


FORM OF ORDER SHEET

Court of _____

Review Petition No. 890/2023

No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/11/2023	<p>The Review Petition of Mr. Gulzar Ahmad Sweeper submitted today by him. It is fixed for hearing before Division Bench at Peshawar on _____.</p> <p>Original file be requisitioned. Parcha Peshi is given to the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HONORABLE SERVICES TRIBUNAL PESHAWAR

Review Petition no. 890/2023

Service Appeal No. 1412/2015

Gulzar Ahmad Sweeper, Darul Kafala, Peshawar.

(Petitioner /Appellant)

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 9571

Date: 29-11-2023

1. Govt of Khyber Pakhtunkhwa through Secretary Social Welfare Department Peshawar.
2. Director Social Welfare & Women Development, Department Peshawar.
3. District Officer Social Welfare Department Peshawar.
4. Zahid Khan Junior Clerk, Office of the District Officer Social Welfare Abbottabad.
5. Fazli Qadir, Junior Clerk, Office of the District Officer Social Welfare, Dir Upper.
6. Akhtar Mehmood, Junior Clerk, Office of the District Officer Social Welfare, Kohistan.

(Respondents)

**REVIEW PETITION IN THE JUDGMENT/ORDER
DATED 21-11-2023 IN SERVICE APPEAL NO. 1412/2015
OF THE HON'BLE SERVICE TRIBUNAL IN DECIDED
THE APPEAL ON MERIT INSTEAD OF
WITHDRAWANL**

Respectfully Sheweth:-

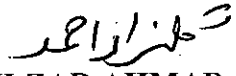
The applicant/appellant humbly submits as under:-

1. That the applicant/appellant has filed Service Appeal No.1412/2015 titled "Gulzar Ahmad vs Govt. of Khyber Pakhtunkhwa" against the impugned order dated 26-06-2015 whereby Juniors to the appellant have been promoted as Junior Clerks (BPS-11).
2. That the Counsel of the appellant filed application dated 21-11-2023 for withdrawal instead of amendment the instant appeal with the permission of the petitioner/appellant.
3. That on dated 21-11-2023 the Hon'ble Tribunal dismissed as withdraw the above said service appeal. (Copy of order dated 21-11-2023 is attached)
4. That the valuable right of applicant/appellant involved in the instant service appeal and if the above mentioned service appeal is not restored, then the applicant/appellant will suffer irreparable loss.

5. That on restoration of above service appeal; it is requested to decide the same on merit.
6. That there is no legal bar on acceptance of this instant application, as the application is within time.
7. That this Hon'ble Tribunal has got ample powers to entertain and accept the instant application.
8. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

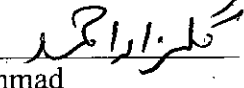
It is therefore most humbly prayed on acceptance of this review petition, the above titled Service appeal may kindly be restored in best of interest of justice and decide on merit. Any other relief, which is not specifically prayed, may also be passed in the favor of applicant/appellant.

Dated: 29.11.2023


GULZAR AHMAD
(Petitioner /Appellant)

Affidavit:-

Do hereby solemnly declare on oath that the content of this instant application are true and correct to the best of my knowledge and belief.

Deponent 
Gulzar Ahmad
CNIC No.17301-1490932-7



(B)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1412 /2015

Gulzar Ahmad, Sweeper, Darul Kafala Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Social Welfare Department Peshawar.
2. Director Social Welfare & Women Development, Department Peshawar.
3. District Officer Social Welfare Department Peshawar.
4. Zahid Khan, Junior Clerk, Office of the District Officer Social Welfare Abbotabad.
5. Fazli Qadir, Junior Clerk, Office of the District Officer Social Welfare, Dir Upper.
6. Akhtar Mehmood, Junior Clerk, Office of the District Officer Social Welfare, Kohistan.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the promotion order dated 26.06.2015 never communicate to the appellant, the appellant came to know in August 2015, hence the served departmental appeal dated 25.08.2015 however it was not considered nor replied with the statutory period of 90 days.

Prayer in appeal:

On acceptance of this appeal, the appellant may please be considered as deferred for promotion when the promotion order dated 26.6.2015 was issued and be allowed promotion w.e.f 26.06.2015 by allowing him all arrears and consequential seniority.

Respectfully Submitted:

1. That the appellant was initially appointed in a project namely Dar ul Kifala for Male Beggars, Peshawar on 19.08.2006. (Copy of the appointment letter dated 19.08.2006 is attached as Annexure A)

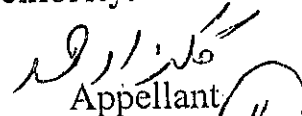
2. That during the course of his service regular posts were sanctioned for Dar ul Kifala for Male Beggars, Peshawar, and it was brought on regular side, accordingly vide office order dated 08.06.2007, the services of the appellant were regularized w.e.f 1.07.2007. (Copy of the office order dated 08.06.2007 is attached as Annexure B)
3. That the respondent No. 4 to 6 were also project employees and their services also stood regularized under the orders of the Govt on the regularization of their project, albeit were much junior to the appellant.
4. That in accordance with recruitment rules 33% quota has been reserved for promotion to the post of Junior Clerk from amongst class IV employees having passed matriculation certificate. (Copy of the Rules are attached as Annexure C)
5. That recently the appellant came to know that the respondents have made promotion to the post of Junior Clerk BPS-11 vide office order dated 26.06.2015, the appellant however when came to know about the order got its copy, in August 2015 and found that many juniors were promoted to the post of Junior clerk BS-11 ignoring and not promoting the appellant. (Copy of the promotion order is attached as Annexure D)
6. That the appellant submitted his departmental appeal dated 25.07.2015 however no action was taken thereon despite the lapse of 90 days. (Copy of the departmental appeal dated 25.08.2015 is attached as Annexure E)
7. That not allowing and ignoring the appellant for promotion is illegal, unlawful authority, against the rules and law inter alia on the following grounds: -

GROUND OF APPEAL:

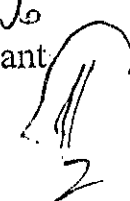
- a. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law have been recklessly violated.
- b. That the acts and omission of the respondents in excluding the name of the appellant and not considering him for regular promotion is illegal, in violation of law, without lawful authority and against the rights of the appellant.

- c. That the appellant is perfectly qualified and eligible to be considered for promotion, however the respondents acted illegally by allowing promotion to the Juniors seriously affecting the rights of promotion of the appellant.
- d. That quite malafide the respondents have made promotions from other districts ignoring the overall seniority of the directorate, the post of junior Clerk being provincial cadre post no promotion/ appointment can be made from the seniority maintained at district level, the promotions so made are thus not in accordance with law.
- e. That promotion 33 % quota is to be filled on the overall strength of the Social Welfare Directorate, then how the impugned promotions were made in violation of law and seniority position in the Directorate.
- f. That the appellant has not treated been in accordance with law and he remained throughout deprived of his regular promotion due to inaction/ slackness of the respondents thus the respondents are bound to follow the law and to act in accordance with law.
- g. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, humbly prayed that On acceptance of this appeal, the appellant may please be considered as deferred for promotion when the promotion order dated 26.6.2015 was issued and be allowed promotion w.e.f 26.06.2015 by allowing him all arrears and consequential seniority.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1412/2015

Gulzar Ahmad, Sweeper, Darul Kafala Peshawar



VERSUS

Government of Khyber Pakhtunkhwa through Secretary Social Welfare
Department Peshawar and 05 others.

ORDER

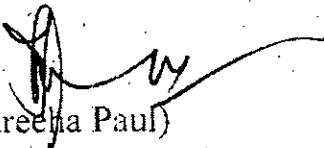
21.11.2023


Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Nabi Gul, Assistant Director (Litigation) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant stated at the bar that the appellant wants to withdraw the instant appeal with the permission of file a fresh one, if the need so arises. In this respect, he submitted written application, which is placed on file. The appeal in hand stands dismissed as withdrawn, however the appellant may file a fresh appeal subject to all legal and valid objections. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

21.11.2023


(Fareeha Paul)
Member (Executive)


(Safah-Ud-Din)
Member (Judicial)

Naeem Amin

Date of Presentation of Application 27-11-23

Number of Words 17

Copying Fee 5/-

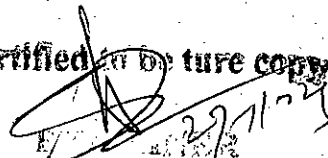
Urgent 5/-

Total 10/-

Name of Copyies

Date of Completion 27-11-23

Date of Delivery of Copy 27-11-23

Certified true copy

27/11/23
Khyber Pakhtunkhwa
Service Tribunal
Peshawar