

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.1284 /2023

Khyber Pakhtunkhwa
Service Tribunal
No. 9366
Dated 23-11-23

Mr. Om Parkash Office Assistant,
DGHS Office, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to the Government of Khyber Pakhtunkhwa Health Department, Civil Secretariat, Peshawar.
3. The Director General Health Services, Directorate General Health Services Khyber Pakhtunkhwa, Ex-FATA Secretariat Warsak Road, Peshawar.
4. The Deputy Director (Admin), Directorate General Health Services Khyber Pakhtunkhwa, Ex-FATA Secretariat Warsak Road, Peshawar.

RESPONDENTS

APPLICATION FOR RESTRAINING THE RESPONDENTS TO MAKE PROMOTION ON THE IMPUGNED SENIORITY LIST DATED 07.12.2022 TILL THE DECISION OF SERVICE APPEAL OF THE APPELLANT.

OR

RESPONDENTS MAY KINDLY BE DIRECTED TO REMAIN VACANT ONE POST OF SUPERINTENDENT (BPS-17) TILL THE DECISION OF SERVICE APPEAL OF THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant Service Appeal against the impugned final seniority list of Office Assistant (BPS-16) dated 07.12.2022, wherein the appellant was wrongly placed at serial No.89 below than private respondents No. 05 to 64 by wrongly mention the date of his initial appointment as 07.02.2018 instead of 03.08.2009.

2. That the respondent department now wants to make promotion on the vacant posts of superintendent (BS-17) on the impugned seniority list dated 07.12.2022 which is subjudice before this Honorable Tribunal.
3. That appellant has good prime facie case and if the respondent department make promotion on the vacant posts of superintendent (BS-17) on impugned disputed seniority list dated 07.12.2022, it will compel the appellant for further litigation, if the service appeal of the appellant is allowed in his favour.
4. That the Superior Courts clearly mention in its judgment that when the seniority is disputed between the officials in a Court/Tribunal, then the department should not make promotion on that disputed seniority list till the decision of the case pending before the Court/Tribunal.
5. That it will be interest of justice that the respondents may restrain to make promotion on the impugned disputed seniority list dated 07.12.2022 till the decision of the case of the appellant or give direction to the respondents to remain vacant one of Superintendent (BPS-17) till the decision of the case of the appellant.

It is therefore, most humbly prayed that on the acceptance of this application, the respondents may kindly be restrained to make promotion to the post of Superintendent (BPS-17) on the impugned seniority list dated 07.12.2022 till the decision of the appeal of the appellant.

OR

Respondents may kindly be directed to remain vacant one post of Superintendent (BPS-17) till the decision of the case of the appellant.

Om Parkash

APPELLANT

Om Parkash

THROUGH:

Taimur Ali Khan
(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

3/10/23

DEPONENT

