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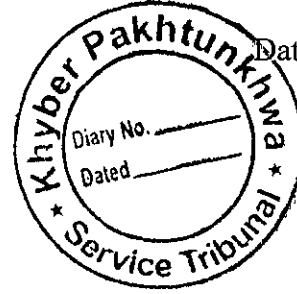


DIRECTORATE GENERAL OF
COMMERCE EDUCATION AND MANAGEMENT SCIENCES,
KHYBER PAKHTUNKHWA, PESHAWAR.

No. DGCE&MS/LIT/2023/6351A(1-y)

To

✓ The Registrar,
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.



Dated 07/11/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8993

Dated 14-11-23

Subject:- **CORRECTION IN THE NAME OF RESPONDENT NO.01 IN SERVICE APPEAL NO. 1346/2022 TITLED MUHAMMAD IQBAL VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith Service Appeal No.1346/2022 titled Muhammad Iqbal, where the name of respondent No. 01 has been written as Govt. of Khyber Pakhtunkhwa through Secretary Commerce, Peshawar instead of Govt. of Khyber Pakhtunkhwa through Secretary Higher Education, Peshawar. This office has already submitted joint parawise comments to Secretary Higher Education, but the same was returned with the remarks that Secretary HED is not party in the instant case.

Therefore, it is kindly requested that the name of respondent No.01 may please be corrected so as to sign joint parawise comments from the quarter concerned as required, please.

Encls:As Above:

(NAEEM AHMAD)

ASSISTANT DIRECTOR

Endst No. DGCE&MS/LIT/2023/

Dated ___/___/2023

Copy forwarded for information to the:-

1. The Section Officer (Litigation-II) w/r to his letter No. SO (Lit-II)HED/SA No.1346/2022/Muhammad Iqbal/101861 dated 25-10-2023.
2. PA to DG (CE&MS), Khyber Pakhtunkhwa.
3. Master file.

ASSISTANT DIRECTOR

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KYBER PAKHTUNKHWA PESHAWAR

Appeal No. 1346/2022

Muhammad Iqbal

Versus

Government of Khyber Pakhtunkhwa through Secretary Commerce
Peshawar

Service Appeal against Promotion Order

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S.No	Name of Documents	Annexure	Page No.
01	Memo of Appeal	Nil	1-3
02	Service Book + Appointment Letter	A	4-28
03	Order of adjustment of appellant as Naib Qasid	B	29-34
04	Copy of Notification No.SOI(IND)8-4/88-vol-11/4608	C	35-36
05	Copy of Seniority list issued by respondent No.4	//	37-46
06	Grievance Notice send by appellant dated 22-08-2022	D	47
07	Petition of condoning of delay	Nil	48-49
08	Wakalat Nama	Nil	50

Muhammad Iqbal
Muhammad Iqbal Appellant
Through Counsel



BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Appeal No-1346/2022

Muhammad Iqbal Junior Clerk (Since Retired), Government college of Management Sciences, Haripur R/O Khallabat Township, Tehsil & District Haripur.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Commerce, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Finance, Peshawar.
3. Director General Commerce Education and Management Sciences Khyber Pakhtunkhwa Rano Ghari, Peshawar.
4. Director of Manpower & Training Occupational, Rehabilitation Benevolent Fund, Building Hall No. 210/11 Saddar Road, Peshawar Cant.
5. District Account Officer, Haripur.....(Respondents)

Service Appeal Under Section 04 of Khyber Pakhtunkhwa Service Tribunal Act, 1977 against the impugned promotion Order No. 1-1/92-S dated 11-01-1992 whereby Appellant was deprived from promotion to the post of Junior Clerk (BPS-11) in violation of Rules & Regulation Circulated through Notification No.SO1(IND)8-4/88-Vol-11/4608 dated 3rd April 1990.

Prayer:

On acceptance of instant appeal, the promotion Order No. 1-1/92-S dated 11-01-1992 may graciously be set aside by declaring it illegal, void ab initio, being devoid of merits and the appellant may kindly be promoted to the post of junior clerk in the light of Rules &

ATTI/STED

[Signature]
CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Regulation Circulated through Notification No.SO1(IND)8-4/88-Vol-11/4608 dated 3rd April 1990 along with back benefits.

Respectfully Sheweth;

Appellant submits as under;

1. That the present appellant was appointed by respondent No.4 as "Workshop attendant" in 20-04-1985. (Copy of service book and appointment order is attached herewith as Annexure "A").
2. That after rendering two year service in the Department the appellant was adjusted as (Naib Qasid BPS-1) in 14-02-1987.
3. That according to Rules and Regulation Circulated through Notification No.SO1(IND)8-4/88-Vol.11/4608 dated 03-04-1990, the respondents were bound to promote the petitioner according to Rules mentioned in the said Notification but they have ignored and violated the Rules and appointed many other person as Junior Clerk by ignoring criteria of seniority. The present appellant deserves to be promoted on the basis of the seniority list issued by the respondent No.2 after, 1992.
4. That appellant was promoted by respondents as Junior Clerk in 2002 instead of 1992, by violating & ignoring the criteria and procedure mentioned in the said Notification. The petitioner promotion was due on, 1992 but the respondents have deprived the petitioner of the right. (copy of impugned promotion order shall be submitted before the Honorable tribunal when available for the reason that despite hectic efforts the appellant couldn't find the said copy)
5. That the present appellant retired in the year 2017 and his pension is the sole source of income which is very insufficient if compared with current high inflation pertaining in the country.
6. That the appellant being sole head of the whole family is responsible to meet the ends of his family needs but due to insufficient pension his financial problems are increasing day by day. If the appellant was promoted in accordance with the rules, regulations etc and within time he may have been retired in BPS-16/17 and his service benefits including pension would have been more than these he is taking presently.
7. That the respondent while ignoring the criteria, had appointed many other Officials to the post of Junior Clerks and according to the Rules, 25 percent seats of Junior Clerks had to be filled by promoting the existing officials who had rendered two years service as Naib Qasid, or otherwise. If the appellant was promoted according to Rule as Junior Clerk in 1992, he would have received pension, other service benefits according to the calculation of 1992, but unfortunately he was promoted as Junior Clerk in the year 2002 and due to this grave injustice he was deprived for ten years from the post of Junior Clerk which was his legal right. (Copy of the

ESTD

Notification No. SO1(IND)8-4/88-Vol.11/4608 dated April,3,1990 attached herewith. The seniority list issued by the respondents after 1992 is also attached herewith as annexure-C.)

8. That the appellant is not a law knowing person and he was not aware of the illegal act of respondent that his promotion was due on 1992, even after his retirement he was not aware of the fact that he is deprived of from his legal right by the respondent. It came to the knowledge of appellant when he visited his relative who is a Graduate in Law who informed him about the grave injustice done to him. After arranging necessary documents, the appellant has requested the competent authority through a letter/representation for redressing his grievances but no reply or any other response was given to the petitioner. (Copy of representation/application is attached herewith as annexure-D)
9. That present appellant has a good prima facie case and has got cause of action against respondent.
10. That the cause of action arose to the appellant within the jurisdiction of this Honourable Tribunal and this Honourable Tribunal has got jurisdiction to decide the instant matter.

It is, therefore, requested before this Honourable tribunal that in the light of submissions mentioned ibid, on acceptance of instant service appeal, the grievances of petitioner may graciously be redressed by ordering the respondent to promote the petitioner as Junior Clerk from 1992 along with back benefits in accordance with the Rules Envisaged in the said Notification in the best interest of justice and any other relief which this Honourable Tribunal deems just and proper, may also be granted in favour of petitioner.

Appellant Muhammad Iqbal Through Counsel

Muhammad Iqbal

Khan Afsar

KHAN AFSAR
ADVOCATE HIGH COURT
AT HARIFER.

Verification;

Verified on oath that the contents of foregoing written statement are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court

Muhammad Iqbal
19.09.2002

Muhammad Iqbal

Muhammad Iqbal

Khan Afsar

Date of Presentation of Application 14-11-23

Number of Words Page 3

Copying Fee 15/-

Urgent 20/-

Total 35/-

Name of Applicant 14-11-23

Date of Copying 14-11-23

Date of Receipt 14-11-23

IMMEDIATE/COURT MATTER/OUT TODAY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT**

SO(Lit-II)HED/SA-N6.1346/2022 Muhammad Iqbal
Dated the Peshawar October 25, 2023 '10/25/23'

To

The Director General,
Commerce Education & Management Science, Peshawar.

**Subject: PREPARATION OF JOINT PARAWISE COMMENTS IN SERVICE
APPEAL NO. 1346/2022 TITLED MUHAMMAD IOBAL VS GOVT. OF
KHYBER PAKHTUNKHWA & OTHERS.**

Dear Sir,

I am directed to refer to your office letter No.DGCE&MS/LIT/2023/6209 dated 16/10/2023 on the subject noted above and to return herewith Joint Para-wise Comments (in original) as the Secretary Higher Education Department has not been made party in the instant court case, please.

2. Being court matter, the case may be treated as "Urgent".

Yours faithfully,

TAUSEEF ULLAH)
Section Officer (Litigation-II)

Encl: As Above:

Endst: No. & date even.

Copy forwarded to:

The PA to Deputy Secretary (Lit), Higher Education, Archives & Libraries Deptt
Khyber Pakhtunkhwa.

Section Officer (Litigation-II)



Urgent
to
2/11
Litigation