



11.06.2019

Clerk of counsel for the appellant and Mr. Mian Ameer Qadir, learned District Attorney for the respondents present. Clerk of counsel for the appellant seeks adjournment as counsel for the appellant is not available today. Adjourn. To come up for arguments on 03.09.2019 before D.B at Camp Court Swat.

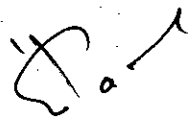
  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

03.09.2019

Learned counsel for the appellant present. Mr. Mian Amir Qadir learned Deputy District Attorney present. Vide separate/common judgment of today of this Tribunal placed on file Service Appeal bearing No.652/2016, the present service appeal is accepted and the respondent department is directed to consider the case of the appellant in the prescribed manner for his promotion to the post of Junior Clerk from the date when his erstwhile junior Class-IV colleagues were promoted. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED.  
03.09.2019

653/2016

06.03.2019


Counsel for the appellant and Mian Amir Qadar, District Attorney for the respondents present.

Learned counsel for the appellant states that the defence taken by the respondents No. 1 in para-3 of the written reply is not supported by relevant minutes/decision of Departmental Promotion Committee. He further states that rules under which the impugned promotions were made, are also not appended with the written reply. In his view the said material shall be necessary for just decision of the appeal in hand.

The respondent No. 1 shall produce the above noted record positively on the next date of hearing.


Adjourned to 03.04.2019 before the D.B at camp court, Swat.


  
Member

Chairman  
Camp Court, Swat 

03.04.2019

Clerk of counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Clerk of counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is busy before Dar-ul-Qaza Swat. Adjourn. To come up for arguments on 11.06.2019 before D.B at Camp Court Swat.

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

04.12.2018

Irfan Muhammad Advocate on behalf of learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Irfan Muhammad Advocate requested for adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 06.12.2018 before D.B at Camp Court Swat.


  
Member

  
Member  
Camp Court, Swat

06.12.2018

Appellant in person and Mr. Usman Ghani learned District Attorney ~~present~~ with Mr. Zewar Khan S. Jeeal for the respondents present. Adjournment requested. Adjourn by way of last chance. To come up for arguments on 10.01.2019 before D.B at Camp Court Swat.


  
Member

  
Member  
Camp Court, Swat

10.01.2019

Appellant in person present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel has gone to Saudi Arabia for performing of Umra. Adjourned. To come up for arguments on 06.03.2019 before D.B at Camp Court Swat.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

05.07.2018

Mr. Shamsul Hadi Advocate counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment Adjourned. To come up for arguments on 06.09.2018 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat.

06.09.2018

Appellant Kashif Hameed in person along with Mr. Shams-ul-Hadi, Advocate present. Mr. Usman Ghani, District Attorney for respondents present. Learned District Attorney made a request for adjournment to consult the Advocate General office. Granted. Case to come up for arguments on 05.11.2018 before D.B at camp court Swat.

  
Member

  
Chairman  
Camp Court Swat

05.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 04.12.2018 at camp court Swat.

  
Reader

06.11.2017

Appellant in person and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 04.01.2017 before S.B at camp court, Swat



Member

Chairman  
Camp court, Swat

04.1.2018

Clerk to counsel for the appellant and Mian Amir Qadar, District Attorney alongwith Mr. Khawas Khan, S.I (Legal) for the respondents present. Counsel for the appellant is not in attendance. To come up for arguments on 08.03.2018 before the D.B at camp court, Swat.



Member

Chairman  
Camp Court, Swat.

08.03.2018

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 10.05.2018 before the D.B at camp court, Swat.

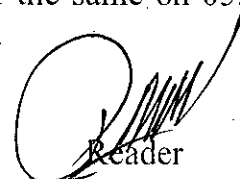


Member

Chairman  
Camp court, Swat

09.05.2018


The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.



Reader

09.12.2016

Appellant in person and Mian Amir Qadir, GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 09.02.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat


6  
09.02.2017


Counsel for the appellant and Mr. Muhammad Khursheed Supdt alongwith Mian Amir Qadar, GP for the respondents present. Written reply by respondent No. 1 submitted while respondents No. 2 & 3 have already *been placed ex parte* submitted written reply. The appeal is assigned to D.B for rejoinder and final hearing for 04.07.2017 at camp Court, Swat.

  
Chairman  
Camp Court, Swat.

7. 04.07.2017

Clerk of counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Muhammad Rahim Shah, Asstt. AG and Qaisar Ali Shah, Addl. AG for the respondents present. Clerk of counsel for the appellant requested for adjournment due to ailment of counsel for the appellant. Adjourned. To come up for rejoinder and final hearing on 07.11.2017 before the D.B. at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat


13.7.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Naib Qasid in the office of Advocate General vide office order dated 06.7.2010 while private respondents No. 2 & 3 were appointed as such vide office order dated 16.12.2013. That despite senior position of the appellant private respondents No. 2 & 3 were promoted as Junior Clerk vide office order dated 14.07.2014 where-against appellant preferred departmental appeal on 10.02.2016 which was not responded and hence the present appeal on 08.06.2016.

That the appellant was senior to private respondents No. 2 & 3 and was therefore entitled to promotion as Junior Clerk in preference to the said private respondents.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days. notices be issued to the respondents for written reply/comments for 06.10.2016 before S.B at camp court Swat.

Appellant Deposited  
Security & Process Fee

  
Chairman  
Camp Court, Swat

06.10.2016


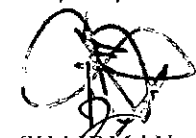
Clerk of counsel for the appellant, Mr. Muhammad Rahim Shah, Asstt. AG alongwith Mian Amir Qadar GP for the official respondent No. 1. Requested for adjourned. None present for private respondents No. 2 & 3 despite service. Proceeded ex-parte. To come up for written reply/comments on 09.12.2016 at camp court, Swat.

  
Chairman  
Camp Court, Swat

Form- A  
FORM OF ORDER SHEET

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

Case No. 653/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/06/2016	<p>The appeal of Mr. Kashif Hameed resubmitted today by Mr. Shams-ul-Hadi 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-	17-6-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on. <u>13-7-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

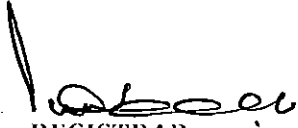


The appeal of Mr. Kashif Hammed Naib Qasid Office of the A.G KPK, received to-day i.e. on 08.06.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that in every memorandum of appeal, the competent authority whose order is challenged shall be shown as respondent No. 1.
- 2- Copy of seniority list of January 2016 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.


No. 989 /S.T,

Dt. 9/6 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Shamsul Hadi Adv.

*Re-submitted  
Seniority list attached with appeal is  
marked 'C'*



**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 653 /2016.

Kashif Hameed.....Appellant

**V E R S U S**


Mohsin Kamal & others.....Respondents

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<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
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2.	Affidavit		6
3.	Addresses of the Parties		7
4.	Copy of seniority list	A	8-9
5.	Copy of promotion order dated: 14.07.2014	B	10
6.	Copy of seniority	C	11
7.	(Copy of department appeal	D	12-13
8.	Waklat Nama		14

Appellant

Through

  
**Shams-ul-Hadi**  
Advocate High Court  
Cell No. 0333-9337626

Dated: 06/06/2016

①

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 653 /2016

Khyber Pakhtunkhwa Service Tribunal

Diary No. 599

Dated 8/6/2016

Khashif Hameed Naib Qasid

Additional Advocate General Office at Peshawar High Court,  
Mingora Bench/ Dar-ul-Qaza, Swat.....Appellant

**V E R S U S**

1. Advocate General Khyber Pakhtunkhwa Peshawar.

*Ex Parte  
6/10/16*

(2) Mohsin Kamal Junior Clerk Additional Advocate General Office  
at Peshawar High Court, Mingora Bench/ Dar-ul-Qaza, Swat.

(3) Arshid Iqbal Junior Clerk Additional Advocate General Office  
at Peshawar High Court, Mingora Bench/ Dar-ul-Qaza, Swat.

.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER**

**PUKHTUNKHWA SERVICE TRIBUNAL ACT**

*Filed to-day  
Registrar  
8/6/16*

**1974 AGAINST IMPUGNED ORDER No.**

**12373-76/A.G DATED 14/07/2104**

**SENIORITY LIST OF JANUARY 2016**

**AGAINST WHICH APPELLANT FILED**

*Re-submitted to -day  
and filed.*

**DEPARTMENTAL APPEAL ON DATED**

**10/02/2016 WHICH WAS NOT DECIDED**

*Registrar  
16/6/16*

**WITHIN STATUTORY PERIOD.**

**PRAYER IN APPEAL:**

*On acceptance of this appeal the impugned order No. 12373/A.G: dated 14/07/2014 seniority list of January 2016 may kindly be set aside and the appellant may kindly be promoted to the post Junior Clerk according to his seniority by maintaining correct seniority list and the appellant be awarded with all back benefits of service or any other relief which this august tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.*

**Respectfully Sheweth:**

1. That vide order dated 06.07.2010 the appellant was appointed as Naib Qasid BPS-1 and posted at officer of the Additional Advocate General, Peshawar High Court, Minagora Bench/ Dar-ul-Qaza, Swat.(Copy of seniority list is annexure "A")
2. That in compliance with the above said order the appellant assumed his charge on the same date and till date he has been performing his duties very honestly and efficiently.

3. That on 14.07.2014 the Advocate General Office, Peshawar promoted 1. M. Mohsin Kamal 2 Arshad Iqbal )both appointed as Naib Qasid on 16.12.2013 to the post of junior clerk, while the seniority of appellant was not considered for the subject post.(Copy of promotion order dated: 14.07.2014 is annexure "B")
4. That on 17.07.2014 the advocate General Office, Peshawar again not considered my seniority for the post of junior clerk and 1. Muhammad Zubair (appointed as Muslim Sweeper on 23.08.2010) 2. Abdur Rahman (appointed as Naib Qasid on 05.10.2011) were promoted the post of junior clerk.
5. That on 02.08.2014 the Advocate General Office, Peshawar once again promoted Mr. Mashal Khan (appointed as Naib Qasid on 01.12.2012) to the post of junior clerk and did not consider the grievances of the appellant regarding the illegal promotion and when revised seniority list was issued where the respondents were not shown.(Copy of seniority list is annexure "C")
6. That when the said seniority list was communicated to the appellant then the appellant filed departmental appeal

which was not decided within statutory period (Copy of department appeal is annexure "D")

That being aggrieved the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

**GROUND:**

- A. That the main grievances of the appellant was against the illegal promotion of the mention Class-IV promoted to junior clerks was most junior from the appellant but the competent authority did not consider the grievances of the appellant regarding the illegal promotion.
- B. That the respondents were illegally promoted to the post of Junior Clerk that too contrary to the rules and seniority list.
- C. That the appellant performing his duties with zeal and zest and not compliant from any quarter has been received till date and the appellant was quite fit for promotion but the appellant was deferred which is against the law and rules on the subject


5

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order No. 12373/A.G: dated 14/07/2014 seniority list of January 2016 may kindly be set aside and the appellant may kindly be promoted to the post Junior Clerk according to his seniority by maintaining correct seniority list and the appellant be awarded with all back benefits of service or any other relief which this august tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.

  
Appellant

Through

Dated: 06.06.2016

  
**Shams-ul-Hadi**  
Advocate, High Court





6

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2016

Kashif Hameed.....Appellant

**VERSUS**

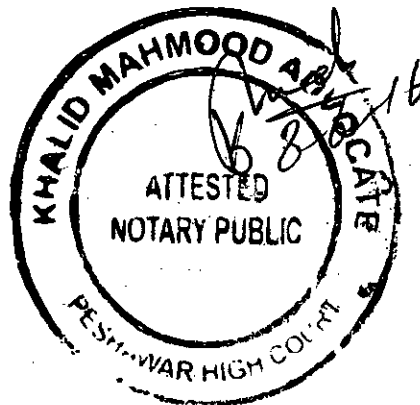
Mohsin Kamal & others.....Respondents

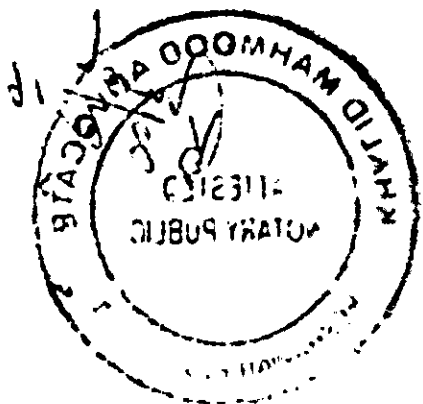
**AFFIDAVIT**

I, **Shams ul Hadi**, Advocate, do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**ADVOCATE**





(7)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_/2016

Kashif Hameed.....Appellant

**V E R S U S**

Mohsin Kamal & others.....Respondents

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

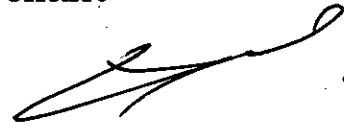
Khashif Hameed Naib Qasid Additional Advocate General  
Office at Peshawar High Court, Mingora Bench/ Dar-ul-Qaza,  
Swat.

**RESPONDENTS:**

1. Advocate General Khyber Pakhtunkhwa Peshawar.
2. Mohsin Kamal Junior Clerk Additional Advocate General Office  
at Peshawar High Court, Mingora Bench/ Dar-ul-Qaza, Swat.
3. Arshid Iqbal Junior Clerk Additional Advocate General Office  
at Peshawar High Court, Mingora Bench/ Dar-ul-Qaza, Swat.

Appellant

Through



**Shmas-ul-Hadi**  
Advocate, Peshawar.

Dated: 06/06/2016

PROPOSED SENIORITY LIST OF THE CLASS - IV, AS IT STOOD ON 31-12-2013

Daftari / Naib Qasid

⑧ Annex - "A"

S.No	Name of the Official	Designation	Academic Qualification	Date of Birth	Domicile	Date of first Entry into Govt. Service	Regular appointment / to the present post			Present Appointment		Remarks / Station
							Date	BPS	Method of Recruitment	Designation	Date	
1	Yasir	Daftari	Middle	26.04.1980	Peshawar	23.10.1998	14.12.2013	2	By Promotion	Daftari	14.12.2003	Peshawar
2	Azeem Khan	Naib Qasid	Nil	1957	Peshawar	01.04.1976	01.04.1976	3	By Selection	Naib Qasid	01.04.1976	Peshawar
3	Muhammad Rafiq	Naib Qasid	Nil	01.07.1955	Peshawar	11.04.1978	11.04.1978	3	By Selection	Naib Qasid	11.04.1978	Peshawar
4	Jehanzeib	Naib Qasid	Primary	1955	Abbottabad	02.01.1982	02.01.1982	2	By Selection	Naib Qasid	02.01.1982	Abbottabad
5	Asif Khan	Naib Qasid	Middle	04.09.1959	Abbottabad	01.09.1983	01.09.1983	2	By Selection	Naib Qasid	01.09.1983	Abbottabad
6	Pooner Khan	Naib Qasid	Nil	01.07.1960	D.I.Khan	01.07.1985	01.07.1985	2	By Selection	Naib Qasid	01.07.1985	D.I.Khan
7	Yaqoob Khan	Naib Qasid	Nil	11.03.1959	Peshawar	01.02.1987	01.02.1987	2	By Selection	Naib Qasid	01.02.1987	Peshawar
8	Shakeel ur Rehman	Naib Qasid	Nil	01.01.1964	D.I.Khan	01.11.1990	01.11.1990	2	By Selection	Naib Qasid	01.11.1990	D.I.Khan
9	Kiramat Khan	Naib Qasid	Nil	02.01.1971	Peshawar	01.07.1992	01.07.1992	2	By Selection	Naib Qasid	01.07.1992	Peshawar
10	Wilayat Khan	Naib Qasid	Nil	1968	Charsadda	02.10.1993	02.10.1993	2	By Selection	Naib Qasid	02.10.1993	Peshawar
11	Wali Khan	Naib Qasid	Nil	25.01.1971	Peshawar	01.04.1991	01.06.1999	2	By Selection	Naib Qasid	01.05.1999	Peshawar
12	Fida Muhammad	Naib Qasid	Nil	1972	Peshawar	22.12.1990	06.02.2002	2	By Selection/A	Naib Qasid	06.02.2002	Peshawar
13	Allah Bakhsh	Naib Qasid	Nil	1962	D.I.Khan	15.03.1987	02.04.2009	2	By Selection	Naib Qasid	02.04.2009	D.I.Khan
14	Firdous Khan	Naib Qasid	Nil	01.08.1975	Peshawar	28.03.2007	01.07.2009	2	By Selection	Naib Qasid	01.07.2009	Peshawar
15	Haleem Khan	Naib Qasid	Middle	04.04.1986	Peshawar	28.03.2007	01.07.2009	2	By Selection	Naib Qasid	01.07.2009	Peshawar
16	Muhammad Uzair	Naib Qasid	Middia	15.04.1978	Peshawar	01.07.2009	01.07.2009	1	By Selection	Naib Qasid	01.07.2009	Peshawar
17	Yousaf Ali Khan	Naib Qasid	Nil	03.03.1981	Charsadda	01.07.2009	01.07.2009	1	By Selection	Naib Qasid	01.07.2009	Peshawar
18	Israr Ahmad	Naib Qasid	Matric	18.04.1990	Charsadda	01.07.2009	01.07.2009	1	By Selection	Naib Qasid	01.07.2009	Peshawar
19	Bilal Ahmad	Naib Qasid	Middle	06.09.1979	Peshawar	16.11.2002	01.02.2010	2	By Promotion	Naib Qasid	01.02.2010	Peshawar
20	Muhammad Ilyas	Naib Qasid	FA	02.03.1982	Charsadda	10.02.2010	10.02.2010	1	By Selection	Naib Qasid	10.02.2010	Services Tribunal, Peshawar
21	Imtiaz Ali	Naib Qasid	FA	20.08.1986	Charsadda	10.02.2010	10.02.2010	1	By Selection	Naib Qasid	10.02.2010	Services Tribunal, Peshawar
22	Behramand	Naib Qasid	Matric	24.04.1965	Charsadda	15.03.2010	15.03.2010	1	By Selection	Naib Qasid	15.03.2010	Supreme Court, Islamabad
23	Muhammad Riaz	Naib Qasid	Matric	11.03.1988	Peshawar	15.03.2010	15.03.2010	1	By Selection	Naib Qasid	15.03.2010	Peshawar
24	Zameer Jan	Naib Qasid	FA	18.05.1990	Charsadda	01.04.2010	01.04.2010	1	By Selection	Naib Qasid	01.04.2010	Supreme Court, Islamabad
25	Kashif Hameed	Naib Qasid	Matric	11.09.1989	Charsadda	06.07.2010	06.07.2010	1	By Selection	Naib Qasid	06.07.2010	Dar-ul-Qaza, Swat
26	Mukhtar Waqas	Naib Qasid	FA	02.04.1991	Peshawar	23.11.2010	23.11.2010	1	By Selection	Naib Qasid	23.11.2010	Dar-ul-Qaza, Swat
27	Ziafat Ullah	Naib Qasid	BA	01.05.1980	Peshawar	05.10.2011	05.10.2011	1	By Selection	Naib Qasid	05.10.2011	Bannu
28	Abdur Rehman	Naib Qasid	Matric	11.11.1986	D.I.Khan	05.10.2011	05.10.2011	1	By Selection	Naib Qasid	05.10.2011	D.I.Khan

ATTESTED

(9)

30	Muhammad Saqib	Naib Qasid	Middle	01.04.1985	Peshawar	06.10.2011	06.10.2011	1	By Selection	Naib Qasid	06.10.2011	Abbottabad
31	Jehanzeb	Naib Qasid	---	01.01.1989	Bannu	06.10.2011	06.10.2011	1	By Selection	Naib Qasid	06.10.2011	Bannu
32	Abdur Rehman	Naib Qasid	Matric	12.03.1983	Charsadda	13.10.2012	13.10.2012	1	By Selection	Naib Qasid	13.10.2012	Peshawar
33	Usman Ali	Naib Qasid	-	01.07.1987	Charsadda	13.10.2012	13.10.2012	1	By Selection	Naib Qasid	13.10.2012	Peshawar
34	Mashal Khan	Naib Qasid	-	01.04.1988	Peshawar	01.12.2012	01.12.2012	1	By Selection	Naib Qasid	01.12.2012	Peshawar
35	Ibrahim	Naib Qasid	Matric	09.04.1979	Mardan	16.01.2013	16.01.2013	1	By Selection	Naib Qasid	16.01.2013	Peshawar
36	Muhammad Qasim	Naib Qasid	FA	05.04.1981	Mardan	16.04.2013	16.01.2013	1	By Selection	Naib Qasid	16.01.2013	Peshawar
37	M. Mohsin kamal	Naib Qasid	FA	19.07.1987	Peshawar	16.12.2013	16.12.2013	1	By Selection	Naib Qasid	16.12.2013	Peshawar
38	Arshad Iqbal	Naib Qasid	B.SC	06.10.1994	Peshawar	16.12.2013	16.12.2013	1	By Selection	Naib Qasid	16.12.2013	Peshawar
										Naib Qasid		Chitral

## Farash + Mali + C Chowkidar

1	Qutub ul Arif	Chowkidar	Nil	1987	D.I.Khan	20.02.2006	20.02.2006	2	By Selection	Mali	20.02.2006	D. I. Khan
2	Khan Waiz	Chowkidar	Nil	25.08.1970	Abbottabad	01.09.1988	01.09.1988	2	By Selection	Chowkidar	01.09.1988	Abbottabad
3	Muhammad Saleem	Chowkidar	Nil	14.03.1974	D.I.Khan	07.07.1992	02.04.2009	2	By Selection	Chowkidar	02.04.2009	D. I. Khan
4	Akhtar Munir	Chowkidar	Nil	01.01.1977	Peshawar	22.01.2009	22.01.2009	2	By Selection	Chowkidar	22.01.2009	Peshawar
5	Johar	Farash	Nil	01.01.1978	Peshawar	11.02.2010	11.02.2010	1	By Selection	Farash	11.02.2010	Peshawar
6	Shakeel Ahmad	Chowkidar	F.Sc.	13.04.1987	Charsadda	15.03.2010	15.03.2010	1	By Selection	Chowkidar	15.03.2010	Supreme Court, Islamabad
7	Ayub Khan	Chowkidar	Nil	01.01.1986	Peshawar	15.03.2010	15.03.2010	1	By Selection	Chowkidar	15.03.2010	Services Tribunal, Peshawar
8	Ruhul Amin	Chowkidar	Nil	16.06.1989	Peshawar	23.11.2010	23.11.2010	1	By Selection	Chowkidar	23.11.2010	Dar-ul-Qaza, Swat
9	Nashed Ullah	Chowkidar	Matric	01.12.1980	Bannu	06.10.2011	06.10.2011	1	By Selection	Chowkidar	06.10.2011	Bannu
10	Amir Afridi	Mali	Middle	01.01.1992	Peshawar	06.10.2011	06.10.2011	1	By Selection	Mali	06.06.2011	Bannu

## Sweepers

1	Yousaf Masih	Sweeper	Nil	1968	Peshawar	11.01.1992	11.01.1992	1	By Selection	Sweeper	11.01.1992	Peshawar
2	Tariq Masih	Sweeper	Nil	20.01.1980	Peshawar	01.10.1999	01.10.1999	1	By Selection	Sweeper	01.10.1999	Peshawar
3	Jamal Shah	Sweeper	Primary	06.05.1984	Charsadda	01.02.2010	01.02.2010	1	By Selection	Sweeper	01.02.2010	Services Tribunal, Peshawar
4	Subhan	Sweeper	Middle	09.04.1984	Peshawar	15.03.2010	15.03.2010	1	By Selection	Sweeper	15.03.2010	Supreme Court, Islamabad
5	Muhammad Zubair	Sweeper	Matric	01.01.1986	D.I.Khan	23.08.2010	23.08.2010		By Selection	Sweeper	23.08.2010	D.I. Khan
6	Zia Alam	Sweeper	Matric	01.06.1981	Peshawar	12.10.2011	12.10.2011		By Selection	Sweeper	12.10.2011	Abbottabad
7	Sarif Masih	Sweeper	Middle	10.03.1984	Bannu	30.11.2012	30.11.2012		By Selection	Sweeper	30.11.2012	Bannu

ATTESTED

Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar

January 2016

Annex. "C"

(11)

JUNIOR CLERK (EPS-11)

date of opp

1	Izher Ahmad	BA	20.04.1987	Peshawar	11.04.2011	11.04.2011	11	By Selection	Junior Clerk	11.04.2011	Peshawar
2	Muhammad Hamed	BA	16.07.1986	Peshawar	05.10.2011	05.10.2011	11	By Selection	Junior Clerk	05.10.2011	Peshawar
3	Mian M. Shoaib	FA	07.03.1987	Peshawar	05.10.2011	05.10.2011	11	By Selection	Junior Clerk	05.10.2011	Peshawar
4	Hafeez ur Rehman	B.Com	13.03.1988	Peshawar	05.10.2011	05.10.2011	11	By Selection	Junior Clerk	05.10.2011	Peshawar
5	Abdul Bais	F.Sc.	15.04.1992	Peshawar	05.10.2011	05.10.2011	11	By Selection	Junior Clerk	05.10.2011	Abbottabad
6	Jawad Iqbal	FA	11.06.1988	Peshawar	06.10.2011	06.10.2011	11	By Selection	Junior Clerk	06.10.2011	D.I.Khan
7	Jauher Ali Khan	BA	20.04.1984	Charsadda	10.10.2011	10.10.2011	11	By Selection	Junior Clerk	10.10.2011	Bannu
8	Adnan Khan	F.Sc.	09.04.1988	Bannu	13.10.2011	13.10.2011	11	By Selection	Junior Clerk	13.10.2011	Peshawar
9	Haroon-ur-Rashid	FA	12.03.1980	Charsadda	24.07.2006	14.12.2013	11	by promotion	Junior Clerk	14.12.2013	Bannu
10	Arshid Ali	FA	11.10.1975	Charsadda	01.07.2009	14.12.2013	11	by promotion	Junior Clerk	14.12.2013	Peshawar
11	Shakeel Ahmad	F.Sc.	13.04.1987	Charsadda	15.03.2010	16.07.2014	11	by promotion	Junior Clerk	14.12.2013	Peshawar
12	Zameer Jan	FA	18.05.1990	Charsadda	01.04.2010	16.07.2014	11	by promotion	Junior Clerk	14.07.2014	Peshawar
13	M. Mohsin karnal	FA	19.07.1987	Peshawar	16.12.2013	14.07.2014	11	by promotion	Junior Clerk	14.07.2014	Peshawar
14	Arshad Iqbal	B.Sc	06.10.1994	Peshawar	16.12.2013	14.07.2014	11	by promotion	Junior Clerk	14.07.2014	Peshawar
15	Muhammad Zubair	M.Sc	01.01.1986	D.I.Khan	23-08-2010	19.07.2014	11	by promotion	Junior Clerk	14.07.2014	Peshawar
16	Abdur Rehman	Matric	11.11.1986	D.I.Khan	05.10.2011	19.07.2014	11	by promotion	Junior Clerk	19.07.2014	D.I.Khan
17	Israr Ahmad	Matric	18.04.1990	Charsadda	01.07.2009	22.07.2014	11	by promotion	Junior Clerk	19.07.2014	D.I.Khan
18	Muhammad Ilyas	FA	02.03.1982	Charsadda	10.02.2010	22.07.2014	11	by promotion	Junior Clerk	22.07.2014	Abbottabad
19	Mashal Khan	Matric	01.04.1988	Peshawar	01.12.2012	02.08.2014	11	by promotion	Junior Clerk	22.07.2014	Dar-ul-Qaza
20	Imtiaz Ali	F.A.	20.08.1986	Charsadda	10.02.2010	13.07.2015	11	by promotion	Junior Clerk	26.07.2014	Abbottabad
21	Mohammad Riaz	F.A.	15.03.1988	Peshawar	15.03.2010	13.07.2015	11	by promotion	Junior Clerk	13.07.2015	Peshawar
22	Bilal Ahmad	Matric	06.09.1979	Peshawar	16.11.2002	17.11.2015	11	by promotion	Junior Clerk	13.07.2015	Peshawar
23	Vacant									17.11.2015	Peshawar
											Chitral

*Amber*

ADMINISTRATIVE OFFICER  
Advocate General's Office

ATTESTED

Annex-D

(12)

To

The advocate General,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REQUEST/REPRESENTATION FOR PROMOTION TO THE POST OF JUNIOR CLERK FROM NAIB QASID ACCORDING TO THE SENIORITY LIST.

Respectfully Sir,

The applicant humbly submits as under:-

1. With due honour and respect it is submitted that vide order dated: 06.07.2010 the applicant was appointed as Naib Qasid BPS-01 and posted at office of the Additional Advocate General, Peshawar High Court, Mingora Bench/ Dar-ul-Qaza, Swat in order of seniority.
2. That in compliance with the above said order the applicant assumed his charge on the same date and till date he has been performing his duties very honestly and efficiently
3. As on 14.07.2014 the Advocate General Office, Peshawar promoted 1. M. Mohsin Kamal 2. Arshad Iqbal (both appointed as Naib Qasid on 16.12.2013) to the post of Junior Clerk, while the seniority of applicant was not considered for the subject post.
4. That on 19.07.2014 the Advocate General Office, Peshawar again not considered my Seniority for the post of Junior Clerk and 1. Muhammad Zubair (appointed as Muslim Sweeper on 23.08.2010) 2. Abdur Rahman (appointed as Naib Qasid on 05.10.2011) were promoted to the post of Junior Clerk.
5. That on 02.08.2014 the Advocate General Office, Peshawar once again promoted Mr. Mashal Khan (appointed as Naib Qasid on 01.12.2012) to the post of Junior Clerk and did not consider the grievances of the applicant regarding the illegal promotion
6. That being aggrieved this departmental representation is filed on the following grounds

~~ATTESTED~~

**GROUND:**

1. That in the first request/representation ~~of the applicant~~ the main grievances of the applicant were against the illegally promotion of the mentioned Class-IV promoted to Junior Clerks was most Junior from the applicant but the competent authority did not consider the grievances of the applicant regarding the illegal promotions.
2. That on 13.03.2015 the applicant submit another request/representation before your honour but upto now the applicant did not receive any reply of the same.
3. That the applicant preformed his duties enthusiastically since from his date of appointment.

**PRAYERS:**

Your honour is, therefore, very humbly requested that on acceptance of this representation the case of the applicant for promotion may be consider according to the seniority list dated: 31.12.2013 and officials who were illegally promoted to the posts of Junior Clerks may be reverted according to law.

Thanking you in the anticipation.

Dated: 10.02.2016.

Your humble applicant,

*Kashif* 10-02-2016  
**Kashif Hameed**

Naib Qasid

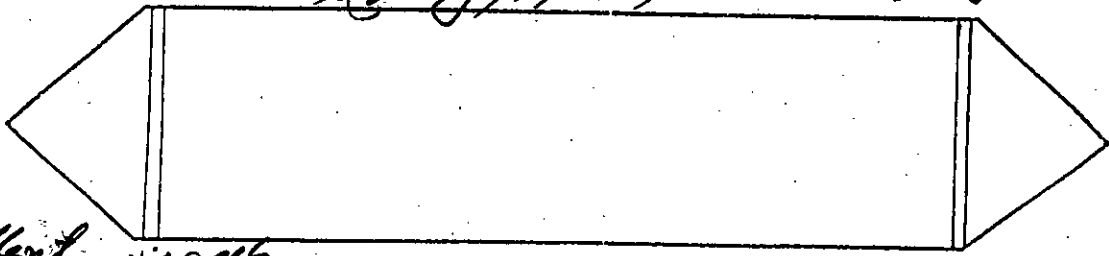
Additional Advocate General Office,  
 Khyber Pakhtunkhwa,  
 At PHC, Mingora Bench/ Dar-ul-Qaza,  
 Swat.

  
**ATTESTED**

*R/Su*  
*Forwarded*  
*To kind Ambassador plus*  
*10/2/16*  
 Addl. Advocate General  
 Khyber Pakhtunkhwa  
 Dar-ul-Qaza, Swat



## بعدالت سندس فیروز علی



APPELLANT 2016 پنجاب

کاسٹم حکم بنام جسٹس سہیل دھیر

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ  
آن مقام لکھنؤ کیلئے جسٹس سہیل دھیر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

کاسٹم حکم  
Shahid

المرقوم 07 ماہ جون 2016

کے لئے منظور ہے۔

بمقام شہید  
Shamsul-Hadi  
Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No.653/2016

Kashif Hameed

Versus

Advocate General Khyber Pakhtunkhwa and others

**WRITTEN REPLY/COMMENTS ON BEHALF OF RESPONDENT NO.01**

**PRILIMINARY OBJECTIONS**

- i. That appeal in hand is hopelessly time barred, as the impugned order is passed on 14/07/2014, while first representation was filed on 13/03/2015 as admitted in para No.1&2 of second representation dated 10/02/2016, it is crystal clear from the record that appellant was aware about the impugned order, hence the appellant is estopped by his conduct to file instant appeal.
- ii. The promotion of respondent No.2 & 3 were made on the basis of their "fitness" to hold the post of junior clerk.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iv. That the appellant is estopped by his own conduct to file the instant appeal.
- v. The appellant did not comply the mandatory provision of Section-79 C.P.C. and Article 174 of Constitution of Islamic Republic of Pakistan, 1973, hence appeal is liable to be dismissed on this score alone.
- vi. The appellant has not come to this Hon'ble Court with clean hands, hence is not entitled for any relief.
- vii. Appeal in hand is not maintainable in its present form and also hit by doctrine of waiver.

**ON FACTS**


1. Para 1 & 2 need no reply pertains to record.
3. Para No.3 is correct to the extent that respondent No.2 & 3 were promoted vide office order dated 14/07/2014 on the basis of their "fitness". The appellant was not considered by the competent authority as "fit" to hold the post of junior clerk. The said action of the competent authority cannot be challenged in any forum.

4. Para No.4 & 5 need no reply, however, that the order of promotion dated 17/07/2014 and 02/08/2014 neither impugned in the instant appeal nor employees mentioned therein were arrayed as respondents meaning thereby the appellant is not aggrieved from their promotion.
5. Incorrect para No. 6 is drafted is an attempt to cover the statutory limitation as the impugned order of promotion was issued on 14/07/2016, while representation was filed on 15/03/2015, whereas second representation was filed on 10/02/2016, it is manifests from the record that appellant was well aware about the issuance of impugned order by waiving him to sue, hence estopped to file instant appeal, moreover, there are plethora of judgments of August Superior Court that delay of each and every day shall be explained, the appellant neither explained the delay nor filed any condonation application, in the circumstance the appeal in hand is liable to be dismissed being barred by time. {Copy of request/representation dated 13/03/2015 is attached herewith}.

**GROUNDS**

- A. Incorrect detail reply is given in above paras, moreover, instant appeal is hopelessly time barred.
- B. Incorrect, the respondent No.2 & 3 is more zealous and got more experience, worked at principal seat at Peshawar as compared to appellant.
- C. Incorrect detail reply is given in above paras.

In the light of above it is humbly prayed that on acceptance of reply the instant appeal be dismissed with cost throughout.

  
07.02.2017

Advocate General  
Khyber Pakhtunkhwa  
Peshawar  
Respondent No.1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No.653/2016

Kashif Hameed

.....Appellant


Versus

Advocate General Khyber Pakhtunkhwa & others

.....Respondents

**AFFIDAVIT**

I, Muhammad Khursheed, Superintendent (Judicial) office of the Advocate-General, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of accompanying **parawise comments** on behalf of **Respondent No.1** are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.



DEPONENT  
CNIC No.12201-6033265-1

18

2318  
21/3/15  
21/3

To  
The Additional Advocate General  
Khyber Pakhtunkhwa  
at Dar-UI-Qaza Swat

Subject: Request for promotion according to Seniority list

Respected Sir,

It is requested as under:

1. As the office of the worthy Advocate General Khyber Pakhtunkhwa at Peshawar issued a Seniority List of Employees stood on 31-12-2014.
2. In the List of Class IV employees I am on Serial No: 32, as in the List of Junior clerk Employees on serial No: 14, 15, 16, 17 & 20 (Promoted to Junior Clerk from the Post of Class IV according to previous 2014 seniority list) are junior than me but promoted to the post of junior Clerk.

So, it is humbly requested to accept my application for promotion to the post of Junior Clerk according to seniority list.

Applicant:

Yours sincere,

Kashif Hameed (Naib Qasid)  
at Additional Advocate General  
Office Khyber Pakhtunkhwa  
Dar-UI-Qaza Swat

Respected Sir,  
Recommendation  
for promotion in  
favorable consideration.

13/3/15  
Addl. Advocate-General  
Khyber Pakhtunkhwa  
Dar-UI-Qaza Swat

For necessary action.

The Accty:

21/3/15