

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR***Amended*

S. A. No. 7498 /2021

Saif Ur Rehman

versus

PPO &amp; Others

**WRITTEN STATEMENT ON BEHALF OF**  
**R. NO. 06, 08, 09 and 10**Member Pakhtunkhwa  
Service TribunalDiary No. 11789Dated 18-03-2024**Respectfully Sheweth,****Preliminary Objections:**

- That at such a belated stage, appellant seeks promotion / anti-dation in four ranks, i.e. ASI, SI, Inspector and DSP which is against the norms of law.
- That the appeal is miserably time barred and hit by limitation.
- That appellant has no cause of action / locus standi against R. No. 03 to 10.
- That in a single appeal appellant has made several requests not in time, so the appeal is meritless.

**ON FACTS**

- Needs no comments. Replying respondents were also on the same footing with more clean and neat service record as against appellant.
- Correct to the extent of issuing order of appellant by R. No. 01 of R. No. 03 to 09 on 18-12-2006. Having adverse service record name of appellant was dropped from the run.
- Correct to the extent of Writ Petition and its acceptance by the High Court Abbottabad Bench. Petitioner never filed such like petition for the purpose, so being personal grievance, he cannot take advantage of such Writ Petition.
- Correct to the extent of approval of the names of appellant along with 02 others but on 15-06-2007 and not with effect from 18-12-

*19-03-2024  
D.B  
Peshawar.*

2006 vide order dated 23-01-2007. Yet appellant was legally required to ante date his appointment order after his appointment to become on line with his colleagues.

5. Correct to the extent of confirmation of the colleagues on 20-01-2011 with effect from 28-12-2006 but at same time, appellant slept over his right. Appellant should have agitated the said order well within time and not at such a belated stage.
6. Correct to the extent of confirmation of the colleagues to various stages but at the same, appellant never think so for his right. Much water has been flown beneath the bridge, so at such a belated stage, he cannot turn the whole scenario what order he would challenge now.
7. In response to this para of the appeal, it is stated that if any violation of appellant right was made, he had full opportunity to rectify the same either through departmental proceedings or through legal forum.
8. True but as stated earlier, appellant should have agitated the matter, if any, well within time and not at this belated stage. Which order he would now rectify at this stage. Filing of representation as such a belated stage is now of no avail to him.
9. Allowed from the end of replying respondents.

**GROUND:**

- a. Not correct. At every stage, appellant slept over his right as at such a stage he wants to ante date order of SI, order of officiating Inspector and order of Inspector. So he cannot claim antedation of ranks at such a stage.
- b. Not correct. When juniors were confirmed on 28-12-2006 then he should agitate the matter even to the rank of SI on 14-03-2012 he also slept over his right. Same is the position of the rest of the orders. Only merit list doesn't confer vested right for further ranks. His service record was not up to the mark. Appellant himself violated law and rules and judgments of the forums by not re-coursing to law in time.

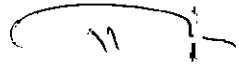
- c. In response to ground "C" of the appeal, it is submitted that when appellant was recruited at the judgment of High Court on 25-04-2007, he was then required to bring himself with the batch-mates either through departmental proceedings or through court orders. Respondents were not responsible for any act. As and when colleagues / juniors were promoted / adjusted in any rank, appellant shall re-course to law for the needful for every rank.
- d. Not correct. Appellant was treated as per the mandate of law. He time and again slept over his right and it was not the responsibility of the respondents to bring appellant at par with them to every rank.
- e. Needs no comments on the part of replying respondents regarding Shuhada appointments.
- f. Not correct. Appellant never asked for his right well within time for each rank.
- g. Allowed.

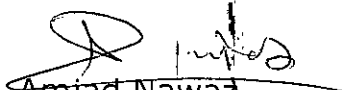
It is, therefore most humbly requested that the instant appeal being devoid of merit without substance, without merit and time barred be dismissed with cost in the interest of justice.

R. No. 06, 08, 09 & 10

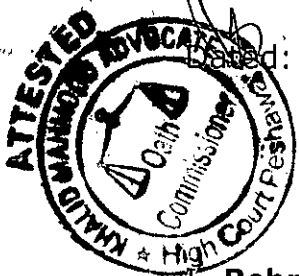
Through

  
Saadullah Khan Marwat

  
Arbab Siaf-ul-Kamal

  
Amjad Nawaz

Advocates,



**VERIFICATION**

I, **Rehmat Ullah**, R. No. 08 do hereby verify that contents of the **written statement** are true and correct to the best of my knowledge and belief.

  
DEPONENT