

Before the Hon'ble Khyber Pakhtunkhwa Service  
Tribunal, Peshawar.

Ivshad Ahmed Khan

vs

Judiciary.

Application for allowing the appellant  
to submit seniority list

Respectfully Sheweth,

1. That the above-titled service appeal is pending adjudication before this Hon'ble Tribunal and fixed for today for preliminary arguments.
2. That seniority list of the appellant is necessary for placing on file and just disposal of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this application the appellant may graciously be allowed to submit his seniority list & the same may kindly be considered part & parcel of the main appeal.

Date 4-9-2018

Appellant.  
Through

Ghulam Ali Bangash  
Advocate

**TENTATIVE SENIORITY LIST 2018 OF THE CLASS-IV STAFF OF SESSIONS DIVISION PESHAWAR  
NAIB QASID/ CHOWKIDAR/SWEEPER/MALI/WATER CARRIER**

Sr#	Name of Official	Present post	Date of Appointment	Date of acquiring SSC	Date of Birth	Date of Retirement on Superannuation	Date of Arrival
1	Mr. Irshad Ahamd	Water Carrier	11/1/2014	1986 (A)	20-01-1969	19-01-2029	11/1/2014
2	Mr. Safeer Ullah s/o Aman Ullah	Naib Qasid	17-04-2012	1990 (A)	8/1/1973	7/1/2034	17-04-2012
3	Mr. Zakir Ullah	Naib Qasid	1/2/2013	1991 (A)	25-03-1973	24-03-2034	6/2/2013
4	Mr. Mashhad Ali	Sweeper	9/7/2013	1991 (A)	15-03-1975	14-03-2035	9/7/2013
5	Mr. Sardar Shah	Chowkidar	8/4/2014	1992 (A)	27-02-1976	26-02-2036	8/4/2014
6	Syed Kifayat Ullah Shah	Chowkidar	8/1/2011	1993 (A)	10/5/1977	9/5/2027	8/1/2011
7	Syed Ishaq Shah	Naib Qasid	2/2/2013	1993 (A)	7/3/1977	6/3/2037	2/2/2013
8	Mr. Abdur Rashid	Chowkidar	8/1/2011	1993 (S)	25-03-1977	24-03-2027	8/1/2011
9	Mr. Fate Ullah	Naib Qasid	8/1/2011	1996 (A)	16-03-1980	15-03-2040	8/1/2011
10	Mr. Fazal-e-Rabbi	Chowkidar	2/2/2013	1996 (S)	13-10-1980	12/10/2040	6/2/2013
11	Mr. Ghufuran Ullah	Naib Qasid	2/2/2013	1997 (A)	2/3/1981	1/3/2041	2/2/2013
12	Mr. Saeed ur Rehman s/o Akhtar Munir	Naib Qasid	17-04-2012	1999 (A)	10/4/1982	9/4/2042	17-04-2012
13	Mr. Sajid Ullah	Chowkidar	17-04-2012	1999 (S)	10/1/1980	9/1/2040	17-04-2012
14	Mr. Wasi Ullah	Naib Qasid	2/2/2013	1999 (S)	1/2/1979	31-01-2039	2/2/2013
15	Mr. Ishfaq Ahmad	Mali	9/7/2013	2001 (A)	17-09-1983	16-09-2043	13-07-2013
16	Mr. Makhdoom Mohuyiddin	Naib Qasid	8/1/2011	2002 (A)	6/7/1981	5/7/2041	8/1/2011
17	Mr. Sakhi Jan	Naib Qasid	8/1/2011	2002 (A)	3/12/1985	2/12/2045	8/1/2011
18	Mr. Farukh Shehzad	Naib Qasid	9/7/2013	2002 (A)	25-10-1983	24-10-2043	9/7/2013
19	Mr. Fakhar-uz-Zaman	Naib Qasid	17-04-2012	2003 (A)	8/2/1984	7/2/2044	17-04-2012
20	Mr. Akbar Khan	Naib Qasid	17-04-2012	2004 (A)	15-08-1985	14-08-2045	17-04-2012
21	Maryam Mushtaq	Naib Qasid	1/2/2013	2004 (S)	14-02-1988	13-02-2048	6/2/2013
22	Mr. Moon Anthony	Sweeper	17-04-2012	2005 (A)	12/2/1985	11/2/2054	17-04-2012
23	Mr. Saddam Hussain s/o Aksar Khan	Naib Qasid	17-04-2012	2006 (S)	20-08-1992	19-08-2052	17-04-2012
24	Mr. Izhar uddin	Naib Qasid	1/2/2013	2007 (A)	10/12/1990	9/12/2050	6/2/2013
25	Mr. Khan Zeb	Chowkidar	2/2/2013	2007 (S)	24-03-1990	23-03-2050	2/2/2013
26	Mr. Usman Riaz	Naib Qasid	8/7/2015	2008 (A)	19-01-1991	18-01-2051	8/7/2015
27	Mr. Shahid Khan	Sweeper	9/7/2013	2008 (S)	2/2/1990	01-02-250	9/7/2013
28	Mr. Barkat	Naib Qasid	6/6/2015	2008	10/4/1989	9/4/2049	6/6/2015
29	Mr. Kamran Sher	Naib Qasid	8/7/2015	2008 (s)	16-04-1986	15-04-2046	8/7/2015
30	Mr. Muhammad Wisal	Naib Qasid	31-07-2010	2010 (A)	15-03-1991	14-03-2091	2/8/2010
31	Syed Hilal	Naib Qasid	2/2/2013	2010 (A)	1/4/1994	31-03-2054	2/2/2013
32	Mr. Zaka Ullah	Mali	9/7/2013	2010 (S)	8/9/1993	7/9/2053	16-07-2013
33	Mr. Asad Khan s/o Pervaiz Iqbal	Naib Qasid	16-02-2008	2011 (A)	1/1/1988	31-12-2048	16-02-2008
34	Mr. Mian Ghufuran	Naib Qasid	8/4/2014	2011 (A)	3/6/1986	2/6/2046	8/4/2014
35	Mr. Hilal Khan	Naib Qasid	20-06-2015	2011 (A)	2/12/1994	1/12/2054	20-06-2015
36	Mr. Muhammad Awais	Naib Qasid	22-05-2010	2012 (A)	29-10-1991	28-01-2051	20-05-2010
37	Mr. Gul Wahab	Chowkidar	17-04-2012	2013 (A)	13-01-1982	12/1/2042	17-04-2012

*Superintendent*  
**District & Sessions Court,**  
**Peshawar.**

25-10-18



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

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No. 6642  
Dated Peshawar 22/10/18

To  
The Registrar,  
KP Service Tribunal, Peshawar

Subject: **COMMENTS: DEPARTMENTAL APPEAL NO. 398/2018**  
Mr. Irshad Ahinad Khan ...Vs... DSJ Peshawar etc

Diary No. 2043  
Date 22-10-18

Dear Sir,

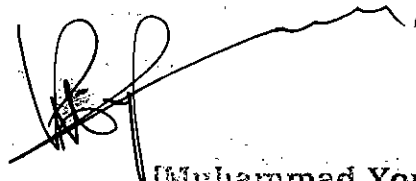
Para-wise comments to the subject appeal are submitted as under:

1. The august Peshawar High Court Peshawar has held that there was no fault on part of the appellant/official and therefore appellant/official was granted due benefit and he was reinstated in service.
2. Incorrect. The appellant was though reinstated in service by the august Peshawar High Court Peshawar, however it was ordered that *"The intervening period shall be considered as leave without pay"*; as such the period from 05/08/2010 to 14/12/2013 cannot be counted in his service.
3. Incorrect. The appellant did not assail the order of august High Court regarding his reinstating in service without back benefit, thus, he cannot claim the said benefits now.
4. Incorrect. If the appellant was aggrieved from such relief (i.e. reinstating in service without back benefits), he should have assailed the same before competent forum which he did not, as such his plea on this ground is not only meritless but also badly time barred.
5. Pertains to record.
6. Incorrect. The appellant was reinstated in service by order of the august High Court but without back benefits and the intervening period was ordered to be considered as leave without pay. Since Leave-without-pay is not considered as qualified service, thus his service cannot be counted from the date of initial appointment.

22/10/2018

7. Since leave-without-pay is not considered as qualified service, the appellant/official cannot claim his seniority on the basis of period he spent as leave without pay.
8. Incorrect. The officials so promoted were entitled for promotion on the basis of their seniority-cum-fitness and no discrimination whatsoever was committed by this office. The appellant is junior to the promoted officials and is in line of his seniority and will be promoted on his turn.
9. Incorrect. The appeals filed by appellant before august High Court as well as before this court have been disposed of purely on merits and in accordance with law.
10. Incorrect. No violation of law/rules has been committed by this office, and case of the appellant has been considered under the relevant provisions of law.
11. Incorrect. The appellant has been dealt with in accordance with law and purely on merit and no violation whatsoever has been made.
12. Incorrect. The orders passed by this office are correct, legal, just and purely according to the prevailing rules/law.
13. Incorrect as explained in Para-12 above.
14. Incorrect as explained in Para-12 above.

In view of the above, it is requested that appeal of the appellant/official having no legal footing may please be dismissed.



[Muhammad Younis]  
District & Sessions Judge,  
Peshawar.

22/10/2018

398/18

25-10-18

Irshad Ahmad



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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No. 6643  
Dated Peshawar 22/10/18

Khyber Pakhtunkhwa  
Service Tribunal

To The Registrar,  
KP Service Tribunal,  
Peshawar.

Diary No. 2042  
Dated 22-10-18

Subject: DEPARTMENTAL APPEAL  
Appeal No. 398/2018 "Irshad Ahmad ..Vs.. D&SJ, Peshawar, etc"

Dear Sir,

All the respondents in the subject appeal have been properly informed, while copies of summonses are annexed herewith for ready reference.

Mr. Sajjad Ahmad, Assistant/ACC of this Office is designated as Departmental Representative and is authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 25/10/2018 in connection with the subject Departmental Appeal.

[Muhammad Younis]  
District & Sessions Judge,  
Peshawar

22/10/2018

Put up to the court with relevant appeal.

23/10/18