Clerk (BS-11) of the Livestock and Dairy Development Department (Extension Wing) Khyber Pakhtunkhwa, with immediate effect.

The official will be on probation for a period of one year in terms of Section 6 (2) of the Khyber Pakhtunkhwa Act, 1973 read with rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and transfer), Rules 1989.

Consequent upon the promotion of above officials, their further transfer/posting is hereby made as under in the best interest of public service.

| S.No. | Name of official  | From   | To  |
|-------|---|--|---|
| 1.    | Mr. Muhammad Ishaq S/O Muhammad Ismail (Junior Clerk BPS-11)  | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11)             |
| 2.    | Mr. Ifikhar Ahmad S/O Lal Zarim (Junior Clerk BPS-11)         | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11)             |
| 3.    | Mr. Kamran Khan S/O Fazle Mola (Junior Clerk BPS-11)          | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11)             |
| 4.    | Mr. Haseeb Uz Zaman S/O Tariq Uz Zaman (Junior Clerk BPS-11)  | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar | Office of the District Director Livestock, Peshawar, against vacant post of Junior Clerk (BS-11)  |
| 5.    | Mr. Shah Zain S/O Shakir Ullah (Junior Clerk BPS-11)          | Office of the District Director Livestock, Swabi                               | Director, Poultry Health and Production Khyber Pakhtunkhwa, Peshawar against vacant post of Junior Clerk (BS-11)                        |
| 6.    | Mr. Suleman Khan S/O Saleem Khan (Junior Clerk BPS-11)        | Office of the District Director Livestock, Kohat                               | Office of the Pets Clinic, Kohat against vacant post of Junior Clerk (BS-11)  |
| 7.    | Mr. Arsalan S/O Sufaid (Junior Clerk BPS-11)                  | Office of the District Director Livestock, Nowshera                            | Director, Poultry Health and Production Khyber Pakhtunkhwa, Peshawar against the vacant post of Junior Clerk (BPS-11)                   |
| 8.    | Mr. Farhan Ali Shah S/O Fayyaz Ali Shah (Junior Clerk BPS-11) | Office of the District Director Livestock, Bannu                               | Director, Poultry Health and Production Khyber Pakhtunkhwa, Peshawar against the vacant post of Junior Clerk (BPS-11)                   |
| 9.    | Mr. Muhammad Haris S/O Anwar Shad (Junior Clerk BPS-11)       | Office of the Director General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar | Office of the Director Breed Improvement and Farms, KP, Peshawar against vacant post of Junior Clerk (BS-11)                            |
| 10.   | Mr. Hamza Ibrahim S/O Ibrahim (Junior Clerk BPS-11)           | Office of the District Director Livestock, Swabi                               | Office of the District Director Livestock, Swabi against vacant post of Junior Clerk (BS-11)  |
| 11.   | Mr. Esa Khan S/O Jahan Zeb (Junior Clerk BPS-11)              | Office of the District Director Livestock, Swat                                | Office of the District Director Livestock, Swat against vacant post of Junior Clerk (BS-11)   |
| 12.   | Mr. Waheed Ali Khan S/O Umer Ali Khan (Junior Clerk BPS-11)   | Office of the District Director Livestock, Bannu                               | Office of the Pets Clinic, Directorate General, Livestock & Dairy Development, KP, Peshawar against vacant post of Junior Clerk (BS-11) |
| 13.   | Mr. Wazir Shah S/O Qayyum Shah (Junior Clerk BPS-11)          | Office of the Director Breed Improvement and Farms, KP, Peshawar               | Office of the Director Breed Improvement and Farms, KP, Peshawar against vacant post of Junior Clerk (BS-11)                            |
| 14.   | Mr. Timor Khan S/O Muhammad Tariq Jan (Junior Clerk BPS-11)   | Office of the Director Breed Improvement and Farms, KP, Peshawar               | Office of the Director Breed Improvement and Farms, KP, Peshawar against vacant post of Junior Clerk (BS-11)                            |

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|  |   |  |
|--|---|--|
| Mr. Zeshan S/O Muhammad Iqbal<br>Junior Clerk (BPS-11) | Office of the Director General<br>(Extension) L&DD, Khyber<br>Pakhtunkhwa, Peshawar | Office of the Milk Quality Testing<br>Lab: Directorate General Livestock<br>& Dairy Development, KP<br>Peshawar against vacant post of<br>Junior Clerk (BS-11) |
|--|---|--|

Sd/-  
**(Dr. ALAM ZEB)**  
**DIRECTOR GENERAL**

even number and date

Forwarded to the

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director, Breed Improvement and Farms, Khyber Pakhtunkhwa, Peshawar.
- Director, Poultry Health and Production, Khyber Pakhtunkhwa, Peshawar.
- in charge Milk Testing Lab, Peshawar.
- in charge Pets Clinic Testing Lab, Directorate General, Livestock & Dairy development, Khyber Pakhtunkhwa, Peshawar.
- District Director Livestock, Swat, Swabi, Bannu, Kohat, Nowshera and Peshawar.
- District Accounts Officer, Swat, Swabi, Bannu, Nowshera and Peshawar.
- Deputy Commissioner (Local)
- Officials concerned

**(Dr. Iftikhar Alam)**  
**Director Headquarter**



## LIVESTOCK AND DAIRY DEVELOPMENT KHYBER PAKHTUNKHWA

Bacha khan chowk charsada

**BETTER COPY**

(20)

Road Peshawar . Email : adadaa@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

No. \_\_\_\_\_

Dated Peshawar the 16/01 2023**ORDER.**

On recommendation of the Departmental Promotion Committee (DPC) in the meeting dated 26-12-2022, the competent authority is pleased to approve promotion of the following officials (Daftari & Junior Clerk) to the post of Junior Clerk (BS-11) of the Livestock and Dairy Development Department (Extension Wing) Khyber Pakhtunkhwa, with immediate effect.

The official will be probation for a period of one year in terms of Section 6 (2) of the Khyber Pakhtunkhwa Act, 1973 read with rule 15 of Khyber pakhtunkhwa Civil Servant (Appointment, Promotion and transfer), Rules 1989.

Consequent upon the promotion of above officials, their further transfer posting is hereby made as under in the best interest of public service.

| S.No. | Name of official  | From   | To   |
|-------|---|--|--|
| 1.    | Mr. Muhammad Ishaq S/O Muhammad Ismail (Junior Clerk BPS-11)  | Office of the Director General (Extension), L &DD , Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L& DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11) |
| 2.    | Mr. Iftikhar Ahmad S/O Lal Zarim (Junior Clerk BPS-11)        | Office of the Director General (Extension), L &DD , Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L& DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11) |
| 3.    | Mr. Kamran Khan S/O Fazle Mola (Junior Clerk BPS-11)          | Office of the Director General (Extension), L &DD , Khyber Pakhtunkhwa, Peshawar | Office of the Director General (Extension), L& DD, Khyber Pakhtunkhwa, Peshawar, against vacant post of Junior Clerk (BS-11) |
| 4.    | Mr. Haseeb Uz Zaman S/O Tariq Uz Zaman (Junior Clerk BPS-11)  | Office of the Director General (Extension), L &DD , Khyber Pakhtunkhwa, Peshawar | Office of the District Director Livestock, Peshawar against vacant post of Junior Clerk (BS-11)                              |
| 5.    | Mr. Shah Zain S/O Shakir Ullah (Junior Clerk BPS-11)          | Office of the District Director Livestock, Swabi                                 | Director, Poultry Health Production Khyber Pakhtunkhwa, Peshawar against vacant post of Junior Clerk (BS-11)                 |
| 6.    | Mr. Suleman Khan S/O Saleem Khan (Junior Clerk BPS-11)        | Office of the District Director Livestock, Kohat                                 | Office of the Pets Clinic, Kohat against vacant post of Junior Clerk (BS-11)   |
|       | Mr. Arsalan S/O Sufaid (Junior Clerk BPS-11)                  | Office of the District Director Livestock, Nowshera                              | Director, Poultry Health Production Khyber Pakhtunkhwa, Peshawar against vacant post of Junior Clerk (BS-11)                 |
|       | Mr. Farhan Ali Shah S/O Fayyaz Ali Shah (Junior Clerk BPS-11) | Office of the District Director Livestock, Bannu                                 | Director, Poultry Health Production Khyber Pakhtunkhwa, Peshawar against vacant post of Junior Clerk (BS-11)                 |
| 9.    | Mr. Muhammad Haris S/O Anwar Shad (Junior Clerk BPS-11)       | Office of the Director General (Extension), L &DD , Khyber Pakhtunkhwa, Peshawar | Office of the Director Breed Improvement and Farms, KP Peshawar against vacant post of Junior Clerk (BS-11)                  |
| 10.   | Mr. Hamza Ibrahim S/O Ibrahim (Junior Clerk BPS-11)           | Office of the District Director Livestock, Swabi                                 | Office of the District Director Livestock, Swabi against vacant post of Junior Clerk (BS-11)                                 |



|     |   |  |  |
|-----|---|--|--|
| 11. | Mr. Esa Khan Jahan Zeb (Junior Clerk BPS-11)                | Office of the District Director Livestock, Swat (21)                             | Office of the District Director Livestock, Swat against vacant post of Junior Clerk (BS-11)  |
| 12. | Mr. Waheed Ali Khan S/O Umer Ali Khan (Junior Clerk BPS-11) | Office of the District Director Livestock, Bannu                                 | Office of the pets Clinic, Directorate General, Livestock & Dairy Development, KP, Peshawar against vacant post of Junior Clerk (BS-11)          |
| 13. | Mr. Wazir Shah S/O Qayyum Shah (Junior Clerk BPS-11)        | Office of Director Breed Improvement and Farms, KP, Peshawar                     | Office of Director Breed Improvement and Farms, KP, Peshawar against vacant post of Junior Clerk (BS-11)   |
| 14. | Mr. Timor Khan S/O Muhammad Tariq Jan (Junior Clerk BPS-11) | Office of Director Breed Improvement and Farms, KP, Peshawar                     | Office of Director Breed Improvement and Farms, KP, Peshawar against vacant post of Junior Clerk (BS-11)   |
| 15. | Mr. Zeeshan S/O Muhammad Iqbal (Junior Clerk BPS-11)        | Office of the Director General (Extension), L & DD, Khyber Pakhtunkhwa, Peshawar | Office of Milk Quality Testing Lab: Directorate General, Livestock & Dairy Development, KP, Peshawar against vacant post of Junior Clerk (BS-11) |

Sd/-

(Dr. ALAM ZEB)

**DIRECTOR GENERAL**

Even number Number and date:

Forwarded to the:

Accountant General, Khyber Pakhtunkhwa, Peshawar.

Director, Breed Improvement and Farms, Khyber Pakhtunkhwa, Peshawar.

Director, Poultry Health and Production Khyber Pakhtunkhwa, Peshawar.

Incharg Milk Testing Lab, Peshawar.

Incharg Pets Clinic Testing Lab, Directorate General, Livestock & Dairy Development Khyber Pakhtunkhwa, Peshawar.

District Director Livestock, Swat, Swabi, Bannu, Kohat, Nowshera and Peshawar.

District Accounts Officer, Swat, Swabi, Bannu, Nowshera and Peshawar.

Office Nazir (Local)

Official Concerned.

(Dr. Iftikhar Alam)

**Director Headquarter**

BEFORE THE SERVICE TRIBUNAL KHYBER (22)  
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 11947 of 2020

Bakht Shah Ali s/o Bahramand Khan resident of Tekdarai  
Tehsil Khwaza Khela Swat

.....Appellant

VERSUS

1. Director General ( extension ) Live Stock & dairy Development  
Bacha Khan Chowk Peshawar , Khyber Pakhtunkhwa .
2. Director Breed improvement and reforms Bacha Khan Chowk  
KPK
3. District Live Stock Officer Saidu Sharif Swat
4. Mr Faizan Khan Junior Clerk at the office of district director  
Torghar
5. Mr Fayaz Ahmad Junior Clerk at the office of the director general  
.live stock & Dairy development Khyber Pakhtunkhwa Peshawar
6. Mr Zahid Jamal Junior Clerk at the office of the director general  
live stock & Dairy development Khyber Pakhtunkhwa Peshawar
7. Mr Tariq Iqbal Junior Clerk at the office the director live stock &  
experiment station Jaba District Mansehra
8. Mr Muhammad Ismail Junior Clerk at the office of the District  
Director live stock experiment station Jaba District Mansehra

9. Mr Masood Shah Junior Clerk at the office of the District Director  
live stock Nowshera

10. Mr. Saeed Ul Hassan Junior Clerk at the office of the Director  
General live stock & Dairy development Khyber Pakhtunkhwa

11. Mr Sayed Muhammad Adnan Junior at the office of the District  
live stock Tank

12. Mr Rahat Shah Junior Clerk at the office of the Director General  
live stock & Dairy development Khyber Pakhtunkhwa

13. Mr Romail Mahfooz Junior Clerk at the office of the Director  
General live stock experiment station Jaba District Mansehra

14. Mr. Muhammad Shakeeb ur Rehman Junior Clerk at the office of  
the Director General live stock & Dairy development Khyber  
Pakhtunkhwa

15. Mr. Sajjad ur Rehman Junior Clerk at the office of the District  
Director live stock Kohat

16. Mr. Wali Ullah Junior Clerk at the office of the Director General  
live stock & Dairy development Khyber Pakhtunkhwa

17. Mr. Asad Ullah Junior Clerk at the office Director General Karak

18. Mr. Muhammad Asif Junior Clerk at the office of the Director  
General live stock & Dairy development Khyber Pakhtunkhwa  
Peshawar

19. Mr Fahimullah Khan Clerk at the office of the Director General  
live stock Swabi

20. Mr Muhammad Zain Ul Abideen Junior Clerk at the office of the  
Director General live stock & Dairy development Khyber  
Pakhtunkhwa Peshawar

(24)

21. Mr. Asad Iqbal Junior Clerk at the disposal of director merged Area livestock & Dairy development Warsak road Peshawar
22. Mr. Aftab Ahmad Junior Clerk at the disposal of director merged area live stock & Dairy development Warsak road Peshawar
23. Mr. Adnan Ahmad Junior Clerk (BPS-11) at the disposal of Director merged area livestock & Dairy development Warsak road Peshawar
24. Mr. Sareer Khan Junior Clerk (BPS-11) at the office of the sheep development sub division Hassan Khel Peshawar
25. Mr. Dil Jan Khan Junior Clerk (BPS-11) at the disposal of director merged area live stock & Dairy development Warsak road Peshawar
26. Mr. Muhammad Junaid Jan Junior Clerk (BPS-11) at the disposal of director merged area live stock & Dairy development Warsak road Peshawar
27. Mr. Khan Ullah Junior Clerk (BPS-11) at the disposal of director merged area live stock & Dairy development Warsak road Peshawar
28. Mr. Aftab Anwar Daftari (B-04) after the impugned order Junior Clerk (BPS-11) posted at unknown place.

.....Respondents

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the promotion Orders dated 15.05.2019 and 22.07.2019 which is not communicated, whereas the Junior colleagues of the appellant Class - IV respondent No 4-28. were promoted to the post of Junior Clerks, against

that order departmental Appeal dated 04-06-2020 vide diary (25)  
No. 2797 has not been responded.

Prayer in Appeal:

On acceptance of this Service Appeal the Appellant may kindly be declared fit and senior for promotion to the post of Junior clerk against the reserve 33 % quota for promotion from amongst the Class IV employees on the basis of seniority - cum - fitness, and Orders dated 15-05-2019 and 27-07-2019 and may kindly be set aside which are null and void in the eye of law. The Appellant has got prior right for the purpose of promotion against reserve quota with all back and consequential benefits.

Or

Any other relief deems proper may also be allowed in favor of appellant against the respondents for the end of justice.

Respectfully Submitted

1) That the appellant was appointed as Chowkidar-cum-beshti in BPS 1 in the office of the district officer livestock & diary development Swat against the vacant post at C.V.D Azad Bandai as per Govt. Rules/ policy with terms and condition written on Page No. 02 of Notification No. E-2/488-9/EDO(A) Swat dated Amankot 10-03-2010. During his entire Departmental services the appellant performed his duties to the best of his potentials, with full devotion and commitment till date.

(Copy of order dated 10-03-2010 annexed as annexure "A")

2) That as per law and rules of the concern department any Govt. Servant serving as Class IV having the requisite qualification has the right to be promoted to the post of Junior Clerk from Class IV with 33% reserve quota on the basis of seniority - cum - fitness as appellant has improved his academics faculties with the passage of

time and have been rewarded with degrees of master of English and  
bachelor of Law. (26)

(Copy of educational testimonials are annexed as  
annexure "BI-BXVII")

3) That according to the process of recruitment and promotion in the  
concern department all the Class IV having the requisite Qualification  
may be promoted to the post of Junior Clerk according to the 33 %  
promotion quota as per rules.

4) That the petitioner since their appointment as Class IV performing  
his duties with great zeal and devotion and with the passage of time  
improved his abilities made himself eligible for promotion according to  
the rules.

5) That the Appellant since his appointment requested the department  
for his inter se seniority through which he can understand his  
promotional turn according to the prescribed procedure as he has to be  
promoted on the basis of seniority - cum - fitness but the same is till  
date not provided to the Appellant with their ulterior and Malafide  
intention to adjust their own blue eyed ones , which they almost  
achieved by promoting Juniors to the Appellant to the next higher post  
i.e. Junior Clerk and left behind the present Appellant without any  
proper and just reason.

6) That the Appellant when not succeeded by receiving the information  
on account of his seniority turn also came to know about the  
promotion process of the Junior colleagues submit applications to the  
respondent department and but the efforts of appellant were proved  
fruitless. Furthermore the appellant maneuver all the ways and means  
for finding the truth about the promotion notification in question but  
finds no hands till date. Now appellant after reasonable effort the  
appellant took the photo copies of the impugned orders dated 15-05-

2019 and 22-07-2019 from the already filed appeals by the other appellants.

(Copies of the orders along with better copies are annexed as annexure CI-CVI).

7) That cases were prepared and placed before the departmental promotion committee meeting in respect of Class IV employees the name of the Appellant was not included in the list of promotion due to biased approach of the respondents No. 1 & 2 but the Junior most employees / colleagues of the Appellant were promoted without scrutiny of the deserving candidates.

8) That the Appellant submitted departmental appeal for promotion to the post of Junior clerk while having the requisite qualification despite this the same is not being responded and Junior most colleagues were consider for promotion according to the impugned orders.

(Copy of the departmental appeal is attached as annexure DI-DIV).

9) That the act and omission of the respondents by not promoting the present Appellant is illegal, unlawful, without lawful authority and against the law and facts, hence liable to be set aside inter alia on the following grounds.

A. That the Appellant has not been treated in accordance with law, his guaranteed and secured rights under the law and Constitution has been violated through the impugned orders.

B. That the respondents are not moving in accordance with law by not considering the appellant for the post of Junior clerk as per his due rights.

- C. That the apparent conduct of the respondents is tainted with malice, similarly favoritism, nepotism & political interference prevailed in the process of promotion, thus the promotion orders is discriminatory and need to be corrected for the end of justice.
- D. That according to the method of recruitment Promotion all the Class - IV having the requisite qualification have the right to be promoted and are eligible for promotion as per rules laid down by the statute.
- E. That the appellant has not been treated as per notified gazetted rules by the respondents which deprived the appellant from his due rights of promotion despite the fact of fulfilling the required qualifications and experience.
- F. That Government Department is duty bound to ensure the elimination of all forms of exploitation for the gradual fulfillment of the fundamental principles. State is duty bound to remove disparity in the income and earning of individuals under Article 37 & 38 of the Constitution. Moreover the state shall provide basic necessities of life to the individual citizen.
- G. That under Article 25 of the Constitution of the Islamic Republic of Pakistan 1973, all citizen are equal before law, no discrimination is permitted amongst the citizens, thus the discrimination meted out to the Appellant in the granting of promotion is illegal, highly discriminatory and not sustainable in the eye of law and Judicial norms.
- H. That inaction on the part of respondents is adversely affecting the appellant career; hence the proprietary demands that the appellant



should be promoted from the initial date of promotion as allowed (29)  
by similarly placed colleagues whom been promoted to higher posts.

1. That the Appellant while posted in the respondents department performing their duties with honesty great zeal and devotion to the entire satisfaction of the superiors without any complaint what so ever.

2. That the Superior Courts have repeatedly held that where a point of law is decided by the Superior Courts that cover the cases of all those civil servants who have not litigated than the good governance require that the benefit of such judgment should also be extended to those who may not participate in the litigation instead of compelling them to approach the Service Tribunal or any other forum Reference can be made to cases reported as SCMR 1996 Page 1185. 2009 SCMR Page 1. The Appellant being similarly placed is also entitled to similar treatment meted out to their counter parts.

K. That the appellant seeks the permission of this honorable Court to raise on additional grounds at the hearing of this appeal. It is, therefore, prayed that the service appeal as prayed for in the heading of this Appeal may please be accepted in favor of the Appellant against the respondents.

It is, therefore very humbly prayed that, On acceptance of the instant appeal the impugned orders passed by respondents No.1 and 2 dated 15-05-2019 and 22-07-2019, may kindly be declare illegal, unlawful, without lawful authority, against the service rules & regulation, hence of no legal effect may kindly be set-aside and the name of the Petitioner may kindly be included in the final seniority list of Junior clerk with all back benefits.

Any other remedy which is just appropriate may also be awarded though not specifically prayed in this particular service appeal.

*[Handwritten signature]*

Petitioner *Bali*  
Bakht Shah Ali S/o Bahramand Khan  
Through

*A*  
Ashraf Ali Khan Advocate  
(Advocates High court)

Certificate:-

It is certified that no such like Departmental appeal is pending or filed by the Petitioner before this honorable tribunal or any other competent forum.

Date. 01-10-2020

Petitioner *Bali*  
Bakht Shah Ali S/o Bahramana Khan  
Through

*A*  
Ashraf Ali Khan Advocate  
(Advocates High court)

(31)

Annexure F

**BEFORE DIRECTOR GENERAL EXTENTION LIVE STOCK AND  
DIARY DEVELOPMENT (EXT.) PESHAWAR**

Departmental Appeal No. \_\_\_\_\_ of 2023

Bakht Shah Ali S/O Bahramand Khan R/O Tekdarai Tehsil Khwaza Khel  
Swat

Petitioner

VERSUS

1. Director General Extension livestock and diary development  
Peshawar.
2. District Livestock Officer Swat at Saidu Sharif Swat.

Respondents

**Appeal against the impugned orders 16-01-2023 and  
02-01-2023 of the respondents whereby the Petitioner  
name has been illegally, unlawfully without any  
cogent reason not included in the final seniority list of  
junior clerks.**

**PRAYER:**

On acceptance of the instant departmental appeal the impugned orders passed by respondents dated 16-01-2023 and 02-01-2023 may kindly be declare illegal, unlawful, without lawful authority against the Departmental rules & regulation, hence of no legal effect may kindly be included in the final seniority list of Junior Clerk with all back benefits.

**Respectfully Sheweth:**

Brief facts of the case giving rise to the filling of the instant departmental appeal are as under;

1. That the Petitioner was appointed as Chowkidar-cum-beshti in BPS 1 in the office of the district officer livestock & diary development Swat against the vacant post at C.V.D Azad Bandai as per Govt. Rules/Notification No. E-2/488-9/EDO(A) Swat dated Amankot 10-03-2010. During his entire Departmental Services the Petitioner performed his duties whole heartedly, with full devotion and commitment till date.

(Copy of appointment letter / Endst: No. E-2/488-9/EDO(A) Swat  
dated Amankot 10-03-2010 annexed)

2. That the respondent No.2 asked the Petitioner to reach the office of the respondent No.1 with all credentials in hand on account of his promotion to the post of Junior Clerk through cell phone.
3. That the Petitioner attend the office of respondent No.1 on mentioned dated and produce all the credentials from matric to M.A English and L.L.B degrees. Furthermore the petitioner has served the department concern for the last 12 years till date. Furthermore the appellant have also impugned promotion and posting orders dated 15-05-2019 and 22-07-2019 before service tribunal Peshawar KPK.

**All documents are annexed**

4. That the respondent No.1 issued the final seniority list of junior clerks, where in the respondents didn't examined the credential provided by Petitioner, all the promoted candidate were non meritorious while I was the only candidate falling within the ambit of the requirement provided by statutes. Which is seniority cum fitness. (Copy Of Impugned order is annexed)
5. That felling aggrieved from the above mentioned order the Petitioner is filling this petition before respondent No.1 on the following grounds.

**GROUNDS:-**

- a) That the impugned order / notification are illegal, perverse, discriminatory, and whimsical against the law and facts, unlawful and void ab-initio.
- b) That through impugned order/notification great injustice and discrimination has been done to Petitioner through which non-meritorious candidates in comparison to the Petitioner has been included in the seniority list while the name of Petitioner has not been included. Which is against law and norms of justice.
- c) That the impugned order is against the service rule, procedure, policy and a non-speaking one, which is not maintainable and against the principles of natural justice as well.
- d. That the respondents issued the impugned orders/notification without applying their legal mind while the impugned orders have issued in cursory manner.

(33)

- e. That the impugned orders / notification are in direct conflict with precedents set by superior courts.
- f. That denial of the respondents is illegal, immoral and against the principles of equal and fair treatment with the petitioner on the part of respondents.
- g. That same other grounds will also be agitated before respondent No.1 with the prior permission of the respondent No.1.

It is, therefore very humbly prayed, On acceptance of the this departmental appeal the impugn orders passed by respondents No.1 dated 16-01-2023 and 02-01-2023, may kindly be declare illegal, without lawful authority, against the service rules & regulation, hence of no legal effect; and is ineffective upon the rights of the appellatant thus may kindly be set-aside and the name of the Petitioner may kindly be included in the final seniority list of Junior clerk with all back benefits.

Any other remedy which is just appropriate may also be awarded though not specifically prayed for in his Departmental Appeal.

Petitioner

Bakht Shah Ali S/O Behramand Khan

Through

Ashraf Ali Khan  
(Advocate High Court)

**Certificate:**

It is certified that no such like Departmental appeal is pending or filed by the Petitioner before any honorable tribunal or any other competent forum.

Petitioner

Bakht Shah Ali S/O Behrammand Khan

Through

(Advocates High Court)

Ashraf Ali Khan Advocate

Dated: 09-05-2023

بعدالت جناب سروس ٹریبونل حیدرآباد خواہ مقام سندھ اور

کورٹ فیس

قیمت ایک روپیہ

مورخہ ۱۵ اگست

۲۰۲۳ منجانب ایم ایل ڈی

بنام

مقدمہ

دعویٰ اپیل

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام سروس ٹریبونل حیدرآباد خواہ مقام سندھ اور کورٹ فیس مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

المرقوم ۱۵

ماہ اگست ۲۰۲۳

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Attested and Accepted by Adv.

ATTESTED

Attested and Accepted by Adv.