

Next Date = 15.4.2024
at Camp court D.I. Khan

AMENDED

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 2078/2023

Hashmat Khan

Versus

Govt. of KPK etc

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1.	Grounds of amended service appeal with affidavit	--	
2.	Copies of the advertisement, recommendation letters, writ petition, status quo, judgment and copy of the appointment order of the colleagues and copy of the appointment order of appellant record	Already ² annexed with service appeal	
3.	Vakalatnama	--	

Dated: 04/03/2024

Humble Appellant



Hashmat Khan
Through Counsel


Sheikh Iftikhar ul Haq
Advocate Supreme Court

Received by post.

Amended Appeal
BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

In Service Appeal No. 2078 / 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11651

Dated 07-03-2024

Hashmat Khan son of Gulla Khan r/o Darazinda Tehsil
Darazinda District Dera Ismail Khan. 0343-970 9886

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Department, Peshawar.
2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
3. **District Education Officer** (Male) Dera Ismail Khan.
4. **Sub Divisional Education Officer** (Male) Dera Ismail Khan.
5. **District Accounts Officer** Dera Ismail Khan.

(RESPONDENTS)

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of instant service appeal, the appellant's appointment be considered from the date of 09/11/2021 instead of 09/09/2022 along with all back benefits including monthly salaries & other emoluments & seniority i.e. considering the services of the appellant from the date of 09/11/2021 instead of 09/09/2022 as their 3 colleagues be recommended/appointed on this same date i.e. 09/11/2021 i.e. the seniority and other rights for which the appellant is entitled be given to the appellant from 09/11/2021 as his three other colleagues were appointed and as the appellant and his colleagues were recommended on the same date and as the appellant is older in age from his three colleagues of which recommendation was made on the same date and was entitled to be appointed on the same date.

Respectfully Sheweth;

Appellant humbly submits and requests as under:-

1. That the respondents advertised various posts including posts of SST (IT), wherein the appellant also applied for the post of SSTIT and was placed at serial No. 4 in the merit list of SST (IT) and was recommended for appointment on 09/11/2021 along with their other colleagues. One Samiullah Khan Challenged the appointment of appellant on the basis of disable quota in WP#410-D/2021, wherein that case status quo was granted in favour of Samiullah. Later on the writ petition of Samiullah was dismissed on 29/06/2022 and the appellant was appointed on 09/09/2022 with immediate effect. Although the appellant was entitled to be appointed on 09/11/2021 on the date upon which the appellant was recommended along with his three other colleagues. Copies of the advertisement, recommendation letters, writ petition, status quo, judgment and copy of the appointment order of the colleagues and copy of the appointment order of appellant record are annexed as already enclosed.
2. That the appellant feeling aggrieved from the acts and omissions, from the appointment order of the appellant as in the appointment order was from the immediate effect and not from the date of 09/11/2021 as the appellant was recommended for the said post and his colleagues were appointed, hence, the appellant submitted departmental appeal on 05/07/2023 which was not responded, meaning thereby rejected, hence, the instant service appeal after the stipulated period, inter alia, on the following grounds.

GROUND: -

- A. That, the acts and omissions of respondents are against law by not considering the date of appointment of petitioner as 09/11/2021.
- B. That the order of the appointment of appellant is not in commence of EASTA Code to the extent by not considering

the appellant from the date of recommendation, hence, the order of the appointment of the appellant is liable to be modified.

- C. That the appellant is entitled to be considered from the date of recommendations i.e. 09/11/2021 in the light of judgment of superior courts as well as, as per principle of law, service rules, service policy because after the well versed and genuine recruitment process, the appellant was recommended along with their colleagues. Hence, the appellant is also be dealt in accordance with law with no discrimination as per article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- D. That the acts and omissions of the respondents/authority are against the principle of law, service acts & rules, and also against the natural justice.
- E. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.

It is therefore humbly prayed that on acceptance of instant service appeal, the appellant's appointment be considered from the date of 09/11/2021 instead of 09/09/2022 along with all back benefits including monthly salaries & other emoluments & seniority i.e. considering the services of the appellant from the date of 09/11/2021 instead of 09/09/2022 as their 3 colleagues be recommended/appointed on this same date i.e. 09/11/2021 i.e. the seniority and other rights for which the appellant is entitled be given to the appellant from 09/11/2021 as his three other colleagues were appointed and as the appellant and his colleagues were recommended on the same date and as the appellant is older in age from his three

colleagues of which recommendation was made on the same date and was entitled to be appointed on the same date.

Any other appropriate relief, which this Honourable Court deems fit in the circumstances of case, may also be granted to the petitioner.

Dated: 04/03/2024

Humble Appellant



Hashmat Khan
Through Counsel



Sheikh Iftikhar ul Haq
Advocate Supreme Court

AMENDED
BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 2078/2023

Hashmat Khan Versus Govt. of KPK etc

SERVICE APPEAL

CERTIFICATE

Certified that no service appeal on the subject has earlier been filed before this Hon'ble Tribunal.


Appellant
Through Counsel

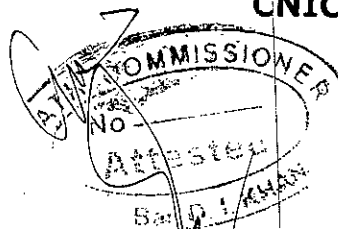
AFFIDAVIT:

I, **Hashmat Khan** son of Gulla Khan r/o Darazinda Tehsil Darazinda District Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on Oath that contents of the service appeal are true and correct to the best of our knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

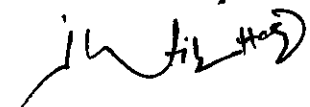
Dated: 04/03/2024


DEPONENT

CNIC# 2230-3441936-1



Identified by Counsel


Sh: Afhikhar ul-Haq
A.S.C