

03.02.2021

Counsel for the appellant present.

Learned counsel argued the appeal at some length but when confronted with the contents of purported departmental appeal, submitted by appellant on 08.11.2018, requested for withdrawal of instant appeal in order to submit a fresh departmental appeal for seeking the relief as contained in this service appeal.

The request of learned counsel appears to be reasonable as the purported departmental appeal is not exhaustive enough to include the prayer as agitated in the appeal in hand.

The matter pertains essentially to the seniority of appellant and counting of his service rendered on contract basis towards the length of his total service. The delay, if any, in submission of appeal, therefore, may not create hindrance for the appellant in seeking lawful remedy.

The appeal in hand is dismissed as withdrawn. It is expected that the appellant would be vigilant in seeking departmental remedy without further loss of time.

File be consigned to the record room.

Announced
03.02.2021


Chairman

19.11.2020

Mr. Lutfullah, Advocate on behalf of learned counsel for appellant and Addl; AG for respondents present.

Requests for adjournment as learned counsel for appellant is not available today due to indisposition.

Adjourned to 03.02.2021 before S.B.



Chairman

23.06.2020

Counsel for the appellant present and requests for adjournment. Last chance is given. To come up for preliminary hearing on 19.08.2020 before S.B.

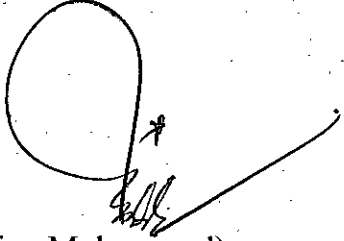

Member

19.08.2020

None for the appellant present.

Notices be issued to the appellant and his counsel for appearance.

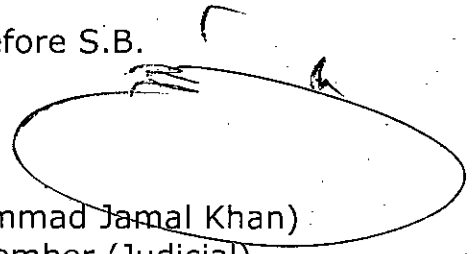
Adjourned to 23.10.2020 before S.B.


(Mian Muhammad)
Member(E)

23.10.2020

Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 19.11.2020 on which date to come up for preliminary arguments before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

325/2019

06.01.2020


Mr. Lutfullah, Advocate on behalf of counsel for the appellant and Addl. AG for the respondents present.

Request for adjournment as learned counsel has proceeded to perform Umra. Adjourned to 17.02.2020 at preliminary stage.


Chairman

17.02.2020

Appellant alongwith junior to counsel for the appellant present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available being indisposed. Adjourn. To come up for preliminary hearing on 31.03.2020 before S.B.


Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.


Reader

08.10.2019

Appellant in person and Addl. AG for the respondents present.

Appellant requests for adjournment due to engagement of his learned counsel before the Honourable High Court today in many cases.

Adjourned to 30.10.2019 before S.B at preliminary stage.


Chairman

30.10.2019

Counsel for the appellant present.

Learned counsel requests for time to prepare the brief regarding the proposition that the service put in by the appellant as temporary, can be counted for the purpose of promotion?

Adjourned to 21.11.2019 before S.B.


Chairman

21.11.2019

Mr. Anees Advocate for learned counsel for the appellant and Addl. AG present.

A request for adjournment is made on the ground that learned counsel for the appellant is engaged in courts at Tribal District Ghalanai.

Adjourned to 06.01.2020 before S.B at preliminary stage.


Chairman

29.07.2019

Counsel for the appellant present.

Contends that the appellant was temporarily appointed by the respondent-department in the year 1992. On 14.01.2005 the service of the appellant was retained on contract basis while, on 14.10.2008, it was regularized w.e.f July, 2008. On the basis of office order dated 14.10.2008, a seniority list of Class-IV employees was prepared on 30.09.2018 wherein the date of appointment of appellant was shown as 14.01.2005. In the said manner, the service of appellant rendered on temporary basis was not considered for the purpose of seniority and other benefits.

The appointment order of appellant on temporary basis is not available on the appeal file. On the other hand a note dated 25.11.2004 suggests that he was in service since last 12 years. To confirm the fact of appellant service on temporary basis since 1992, or otherwise, Pre-admission notice be issued to the respondents.


Adjourned to 13.09.2019 before S.B.


Chairman

13.09.2019

Appellant in person and Addl. AG alongwith Mukarram Khan, Litigation Assistant for the respondents present.

The representative of respondents has submitted a memorandum dated 11.09.2019 in the office of Registrar of this Tribunal which is made part of the record. The appellant, on the other hand, requests for adjournment as his learned counsel is not available today. Adjourned to 08.10.2019 before S.B.


Chairman

26.04.2019

Nemo for appellant.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 02.05.2019 before S.B.


Chairman

02.05.2019


Junior to counsel for the appellant present.

Requests for further time to submit amended appeal as allowed on 27.03.2019. Adjourned to 19.06.2019 for the needful.


Chairman

19.06.2019

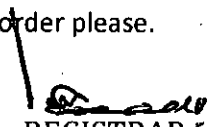


Clerk of counsel for the appellant present and submitted amended appeal. The same is placed on record. Clerk of counsel for the appellant also requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 29.07.2019 for preliminary hearing before S.B.


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 325/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/03/2019	<p>The appeal of Mr. Gul Nawaz presented today by Mian Afrasiyar Gul Kakak Khel Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11/03/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/03/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	27.03.2019	<p>Learned counsel for the appellant present and seeks adjournment to furnish amended appeal. Adjourn. To come up for further proceedings on 26.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re Amended Service Appeal No. _____/2019

Gul Nawaz S/O Noor Hassan

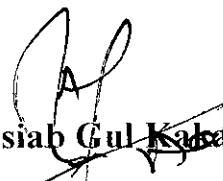
..... *Appellant*

Versus

Department of Home and Tribal Affairs and others

..... *Respondents*

INDEX		
S. No.	Description	Pages
1.	Service Appeal	1-5
2.	<u>Annexures</u>	
A.	Copy of Appellant's application dated 30.08.2003	7
B.	Copy of Appellant's SSC certificate	8
C.	Copy of reference of PUC	9
D.	Copy of order No. 121-24/Acctt: dated 14-01-2005	10
E.	Copy of Office order dated 3226-30 / Acctt; /08 Dated 14.10.2008	11
F.	Copy of circular No.4929-33 Acctt;- 11 Dated: 26.10.2018	12
G.	Copy of tentative seniority list dated 30.09.2018	13
H.	Copy of Application Dated: 08.11.2018, Diary No.3152	14
3.	Memo of Addresses	15
4.	Wakalatnama	


Mian Afrasiab Gul Kabakiel

AHC

Advocates & Consultants

12, K-3, Phase-III, Hayatabad, Peshawar

Phone 5817132, 5818446, Mobile: 0333 9215562

Email: afrasyyab.advocate@gmail.com

①

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re: Amended Service Appeal No. 325 /2019

Gul Nawaz S/O Noor Hassan

R/o ShaiKhan Bala, Tehsil & District Peshawar

..... *Appellant*

Versus

1. **Department of Home and Tribal Affairs,**
Through Secretary Civil Secretariat, Peshawar
2. **Additional Chief Secretary, Khyber Pakhtunkhwa.**
3. **Deputy Commissioner, District Khyber.**
4. **Shahid**
Daftari
5. **Falak Naz**
Niab Qasid
6. **Sartceef Aman**
Chowkidar
7. **Muhammad Fayaz**
Niab Qasid
8. **Rajehan Khan**
Niab Qasid
9. **Shaukat Ali**
Naib Qasid
10. **Muhammad Iqbal**
Niab Qasid
11. **Fazal Mehmood**
Niab Qasid all at the office of the Deputy Commissioner Khyber.

..... *Respondents*

APPEAL UNDER SECTION 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
WHEREBY DEPARTMENTAL APPEAL /APPLICATION
OF THE APPELLANT FOR ADJUSTMENT/ PROMOTION
TO THE POST OF JUNIOR CLERK ON THE BASIS OF

EXPERIENCE / SENIORITY WITH EFFECT FROM 1992
TILL 14.01.2005, AGAINST 33% OF PROMOTION
QUOTA ON THE BASIS OF SENIORITY-CUM-FITNESS
FROM AMONGST THE QASIDS AND NAIB QASID
INCLUDING HOLDER OF OTHER EQUIVALENT POSTS
WAS NOT REPLIED / DECIDED.

Prayer: On acceptance of this appeal the
Honourable Tribunal may kindly direct the
followings;

- I. The services rendered by the Appellant in the capacity of officiating clerk at the office of Respondent No.03 from 1992 till 14.01.2005 may kindly be calculated in the service of Appellant for the purpose of promotion and other benefits.
- II. Set aside the tentative seniority list dated 26.10.2018 and Respondents may kindly be directed to consider appellant's services since 1992 till 14.01.2005 in newly circulated seniority list.

Respectfully Sheweth,

Appellant humbly submits as under;

1. That Appellant is a respectable citizen of Pakistan and is entitled to all the rights enshrined in the Constitution.
2. That the Respondents are the appointing authority in the tribal district of Khyber (the then political administration of Khyber Agency).

3. That the Appellant was temporary appointed as Mali / Gardner in the then political administration of Khyber Agency in 1992, but he was assigned the duty of Officiating Clerk in reader branch.
4. That Appellant's temporary services were continued till 23.11.2004, when the Appellant submitted an application before Respondent No.03 for his regular appointment as class IV. As the Appellant had 12 years of experience as officiating clerk and academically qualified, therefore Respondent No.03 considered his application for the post of Junior clerk but due to non-availability of said post, Appellant was appointed as (Mali/Gardner) on contract basis vide order No. 121-24/Acctt: dated 14-01-2005.

Copy of Appellant's application dated 30.08.2003 at Annexure-A.

Copy of Appellant's SSC certificate at Annexure-B

Copy of reference of PUC at Annexure-C

Copy of order No. 121-24/Acctt: dated 14-01-2005 at Annex-D.

5. That Appellant's contract appointment was later on regularized with effect from 1st July 2008 vide Office order dated 3226-30 / Acctt; /08 Dated 14.10.2008.

Copy of Office order dated 3226-30 / Acctt; /08 Dated 14.10.2008 at Annexure-E.

6. That on 26.10.2018 vides circular No.4929-33 Acctt;- 11 Dated 26.10.2018, Respondent no.03 circulated tentative seniority list of Class IV, in

(4)

which Appellant was placed at serial No.09 and his seniority was calculated from 2005 instead of 1992.

Copy of circular.No.4929-33 Acctt;- 11

Dated 26.10.2018 at Annexure-F.

Copy of tentative seniority list dated 26.10.2018 at Annexure-G.

7. That feeling aggrieved from the tentative seniority list dated 26.10.2018, Appellant filed departmental appeal / Application dated 08.11.2018 bearing Diary No.3152 before Respondent No.03 but the same has not yet been decided, hence this appeal.

Copy of Application Dated 08.11.2018,

Diary No.3152 at Annexure-H.

8. That as per rules and prevailing laws the seniority/experience is always considered from the first day of employee's attendance in a department.
9. That the Appellant time and again requested the Respondents to consider his experience/seniority from 1992 and put his name on top of the Seniority list and appoint him as junior Clerk but in vain.
10. That despite of several applications, Respondents have turned deaf ear, hence Appellant having no other efficacious remedy to avail except to approach this Honourable Court, *inter alia*, on the following:

Grounds:

- I. That the impugned action is violative of law and facts, refusal of respondents is to be based not only

on relevant law and rules but also to be based on some tangible material which could be lawfully taken note of. It is the duty of competent Authority to consider all the eligible candidates while putting them in juxtaposition, to find out the meritorious amongst them.

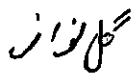
- II. That authority is to be exercised according to rational reasons which means that there be finding of primary facts based on good evidence, decisions about facts be made for reasons which serve the purpose of statute in an intelligent and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and mis-use of power.
- III. That the respondents have refused to Appellant's applications in order to appoint their blue eyed at the cost of Appellant's right, knowing well all vacancies by that time would be filled leaving no room for consideration the appointment of Appellant.
- IV. That Appellant time and again requested the respondents to appoint him on the vacant post, on which he is already working for more than two and half decades but the respondents never paid any heed, which manifest obvious illegality, irregularity and discrimination on the part of Respondents.
- V. That the Respondents have not treated the Appellant in accordance with Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan

(6)

- VI. That the impugned act is gross violation of the fundamental rights of the Appellant duly protected by the constitution of Islamic Republic of Pakistan.
- VII. That further assistance shall be made at the time of arguments after due permission of the court.

Prayer: *It is therefore, respectfully prayed that, on acceptance of this appeal the Honourable Tribunal may kindly direct the followings;*

- I. The services rendered by the Appellant in the capacity of officiating clerk at the office of Respondent No.03 from 1992 till 14.01.2005 may kindly be calculated in the service of Appellant for the purpose of promotion and other benefits.
- II. Set aside the tentative seniority list dated 26.10.2018 and Respondents may kindly be directed to consider appellant's services since 1992 till 14.01.2005 in newly circulated seniority list.
- III. Any other relief deemed appropriate in the peculiar circumstances of the case may also be very kindly afforded to the Appellant.

Appellant
Through



Mian Afrasiab Gul Kakakhel
AHC

Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0333 9215562
Email: afrasyab.advocate@gmail.com

کتابت و تصدیق ایجنسی کے ذریعے

درخواست پر ایک کاپی فراہم کی گئی ہے

M. A.

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

یہاں پر اس کے لیے کہ اس کے آپ کے پاس ہے

23/8/04

Attested by

30/08/04

Attested by Mian Afrasiab Gill Kakakhel Advocate HIGH COURT PESHAWAR

Attested by M. A. Gill


8

Annex - B

s.No 591625

Roll No. 8445

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 1988 (ANNUAL)

THIS IS TO CERTIFY THAT Gul Nawaz
Son/Daughter of Noor Hasan
and a student of Govt: High School Sheikhan, Peshawar

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in April 1988 as a *Regular candidate*. He/She obtained 417 Marks out of 850 and has been placed in Grade **D** Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-----------------|---------------------|
| 1. English | 3. Islamiyat | 5. Gen: Science | 7. Gen: Mathematics |
| 2. Urdu | 4. Pakistan Studies | 6. Isl: Studies | 8. Pashto |

He/She has been awarded Grade **D** on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Eleventh March,
one thousand nine hundred and Seventy Two (11-3-1972)

Tauf
Asstt. Secretary
31st August 1988

M. Zaid
Secretary

[Signature]
Secretary

This certificate is issued without alteration or erasure.

Attest
Mian Afrasiab Gul
Kakakhel Advocate
HIGH COURT PESHAWAR

Mah Gul

Reference Attached Puc -> (page under consideration)

Vide Puc the applicant Gul Nawaz had requested for his appointment as Class IV servant in this office.

He is serving as temporary Naib Qasid in v.o. Branch for the last about 12 years and he is also metriculate. Kind PA sb had remarked his application to be put up after selection of Junior clerks. Now all the seats of J.C. are filled in and resultantly one post of Naib Qasid has fallen vacant.

submitted for orders deemed proper, please.

Supt.

For orders pl.

Accepted

PA

Supt.

Sgn.

25.11.02 or 23/11/04.

Attested by Officer Adv.

Attested

Mian Afrasiab Gul
Kakakhel Advocate
HIGH COURT PESHAWAR

Mah Gul

(10)

Annex-D

OFFICE OF THE POLITICAL AGENT
KHYBER AGENCY.

ORDER.

Mr. Gul Nawaz s/o Noor Hassan resident of Bara Sheikhan is hereby appointed as Mali/Gardener with usual allowances on contract basis for three years with immediate effect.

POLITICAL AGENT
KHYBER AGENCY.

No. 101-24 /Acctt: dated Peshawar the 14/11/05.

Copy forwarded for information to:-

- 1. Agency Accounts Officer Khyber.
- 2. Accountant Main Office.
- 3. Official concerned.
- 4. Personal file.

POLITICAL AGENT
KHYBER AGENCY.

Attested
by
Chief
Adm.

Attested

Mian Afrasiab Gul
Kakakhel Advocate
HIGH COURT PESHAWAR

M/A/G Gul

OFFICE OF THE POLITICAL AGENT, KHYBER AGENCY.
OFFICE ORDER.

No. 3226-30 /Acctt:/08 Dated Peshawar the 19/10/2008.

In pursuance of the Federal Cabinet decision regarding regularization of BS-1 to BS-15 Contract Employees (Case No. 76/10/2008 dated 04.06.2008) issued vide Government of Pakistan, Cabinet Secretariat, Establishment Division, Islamabad letter No. 10/30/2008-R-II dated 29.08.2008 read with Government of N.W.F.P Home & TA's Department letter No. S.O B&A (F) HD /1-35/2008, dated 08.09.2008, the following officials who were appointed in this office on the posts as noted against their names on contract basis after completion of all codal formalities, shall be regularized w.e.f 1st July 2008: -

S No.	Name	Appointed as	Appointment Order number / date.
01.	Mr. Fateh Yab	Junior Clerk	No.1627-29/Acctt: Dt: 17.07.2003
02.	Daud Khan	Junior Clerk	No.1627-29/Acctt: Dt: 17.07.2003
03.	Javed Khan Afridi	Junior Clerk	No.1208-10/Acctt: Dt: 20.05.2004
04.	Faisal Khan	Junior Clerk	No. 497-99/ Acctt: Dt: 20.03.2004
05.	Mukaram Khan	Junior Clerk	No. 07-09 /Acctt: Dt: 02.08.2004
06.	Saif-ur-Rehman	Junior Clerk	No. 01-03 /Acctt: Dt: 23.07.2004
07.	Naveed Alam	Naib Qasid	No. 859-61 /Acctt: Dt: 19.04.2005
08.	Shoukat Ali	Naib Qasid	No. 420-22/Acctt: Dt: 28.02.2004
09.	Nazar Hussain Shah	Naib Qasid	No. 137-39 /Acctt: Dt: 15.04.2005
10.	Fazal Mehmood	Naib Qasid	No. 551-53 /Acctt: Dt: 17.03.2004
11.	Muhammad Iqbal	Naib Qasid	No. 554-56 /Acctt: Dt: 17.03.2004
12.	M. Fayaz	Naib Qasid	No.1712-14/Acctt: Dt: 24.05.2002
13.	Rajehan Khan	Naib Qasid	No.1762-64/Acctt: Dt: 01.08.2002
14.	Gul Nawaz	Mali	No. 121-24/Acctt: Dt: 14.01.2005
15.	Malang Shah	Mali	No. 962-64/Acctt: Dt: 08.05.2006
16.	Hashim Khan	Behisti	No. 117-20 /Acctt: Dt: 14.01.2005
17.	Mehraban Shah	Behisti	No.3682-84/Acctt: Dt: 21.10.2002
18.	Gul Hamid	Behisti	No. 725-54/ Acctt: Dt: 15.04.2003
19.	Fida Hussain	Chowkidar	No.3035-37/Acctt: Dt: 10.08.2004
20.	Abdul Malik	Sweeper	No. 809-12/Acctt: Dt: 13.04.2005
21.	Muhammad Azam	Sweeper	No.3093-95/Acctt: Dt: 11.08.2004

No. 3226-30 /Acctt:/08.
Copy to:-

Political Agent, Khyber.

1. The Agency Accounts Officer, Khyber at Jamrud alongwith copy of above referred letter.
2. The Section Officer (B&A) FATA, Government of N.W.F.P Home & TA's Department w/r to his letter referred to above.
3. The Section Officer (Budget), SAFRON Division, Islamabad.
4. The P.S to ACS FATA.
5. Officials concerned.

Attested
Mian Anwar Siab Gul
 Advocate
 HIGH COURT PESHAWAR

[Signature]
 Political Agent, Khyber.

[Signature]

(12) Ann... F

**OFFICE OF THE DEPUTY COMMISSIONER
KHYBER**



No. 4929-33 /Acctt-II

Dated 26/10 /2018

CIRCLE

A tentative seniority list of Class-IV servants of this office as it stood on 30.09.2018 is hereby issued. All concerned are directed to go through the same and submit their objection on it, if any, within 15 days, positively. After that no objection would be entertained and it will be considered as final seniority list.

Deputy Commissioner
Khyber

Copy alongwith seniority list is forwarded to :-

1. The Addl. Deputy Commissioner, Khyber.
 2. The Assistant Commissioner, Landikotal.
 3. The Assistant Commissioner, Jamrud.
 4. The Assistant Commissioner, Bara.
- For circulation amongst the concerned staff.
5. All concerned staff in Main Office.

Attested
my
Adv

Attested
Deputy Commissioner
Khyber

Attested
Mian Afrasiab C.
Kakakhel Advocate
HIGH COURT PESHAWAR

Mah Gul

(13) (12)
**FINAL SENIORITY LIST OF CLASS - IV GOVERNMENT
 SERVANTS OF POLITICAL AGENT, KHYBER OFFICE AS IT
 STOOD ON 30.09.2018.**

Annex - 5

S.No.	Name	Designation	BPS	D.O.B	Date of Appointment	Qualification
1.	Shahid Ali	Daftari	05	01.05.1973	11.04.1996	F.A
2.	Falak Naz	N/Qasid	04	09.11.1974	30.12.1996	F.A
3.	Sarteef Aman	Chowkidar	04	01.07.1983	04.05.2001	F.A
4.	Muhammad Fayaz	N/Qasid	04	15.04.1983	24.05.2002	SSC
5.	Rajehan Khan	N/Qasid	04	22.11.1983	01.08.2002	SSC
6.	Shukat Ali	N/Qasid	04	06.09.1976	28.02.2004	M.A
7.	Muhammad Iqbal	N/Qasid	04	10.05.1964	17.03.2004	B.A
8.	Fazal Mehmood	N/Qasid	04	05.02.1969	17.03.2004	S.S.C
9.	Gul Nawaz Khan	Mali	04	11.03.1972	14.01.2005	S.S.C
10.	Nazar Hussain	Mali	04	25.09.1967	15.01.2005	D.Com
11.	Naveed Alam	N/Qasid	04	15.04.1985	19.04.2005	M.A
12.	Ibrar Hussain	N/Qasid	04	20.03.1981	10.06.2005	F.A
13.	Manzoor Hussain	N/Qasid	04	03.03.1969	23.01.2007	B.A
14.	Aziz Ullah	N/Qasid	04	05.10.1983	01.08.2007	F.A
15.	Abdul malik	Sweeper	04	07.04.1978	13.04.2005	S.S.C
16.	Arshad Minhas	N/Qasid	04	10.02.1977	18.02.2010	B.A
17.	Wasim Khan	N/Qasid	04	19.03.1989	09.01.2012	S.S.C
18.	Sohaib Mansoor	Chowkidar	04	09.09.1995	07.11.2012	F.A
19.	Fida Muhammad	Behshti	04	02.04.1994	18.03.2014	Matric

Attested

Attested

Mian Afrasiab Gul
 Kakakhel Advocate
 HIGH COURT PESHAWAR

Mah Gul

(E)

The Deputy Commissioner Khyber,
Tribal District.

Subject: Application for adjustment against available vacant posts of Junior Clerks.

Dear Sir,

Respectfully, it is submitted that I passed my Matriculation Examination during 1988. I was enrolled/employed in the then Political Agent Khyber Office during the year 1992. On 14-01-2005, I was appointed as Mali/Gardener vide office order No.121-24/Acctt: dt: 14-01-2005.

It would be pertinent to point out that during my entire service since 1992, I had been worked in Reader Branch as Officiating Clerk with the best satisfaction of the Incharge of the section i.e. Reader.

In view of the above circumstances and keeping in view my blotless record of service/eligibility, it is requested that I may kindly be adjusted against one of the available vacant post of Junior Clerk at an earliest possible convenience.

Thanks and best regards.

Yours Obediently,

Gul Nawaz
(Gul Nawaz)
Mali/Gardener
(Officiating Clerk)
D.C Khyber Office.

Dated: 3-11-2018.

Acct II
Amir
De Khyber
8/11/18
Attested by Amir

Office of Political Agent, Khyber
Dairy No 3152
Date 12/11/2018
Section Acct II

Attested
Mian Afrasiab
Kakakhet Advoca
HIGH COURT PESHAWAR
Mah Gul

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re: Service Appeal No. _____/2019

MEMO OF ADDRESSES

Appellant.

Gul Nawaz S/O Noor Hassan
R/O ShaiKhan Bala, Tehsil & District Peshawar

Respondents.

1. **Department of Home and Tribal Affairs,**
Through Secretary Civil Secretariat, Peshawar
2. **Additional Chief Secretary, Khyber Pakhtunkhwa.**
3. **Deputy Commissioner, District Khyber.**
4. **Shahid Ali**
Daftra
5. **Falak Naz**
Naib Qasid
6. **Sarteef Aman**
Chowkidar
7. **Muhammad Fayaz**
Naib Qasid
8. **Rajehan Khan**
Naib Qasid
9. **Shaukat Ali**
Naib Qasid
10. **Muhammad Iqbal**
Naib Qasid
11. **Fazal Mehmood**
Naib Qasid at the office of the then Political Agent Khyber

Appellant
Through

Handwritten signature in Urdu

Handwritten signature
Mian Afrasiab Gul Kakakhel
AHC

Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0333 9215562
Email: afrasyab.advocate@gmail.com

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re: Service Appeal No. 325 /2019

Gul Nawaz S/O Noor Hassan

..... *Appellant*

Versus

Department of Home and Tribal Affairs and others

..... *Respondents*

INDEX		
S. No.	Description	Pages
1.	Service Appeal	1-6
2	Annexures	
A.	Copy of Appellant's application dated 30.08.2003	7
B.	Copy of Appellant's SSC certificate	8
C.	Copy of reference of PUC	9
D.	Copy of order No. 121-24/Acctt: dated 14-01-2005	10
E.	Copy of Office order dated 3226-30 / Acctt; /08 Dated 14.10.2008	11
F.	Copy of tentative seniority list dated 30.09.2018	12
G.	Copy of circular No.4929-33 Acctt;- 11 Dated: 26.10.2018	13
H.	Copy of Application Dated: 08.11.2018, Diary No.3152	14
3.	Memo of Addresses	15
4.	Wakalatnama	16

Mian Afrasiab Gul Kakakhel
AHC

Isaac Law Associates

Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446. Mobile: 0333 9215562
Email: afrasyab.advocate@gmail.com
www.isaaclaw.org

(1)

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re: Service Appeal No. 325 /2019

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 303

Dated 04/03/2019

Gul Nawaz S/O Noor Hassan
R/o Shai Khan Bala, Tehsil & District Peshawar

..... Appellant

Versus

1. **Department of Home and Tribal Affairs,**
Through Secretary Civil Secretariat, Peshawar
2. **Additional Chief Secretary, Khyber Pakhtunkhwa.**
3. **Deputy Commissioner, District Khyber.**

..... Respondents

APPEAL UNDER SECTION 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
WHEREBY DEPARTMENTAL APPEAL /APPLICATION
OF THE APPELLANT FOR ADJUSTMENT/ PROMOTION
TO THE POST OF JUNIOR CLERK ON THE BASIS OF
EXPERIENCE / SENIORITY WITH EFFECT FROM 1992
TILL 14.01.2005, AGAINST 33% OF PROMOTION
QUOTA ON THE BASIS OF SENIORITY-CUM-FITNESS
FROM AMONGST THE QASIDS AND NAIB QASID
INCLUDING HOLDER OF OTHER EQUIVALENT POSTS
WAS NOT REPLIED / DECIDED.

Prayer: On acceptance of this appeal the
Honourable Tribunal may kindly direct the
following:

Filed to-day
Registrar
4/3/19

- I. The services rendered by the Appellant in the capacity of officiating clerk on temporary basis at the office of Respondent No.03 from 1992 till 14.01.2005 may kindly be calculated in the service of Appellant for the purpose of promotion.

- II. Set aside the tentative seniority list dated 30.09.2018 and its subsequent finalization.

Respectfully Sheweth,

Appellant humbly submits as under;

1. That Appellant is a respectable citizen of Pakistan and is entitled to all the rights enshrined in the Constitution.

2. That the Respondents are the appointing authority in the tribal district of Khyber (the then political administration of Khyber Agency).

3. That the Appellant was temporary appointed as Mali / Gardner in the then political administration of Khyber Agency in 1992, but he was assigned the duty of Officiating Clerk in reader branch.

4. That Appellant's temporary services were continued till 23.11.2004, when the Appellant submitted an application before Respondent No.03 for his regular appointment as class IV. As the Appellant had 12 years of experience as officiating clerk and academically qualified, therefore Respondent No.03 considered his application for the post of Junior clerk but due to non-availability

of said post, Appellant was appointed as (Mali/Gardner) on contract basis vide order No. 121-24/Acctt: dated 14-01-2005.

Copy of Appellant's application dated 30.08.2003 at Annexure-A.

Copy of Appellant's SSC certificate at Annexure-B

Copy of reference of PUC at Annexure-C

Copy of order No. 121-24/Acctt: dated 14-01-2005 at Annex-D.

5. That Appellant's contract appointment was later on regularized with effect from 1st July 2008 vide Office order 3226-30 / Acctt; /08, Dated 14.10.2008.

Copy of Office order 3226-30 / Acctt; /08, Dated 14.10.2008 at Annexure-E.

6. That on 30.09.2018, Respondent no.03 circulated tentative seniority list of Class IV, in which Appellant was placed at serial No.09 and his seniority was calculated from 2005 instead of 1992. Similarly vides circular No.4929-33 Acctt;- 11 Dated 26.10.2018 the above tentative seniority list was finalized.

Copy of tentative seniority list dated 30.09.2018 at Annexure-F.

Copy of circular No.4929-33 Acctt;- 11 Dated 26.10.2018 at Annexure-G.

7. That as it was mentioned in the circular No.4929-33 Acctt;- 11 Dated 26.10.2018, that if anyone have objection over the tentative seniority list Dated 30.09.2018, they may submit their objection

within 15 days, appellant feeling aggrieved from the tentative seniority list dated 30.09.2018, filed departmental appeal / Application dated 08.11.2018 bearing Diary No.3152 before Respondent No.03 but the same has not yet been decided, likewise the tentative seniority list dated: 30-09-2018, was considered as final seniority list.

Copy of Application Dated 08.11.2018,
Diary No.3152 at Annexure-H.

8. That as per rules and prevailing laws the seniority/experience is always considered from the first day of employee's attendance in a department.
9. That the Appellant time and again requested the Respondents to consider his experience/seniority from 1992 and decide appellant application dated 08.11.2018, but of no vain.
10. That despite of several requests, Respondents have turned deaf ear, hence Appellant having no other efficacious remedy to avail except to approach this Honourable Court, *inter alia*, on the following:

Grounds:

- I. That the impugned action is violative of law and facts, refusal of respondents is to be based not only on relevant law and rules but also to be based on some tangible material which could be lawfully taken note of. It is the duty of competent Authority to consider all the eligible candidates while putting them in juxtaposition, to find out the meritorious amongst them.

- II. That authority is to be exercised according to rational reasons which means that there be finding of primary facts based on good evidence, decisions about facts be made for reasons which serve the purpose of statute in an intelligent and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and mis-use of power.
- III. That the respondents have refused to Appellant's applications in order to appoint their blue eyed at the cost of Appellant's right, knowing well all vacancies by that time would be filled leaving no room for consideration the appointment of Appellant.
- IV. That Appellant time and again requested the respondents to appoint him on the vacant post, on which he is already working for more than two and half decades but the respondents never paid any heed, which manifest obvious illegality, irregularity and discrimination on the part of Respondents.
- V. That the Respondents have not treated the Appellant in accordance with Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan
- VI. That the impugned act is gross violation of the fundamental rights of the Appellant duly protected by the constitution of Islamic Republic of Pakistan.
- VII. That further assistance shall be made at the time of arguments after due permission of the court.

6

Prayer: It is therefore, respectfully prayed that, on acceptance of this appeal the Honourable Tribunal may kindly direct the followings;

III. The services rendered by the Appellant in the capacity of officiating clerk on temporary basis at the office of Respondent No.03 from 1992 till 14.01.2005 may kindly be calculated in the service of Appellant for the purpose of promotion.

IV. Set aside the tentative seniority list dated 30.09.2018 and its subsequent finalization.

ii. Any other relief deemed appropriate in the peculiar circumstances of the case may also be very kindly afforded to the Appellant.

Appellant
Through

Mian Afrasiab Gul Kakakhel

Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0333 9215562
Email: afrasyvab.advocate@gmail.com

(A)

7

Annex - A

گورنمنٹ پبلسکیشن ایجنسی پاکستان

دہلی اسٹیٹ پبلشرز اور پرنٹرز
پبلسنگ

Delhi

گورنمنٹ پبلسکیشن ایجنسی پاکستان کے سٹور آف ایسٹرن ڈسٹریبیوٹرز
 ایئر کنڈیشننگ اور فیلڈ 12/11/1992 سے لے کر 1992 سے
 جاری کتاب نمبر 11 کے تحت سے اپنی ڈسٹریبیوٹرز
 کے ذریعے فائنل اسٹاک سے اسٹاک ڈسٹریبیوٹرز
 سٹور آف ایسٹرن ڈسٹریبیوٹرز کے سٹور آف ایسٹرن ڈسٹریبیوٹرز
 ایئر کنڈیشننگ اور فیلڈ 12/11/1992 سے لے کر 1992 سے
 جاری کتاب نمبر 11 کے تحت سے اپنی ڈسٹریبیوٹرز
 کے ذریعے فائنل اسٹاک سے اسٹاک ڈسٹریبیوٹرز
 سٹور آف ایسٹرن ڈسٹریبیوٹرز کے سٹور آف ایسٹرن ڈسٹریبیوٹرز

الذی
 23/8/04
 30/8/04

ATK
 by AP
 30/8/04

30/8/04


8

Annex - B

s.No 591625

Roll No. 8445




BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
 Peshawar N.W.F.P. Pakistan
 Secondary School Certificate Examination
 SESSION 1988 (ANNUAL)

THIS IS TO CERTIFY THAT Gul Nawaz

Son/Daughter of Noor Hasan

and a student of Govt: High School Sheikhān, Peshawar

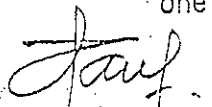
has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in April 1988 as a *Regular candidate*. He/She obtained 417 Marks out of 850 and has been placed in Grade D Representing Fair

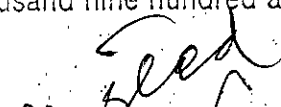
The Candidate passed in the following subjects:

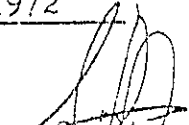
- | | | | |
|------------|---------------------|-----------------|---------------------|
| 1. English | 3. Islamiyat | 5. Gen: Science | 7. Gen: Mathematics |
| 2. Urdu | 4. Pakistan Studies | 6. Isl: Studies | 8. Pashto |

He/She has been awarded Grade D on the basis of internal assessment by the Institution concerned.

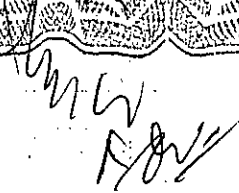
Date of birth according to admission form is Eleventh March, one thousand nine hundred and Seventy Two (11-3-1972)


 Asstt. Secretary
 31st August 1988




 Secretary

This certificate is issued without alteration or erasure.



9

Annex - C

Reference Attached Puc

Vide Puc the applicant Gul Nawaz had requested for his appointment as Class IV servant in this office.

He is serving as temporary Naib Qasid in V.O. Branch for the last about 12 years and he is also metriculate. Kind PA 86 had remarked his application to be put up after selection of Junior clerks. Now all the seats of J.C. are filled in and resultantly one post of Naib Qasid has fallen vacant.

submitted for orders deemed proper, please.

Supt.

For orders H.

PA/Recd

PAW

Supt

Spr.

25.11.02 23/11/04

Attached

by [Signature] Supt.

(E) (10)

Annex - D

OFFICE OF THE POLITICAL AGENT
KHYBER AGENCY.

ORDER.

Mr. Gul Nawaz s/o Noor Hassan resident of Bara Sheikhan is hereby appointed as Mali/Gardener with usual allowances on contract basis for three years with immediate effect.

POLITICAL AGENT
KHYBER AGENCY.

No. 181-84 /Acctt: dated Peshawar the 14/11 /05.

Copy forwarded for information to:-

- 1. Agency Accounts Officer Khyber.
- 2. Accountant Main Office.
- ✓ 3. Official concerned.
- 4. Personal file.

POLITICAL AGENT
KHYBER AGENCY.

Handwritten signatures and initials:
 A. H. ...
 ...
 ...
 Adv.

OFFICE OF THE POLITICAL AGENT, KHYBER AGENCY.
OFFICE ORDER.

No. 3226-30 /Acctt:/08 Dated Peshawar the 19/10/2008.

In pursuance of the Federal Cabinet decision regarding regularization of BS-1 to BS-15 Contract Employees (Case No. 76/10/2008 dated 04.06.2008) issued vide Government of Pakistan, Cabinet Secretariat, Establishment Division, Islamabad letter No. 10/30/2008-R-II dated 29.08.2008 read with Government of N.W.F.P Home & TA's Department letter No. S.O B&A (F) HD /1-35/2008, dated 08.09.2008, the following officials who were appointed in this office on the posts as noted against their names on contract basis after completion of all codal formalities, shall be regularized w.e.f 1st July 2008: -

S No.	Name	Appointed as	Appointment Order number / date.
01.	Mr. Fateh Yab	Junior Clerk	No. <u>1627-29/Acctt</u> : Dt: 17.07.2003
02.	Daud Khan	Junior Clerk	No. <u>1627-29/Acctt</u> : Dt: 17.07.2003
03.	Javed Khan Afridi	Junior Clerk	No. <u>1208-10/Acctt</u> : Dt: 20.05.2004
04.	Faisal Khan	Junior Clerk	No. <u>497-99/ Acctt</u> : Dt: 20.03.2004
05.	Mukaram Khan	Junior Clerk	No. <u>07-09 /Acctt</u> : Dt: 02.08.2004
06.	Saif-ur-Rehman	Junior Clerk	No. <u>01-03 /Acctt</u> : Dt: 23.07.2004
07.	Naveed Alam	Naib Qasid	No. <u>859-61 /Acctt</u> : Dt: 19.04.2005
08.	Shoukat Ali	Naib Qasid	No. <u>420-22/Acctt</u> : Dt: 28.02.2004
09.	Nazar Hussain Shah	Naib Qasid	No. <u>137-39 /Acctt</u> : Dt: 15.04.2005
10.	Fazal Mehmood	Naib Qasid	No. <u>551-53 /Acctt</u> : Dt: 17.03.2004
11.	Muhammad Iqbal	Naib Qasid	No. <u>554-56 /Acctt</u> : Dt: 17.03.2004
12.	M. Fayaz	Naib Qasid	No. <u>1712-14/Acctt</u> : Dt: 24.05.2002
13.	Rajehan Khan	Naib Qasid	No. <u>1762-64/Acctt</u> : Dt: 01.08.2002
14.	Gul Nawaz	Mali	No. <u>121-24/Acctt</u> : Dt: <u>14.01.2005</u>
15.	Malang Shah	Mali	No. <u>962-64/Acctt</u> : Dt: 08.05.2006
16.	Hashim Khan	Behisti	No. <u>117-20 /Acctt</u> : Dt: 14.01.2005
17.	Mehraban Shah	Behisti	No. <u>3682-84/Acctt</u> : Dt: 21.10.2002
18.	Gul Hamid	Behisti	No. <u>725-54/ Acctt</u> : Dt: 15.04.2003
19.	Fida Hussain	Chowkidar	No. <u>3035-37/Acctt</u> : Dt: 10.08.2004
20.	Abdul Malik	Sweeper	No. <u>809-12/Acctt</u> : Dt: 13.04.2005
21.	Muhammad Azam	Sweeper	No. <u>3093-95/Acctt</u> : Dt: 11.08.2004

No. 3226-30 /Acctt:/08.
Copy to:-

Political Agent, Khyber.

1. The Agency Accounts Officer, Khyber at Jamrud alongwith copy of above referred letter.
2. The Section Officer (B&A) FATA, Government of N.W.F.P Home & TA's Department w/r to his letter referred to above.
3. The Section Officer (Budget), SAFRON Division, Islamabad.
4. The P.S to ACS FATA.
5. Officials concerned.

Political Agent, Khyber.

**FINAL SENIORITY LIST OF CLASS - IV GOVERNMENT
SERVANTS OF POLITICAL AGENT, KHYBER OFFICE AS IT
STOOD ON 30.09.2018.**

(12)

Annex - 5

<u>S.No.</u>	<u>Name</u>	<u>Designation</u>	<u>BPS</u>	<u>D.O.B</u>	<u>Date of Appointment</u>	<u>Qualification</u>
1.	Shahid Ali	Daftari	05	01.05.1973	11.04.1996	F.A
2.	Falak Naz	N/Qasid	04	09.11.1974	30.12.1996	F.A
3.	Sarteef Aman	Chowkidar	04	01.07.1983	04.05.2001	F.A
4.	Muhammad Fayaz	N/Qasid	04	15.04.1983	24.05.2002	SSC
5.	Rajehan Khan	N/Qasid	04	22.11.1983	01.08.2002	SSC
6.	Shukat Ali	N/Qasid	04	06.09.1976	28.02.2004	M.A
7.	Muhammad Iqbal	N/Qasid	04	10.05.1964	17.03.2004	B.A
8.	Fazal Mehmood	N/Qasid	04	05.02.1969	17.03.2004	S.S.C
9.	Gul Nawaz Khan	Mali	04	11.03.1972	14.01.2005	S.S.C
10.	Nazar Hussain	Mali	04	25.09.1967	15.01.2005	D.Com
11.	Naveed Alam	N/Qasid	04	15.04.1985	19.04.2005	M.A
12.	Ibrar Hussain	N/Qasid	04	20.03.1981	10.06.2005	F.A
13.	Manzoor Hussain	N/Qasid	04	03.03.1969	23.01.2007	B.A
14.	Aziz Ullah	N/Qasid	04	05.10.1983	01.08.2007	F.A
15.	Abdul malik	Sweeper	04	07.04.1978	13.04.2005	S.S.C
16.	Arshad Minhas	N/Qasid	04	10.02.1977	18.02.2010	B.A
17.	Wasim Khan	N/Qasid	04	19.03.1989	09.01.2012	S.S.C
18.	Sohaib Mansoor	Chowkidar	04	09.09.1995	07.11.2012	F.A
19.	Fida Muhammad	Behshti	04	02.04.1994	18.03.2014	Matric

Handwritten signatures and initials at the bottom of the page.

**OFFICE OF THE DEPUTY COMMISSIONER
KHYBER**



No. 4929-33 /Acctt:-II

Dated 26 / 10 /2018.

CIRCLE

A tentative seniority list of Class-IV servants of this office as it stood on 30.09.2018 is hereby issued. All concerned are directed to go through the same and submit their objection on it, if any, within 15 days, positively. After that no objection would be entertained and it will be considered as final seniority list.

Deputy Commissioner
Khyber

Copy alongwith seniority list is forwarded to :-

1. The Addl. Deputy Commissioner, Khyber.
 2. The Assistant Commissioner, Landikotal.
 3. The Assistant Commissioner, Jamrud.
 4. The Assistant Commissioner, Bara.
- For circulation amongst the concerned staff.
5. All concerned staff in Main Office.

AP Esler
my Cap
Adv

Hand
Deputy Commissioner
Khyber

(E)

The Deputy Commissioner Khyber,
Tribal District.

Subject: Application for adjustment against available vacant posts of Junior Clerks.

Dear Sir,

Respectfully, it is submitted that I passed my Matriculation Examination during 1988. I was enrolled/employed in the then Political Agent Khyber Office during the year 1992. On 14-01-2005, I was appointed as Mali/Gardener vide office order No.121-24/Acett: dt: 14-01-2005.

It would be pertinent to point out that during my entire service since 1992, I had been worked in Reader Branch as Officiating Clerk with the best satisfaction of the Incharge of the section i.e. Reader.

In view of the above circumstances and keeping in view my blotless record of service/eligibility, it is requested that I may kindly be adjusted against one of the available vacant post of Junior Clerk at an earliest possible convenience.

Thanks and best regards.

Yours Obediently,

Gul Nawaz
8/11/2018
(Gul Nawaz)
Mali/Gardener
(Officiating Clerk)
D.C Khyber Office:

Dated: 8-11-2018.

Acett II

at
De Khyber

8/11/18
by *Gul Nawaz*

Office of Political Agent, Khyber
Dairy No. 3152
Date 12/11/2018
Section Acett II

(15)

**BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL, KP
PESHAWAR**

In Re: Service Appeal No. _____/2019

MEMO OF ADDRESSES

Appellant.

**Gul Nawaz S/O Noor Hassan
R/O ShaiKhan Bala, Tehsil & District Peshawar**

Respondents.

1. **Department of Home and Tribal Affairs**
2. **Additional Chief Secretary, Khyber Pakhtunkhwa.**
3. **Deputy Commissioner, District Khyber.**

Appellant
Through

Mian Afrasyab/Gul Kakakhel
AHC

Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0333 9215562
Email: alrasyab.advocate@gmail.com

04/02
18.
Adv.

قیمت 50 روپے	5716			
ایڈوکیٹ: صبا انصاری سہیل علی صاحبہ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-09-1599				
رابطہ نمبر: 0333-9215562				

بعدالت جناب:

منجانب: ایپلائنٹ	دعویٰ:
سہیل نواز	علت نمبر:
بنام	مورخہ:
مڈ سپرائزڈ آف بیرو انڈسٹریل	جرم:
آفیسرز	تھانہ:

باعث تحریر آنکہ

شان شوہد / مڈ سپرائزڈ آف بیرو انڈسٹریل - سہیل نواز

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام پشاور کیلئے صبا انصاری سہیل علی صاحبہ کو کیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 04/03/2018

العبد العبد گسواہ شد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

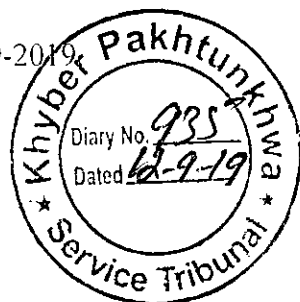
No. 2605 /Acctt-II.

Dated: 11-09-2019.

From: The Deputy Commissioner Khyber.

To: The Registrar,
Khyber Pakhtunkhwa Services Tribunal. Peshawar.

Subject: Service Appeal No.325/2019 in respect of Mr. Gul Nawaz s/o Noor Hassan Versus Department of Home & Tribal Affairs and others.



Memorandum.

Reference your office notice for hearing of the subject case on 13-09-2019.

The appellant was appointed as Mali (BPS-1) on 14-01-2005 vide this office order No.121-24/Acctt-II and not in 1992 as claimed by the appellant. Accordingly, his name was included in the relevant seniority list (for the purpose of 33% quota fixed for promotion as Junior Clerk) on which his name falls at Sr.No.9.

To Sum-up, eight class-IV servants that are senior to him will be deprived of their right of promotion, if the appellant Gul Nawaz is granted out of turn promotion.

Keeping in view, it is requested to drop the petition while all the promotions will be granted/recommended by the relevant Departmental Promotion Committee in accordance with law/regulations and due seniority list maintained by the office.

04-copies of this letter as 'written statement' of this office are forwarded as desired in notice under reference.

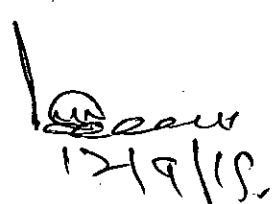

Deputy Commissioner Khyber.

No. / Acctt-II

Copy forwarded to the Section Officer(Lit:), Merged Areas Secretariat, Home & T.A Department, Warsak Road, Peshawar with reference to his letter No. S.O (Lit)/CSF/2852 dated: 28-08-2019, for information.


Deputy Commissioner Khyber.

put up to the court with relevant appeal.


12/9/19.

No. 2605 /Acett-II.

Dated: 11-09-2019.

From: The Deputy Commissioner Khyber.

To: The Registrar,
Khyber Pakhtunkhwa Services Tribunal. Peshawar.

Subject: Service Appeal No.325/2019 in respect of Mr. Gul Nawaz s/o Noor Hassan Versus Department of Home & Tribal Affairs and others.

Memorandum.

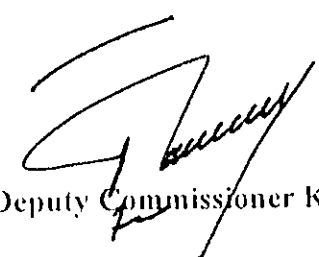
Reference your office notice for hearing of the subject case on 13-09-2019.

The appellant was appointed as Mali (BPS-1) on 14-01-2005 vide this office order No.121-24/Acett-II and not in 1992 as claimed by the appellant. Accordingly, his name was included in the relevant seniority list (for the purpose of 33% quota fixed for promotion as Junior Clerk) on which his name falls at Sr.No.9.

To Sum-up, eight class-IV servants that are senior to him will be deprived of their right of promotion, if the appellant Gul Nawaz is granted out of turn promotion.

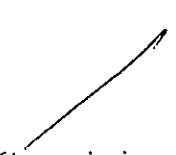
Keeping in view, it is requested to drop the petition while all the promotions will be granted/recommended by the relevant Departmental Promotion Committee in accordance with law/regulations and due seniority list maintained by the office.

04-copies of this letter as 'written statement' of this office are forwarded as desired in notice under reference.

✓

Deputy Commissioner Khyber.

No. / Acett-II

Copy forwarded to the Section Officer(Lit), Merged Areas Secretariat, Home & T.A Department, Warsak Road, Peshawar with reference to his letter No. S.O (Lit)/CSF/2852 dated: 28-08-2019, for information.


Deputy Commissioner Khyber.