

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

CM No. _____/2023

IN

APPEAL No. ~~823~~/2022

SHAH FAZIL

VS.

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS

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Applicant/Appellant

Through


ALI GOHAR DURRANI

Advocate High Court(s)

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SHAH | DURRANI | KHATTAK

(A REGISTERED LAW FIRM)

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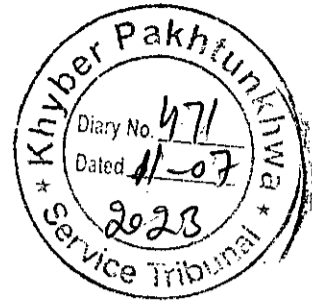
NEW SHAMI ROAD, PESHAWAR.

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

CM No. _____/2023
IN
APPEAL No. 347 /2022

SHAH FAZIL
VS.

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS



CM FOR RESTRAINING THE RESPONDENTS IN PROCESSING PROMOTION AND HOLDING OF PSB (PROVINCIAL SELECTION BOARD) FOR PROMOTION IN THE PPS CADRE ON THE BASIS OF IMPUGNED SENIORITY LIST, SO CHALLENGED VIDE THE APPEAL AT HAND.

Respectfully Submitted:

1. That the subject captioned case is pending adjudication before this Honorable Tribunal and is fixed for 11-08-2023. The contents of the appeal may be read as part and parcel for the determination and decision of the instant appeal.
2. That the appellant has a prima facia case and balance of convenience also lies in favor of appellant.
3. That a letter has been issued by the Establishment Department on 07-07-2023 regarding the streamlining of Provincial Selection Board (PSB) meetings. According to the said letter, the PSB meeting is expected to be held in first week of August 2023, and working papers have been sought from all the Administrative Secretaries to enable promotions to take place. This includes the PPS Cadre and any promotions that will be undertaken shall directly deprive rather rob the appellants of their due right of promotion, as the action shall be based in the highly contentious, illegal, seniority the basis of which is nothing but rooted in malice and nepotism.

(Copy of letter dated 07-07-2023 is attached)

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4. That the appellant shall suffer irreparable loss if the Respondents are not restrained from holding **PSB** or are allowed to process promotion cases of the respondents.
5. That despite repeated directions by this Hon'ble Tribunal the respondents have not submitted their comments yet.
6. It is in the best interest of justice, equity, fair play and proprietary demands that the said application may please be allowed and the respondents be restrained to hold **PSB** in respect of the PPS Cadre, and not to proceed with the promotion cases in the cadre.

It is, therefore, most humbly prayed that on the acceptance of this application the Respondents may please be restrained from holding **PSB** in respect of the PPS Cadre, and not to proceed with the promotion cases in the cadre on the basis of the impugned seniority list, that is under challenge before this honorable Tribunal through the appeal at hand.

Applicant/Appellant

Through



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AFFIDAVIT

I, do hereby solemnly declare and affirm on oath that the contents of this CMA are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'able Tribunal as per the instructions so conveyed to me by my client.

Deponent

ALI GOHAR DURRANI
Advocate High Court

ATTESTED
Gul Daraz Khan
Oath
Commissioner
Advocate High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) E/D/1-25/2022/PSB
Dated Peshawar, the July 07, 2023

To

All Administrative Secretaries
to the Govt. of Khyber Pakhtunkhwa.

Subject: - STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.

Dear Sir,

I am directed to refer to this Department letter of even No. dated 23.12.2021 on the subject and to say that the PSB meeting is expected to be held in 1st week of August 2023. The working papers (complete in all respects) for promotion to be placed before the PSB meeting may be furnished well before the cut off date which is fixed as 21.07.2023. Most importantly, working papers of the officers who are at the verge of retirement and falling in the promotion zone must be forwarded on priority basis.

2. I am further directed to say that no working paper will be accepted/received after the above mentioned cut off date and that the Administrative Department will be responsible for any delay in submission of working papers and the resultant deprivation of any officer from promotion/consideration.


Yours faithfully,


SECTION OFFICER (PSB) 7/7/23

ENDST. EVEN NO. & DATE.

copy is forwarded to

1. All Section Officers in Regulation Wing of Establishment Department.
2. PS to Secretary Establishment, Govt. Khyber Pakhtunkhwa
3. PS to Special Secretary Regulation Establishment Department.
4. PAs to Additional Secretaries (Reg-I, & II), Establishment Department.
5. PAs to Deputy Secretaries (Reg-I, II & III), Establishment Department.


SECTION OFFICER (PSB)