

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA,
PESHAWAR AT CAMP COURT,
ABBOTTABAD.

S.A No. 6138 of 2020

Ghulam Qadir.

...APPELLANT

VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.

...RESPONDENTS

SERVICE APPEAL
REJOINDER ON BEHALF OF APPELLANT

INDEX

S.#	Description	Page #	Annexure
1.	Rejoinder along with affidavit		
2.	Necessary Documents & application of the appellants are		"R1"
3.	Wakalatnama already attached with appeal		
4.			

...APPELLANT

Through Counsel

Dated: _____/2024

(HAJI SABIR HUSSAIN TANOLI)
 Advocate Supreme Court of Pakistan,
 Abbottabad.

25-03-24

A-Abbottabad.

D.B

Next order for
not up to date

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Respectfully Sheweth;

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12162

Dated 28-04-2024

PRELIMINARY OBJECTIONS:

1. Para No. "1" is incorrect. Appellant has got cause of action.
2. Para No. "2" is incorrect.
3. Para No. "3" is correct.
4. Para No. "4" is correct to the extent of filing of appeal before the Service Tribunal.
5. Para No. "5" is correct.
6. Para No. "6" is incorrect. Promotion of the appellant was due much before the notification, appellant is suffering on the account of inaction of respondents by not constituting the DPC for his promotion as a Supervisor in BPS-09. It is well settled that no one shall suffer on account of inaction and non-action of public functionaries and similarly notification is always have prospective affect and cannot be given retrospective affect and

similarly appellant is being discriminated against all those who being similarly placed were promoted as Supervisor, but appellant despite having vacant post of Supervisor in BPS-09 since 2013 is not promoted as yet. The act on the part of respondents is violation of article 25 of the Constitution of Islamic Republic of Pakistan. **(Necessary Documents & application of the appellant are annexed as Annexure "R1")**.

7. Para No. "7" is subject to proof, however, notification dated 17/03/2021 do not have retrospective affect.

FACTS:

- (a) Para "1" of the appeal is correct, while reply is subject to proof.
- (b) Para "2" of the appeal is correct, while reply is subject to proof.
- (c) Para "3" is correct.
- (d) Para "4" of the appeal is correct. Detail reply has been given in reply to preliminary objections.
- (e) Para "5" need no reply.
- (f) Para "6" is correct to the extent of filing of writ petition, however, promotion of the appellant was due much before the issuance of notification and according to the policy the similarly placed electrician were promoted as Supervisor, but appellant being similarly placed was not promoted since 2013 and appellant was regularly approaching the competent


authority through applications & also had approached this tribunal and Honorable Peshawar High Court, Abbottabad Bench and respondents also accepted the claim of appellant but no promotion was made deliberately, hence, appellant was discriminated against.

It is, therefore, most humbly prayed that appeal of the appellant may kindly be allowed as prayed for and respondents may kindly be directed to promote the appellant as Supervisor in BPS-09 with all benefits.

...APPELLANT

Through Counsel

Dated: _____/2024


(HAJI SABIR HUSSAIN TANOLI)
Advocate Supreme Court of Pakistan,
Abbottabad.

VERIFICATION:-

Verified on oath that the contents of foregoing rejoinder are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honorable Court.

...APPELLANT

4

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA,
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S.A No. 6138 of 2020

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SERVICE APPEAL
REJOINDER ON BEHALF OF APPELLANT
AFFIDAVIT

I, Ghulam Qadir Son of Gul Qadir presently Electrification in C&W Department Tehsil & Tehsil & District, Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court.




DEPONENT

کتاب شریعت اکتیو سی اینڈ ڈیوٹی

کتاب عالی

گزارش کے نام پر پیش کردہ کتاب شریعت اکتیو سی اینڈ ڈیوٹی

فالی ہوئی ہے کہ اس میں سید محمد رفیع صاحب نے جو اس کتاب

کتاب شریعت اکتیو سی اینڈ ڈیوٹی پر جو اس کتاب کے ساتھ

امدادی کتاب ہے اس کے ساتھ ساتھ اس کے ساتھ

کا مجموعہ ہے اس کے ساتھ ساتھ اس کے ساتھ

Handwritten notes and scribbles on the left margin.

Handwritten signature or mark.

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

القاری

امام غلام قادر الدین

غلام قادر

جمہومت پنجاب چیف انجینئر صاحب ایبٹ آباد

درخواست برائے انصاف تقرری بطور سب سے پہلے

پنجاب عالی درخواست حسب ذیل ہے
گزشتہ سب سے سائل کے بارے میں جو بیس سال کے عرصے میں بطور انجینئریشن کی پورے عرصے میں ڈیوٹی سے انعام

دی گیا ہے۔
یہ کہ دفتر میں اس میں کافی ہے میں میرا دائرہ کی
سیٹ پر کسی شاید کو پورے ہو کر دیا گیا ہے
جبکہ کسی شاید خان بطور ماڈرن پینٹر کے عرصہ تقریباً
کا سال سے دفتر میں ڈیوٹی سے انعام دے دیا ہے
میں شاید خان سائل سے کافی جو نیٹ ہے۔ مذکورہ
پہلے دائرہ کی سیٹ کا اس اور جائز حق دار ہیں
یہ کہ سائل کے ساتھ سپروائزر کی پوسٹ پر تعینات
میں نا انصافی ہوئی ہے

لینڈا درخواست فیصلہ مذکورہ سپروائزر کی سیٹ
پر سائل کی تعیناتی کا حکم صادر فرمایا جائے

۱۹/۱۳/۱۹۵۳

سائل غلام قادر خان وہ گل قادر خان مکانہ خان سائل
غلام قادر خان

Chief Engineer (EQAA)
C&W Department
Abul ... ad

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbotabad

3

1/5

OFFICE OF THE
EXECUTIVE DISTRICT OFFICE
WORKS & SERVICES DEPTT:
ABBOTTABAD.

OFFICE ORDER No. 1005 / 15-E

Dated A'Abad the 29 / 5 / 2006.

OFFICE ORDER.

As recommended by the Deputy Director (B&R) Works & Services Deptt:
Abbottabad, following Promotion/Adjustments amongst Electrician / Plumber are hereby
made in the public interest with effect from the dates as noted against each:-

S #	Name of Officials	From	To	Remarks
1	Abdul Rashid	Electrician BPS-5	Works Supervisor BPS-9	With effect from 1-3-2006 against existing vacancy.
2	Muhammad Khurshid	Plumber BPS-5	Works Supervisor BPS-9	With effect from 7-10-2006 on the retirement of SI: No-1

EXECITOVE DISTRICT OFFICER

Copy to the:-

1. Deputy Director (B&R) Works & Services Deptt: Abbottabad, for information with reference to above.
2. District Accounts Officer Abbottabad.
3. Divisional Accounts Officer (local).
4. Office Order file.

[Signature]
EXECITOVE DISTRICT OFFICER

ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

7	8	9	10	11	12	13	14	15
Signature of government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer other Attesting Officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting officer	Reference to any recorded punishment of censure, or reward, or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تدارک یا برطرفی	دستخط افسر مجاز	رضت کی نوعیت و معیار	پارہ ماہ کی رخصت کے لئے اوسط تنخواہ کا تعین	دستخط افسر مجاز	سزایا جزایا غیر مناسب کارکردگی کا ریکارڈ
						Period: ۶ مہ	Government to which debitable: گورنمنٹ ہے	
12-2004	30-11-2004	ANNUAL INCREMENT GRANTED					Service for the Period From 12 Dec 2003 to 30-11-2004 verified from the office copies of the pay bills	
				Assistant Director Building No 1 W/S Deptt. A, Abad.			Assistant Director Building No. 1 W/S Deptt. A, Abad.	
				Pay fixed Revised Pay scale as introduced vide Govt. of NWFP Finance Deptt. letter No. FD(PRC) 1-1/2005, dated 09-07-2005 and pay fixed in basic pay scale No 4. (Scale Rs. 2345-100-5345) @Rs. 4745/- PM WEF 1-7-2005			Service for the Period From 1-7-2005 to 15-5-2006 verified from the office copies of the pay bills	
				Assistant Director Building No 1 W/S & B/R Abbottabad			Assistant Director Building No 1 W/S & B/R Abbottabad	
				ANNUAL INCREMENT GRANTED				
				Assistant Director Building No 1 W/S & B/R Abbottabad				
				Promoted as supervisor in B.P. 35-N-9 vide F.O.O. No 882/SE dt 15.5.2006				
				Assistant Director Building No 1 W/S & B/R Abbottabad				

AT FISCAL HALLS, Abbottabad
R. HUSSAIN TANDIL
Home Center, P.O. Box 37, Abbottabad

1	2	3	4	5	6	7	8	9
of Post	Whether Substantive or temporary	It officiating state. (1) subatative appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appoint. Ment	Signatu government serva	Signature and Head of the office or other existing officer attestation of column 1 to 8
درجہ ملازمت	عارضی مستقل قائم مقام	اگر عارضی ہے تو رول کے مطابق پیش کش کا	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	تخطاری ملازم	دستخط افسر مجاز
			Rs.	Ps.	Rs.	Ps.		
		OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 2007 OF RS. 3185-190-8885 AT RS. 6035/- With Next Increment on						
		Accountant's Officer Pay Fixation Party N.W.F.P. Peshawar						
		no 9						
		3185-190-8885			6035/-		12/2007	
		OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 2007 OF RS. 3820-230-16720 AT RS. 7500/- With Next Increment on						
		Accountant's Officer Pay Fixation Party N.W.F.P. Peshawar						
		3820-230-16720			7500/- DM		1-7-08	
		RPS No. 9					FN	

ANNUAL

5

OFFICE OF THE EXECUTIVE ENGINEER BUILDING DIVISION ABBOTTABAD.

OFFICE ORDER NO. 1112/183-IE DATED ABBOTTABAD ON 19/2/99.

OF PROMOTIONS.

The following promotions of the Regular workcharged staff of this Division are hereby ordered in the interest of Government work with immediate effect.

S.No.	Name and Designation/ EPS.	Post against which promoted.	Remarks.
1.	Mr. Zardian, Supervisor EPS-9	Promoted as Superintendent EM in EPS-10.	Against extg. vacancy, due to retire- ment of Nasir Ali.
2.	Mr. Muhammad Younis Electrician, EPS-5.	Promoted as Supervisor in EPS-9.	Against extg. vacancy vice No.1
3.	Ghulam Radir Cooly, EPS-1.	Promoted as Electrician in EPS-5.	-do- vice No.2
4.	Mr. Nazir Khan Cooly EPS-1	Promoted as Electrician in EPS-5.	Against existing vacancy due to retire- ment of Muhammad Niaz.

EXECUTIVE ENGINEER
BUILDING DIVISION ABBOTTABAD.

ATTESTED
SAJID HUSSAIN TANOLI
Executive Engineer
Abbottabad

Copy to:-

1. The District Accounts Officer, Abbottabad.
2. The Sub-Divisional Officer, Building Maintenance
3. The District Accounts Officer (Local)
4. For information and necessary action.
5. Office order file.

A. Malik



6

1

OFFICE OF THE
SUPERINTENDING ENGINEER
C&W CIRCLE ABBOTTABAD

Phone # 0992-9310258

E-mail- circle_aid@yahoo.com

No. 2110 / 5-6

Dated 26 / 9 / 2012.

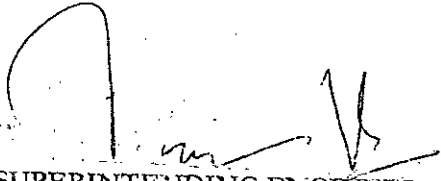
OFFICE ORDER.

Zaffar Ali (Skilled Cooly) attached to O/O Executive Engineer C&W Division Abbottabad is hereby promoted as Carpenter (BPS-06) in the interest of public service.

Copy to the:-

- 1- Executive Engineer C&W Division Abbottabad.
- 2- District Accounts Officer Abbottabad.
- 3- Office order file.


SUPERINTENDING ENGINEER


SUPERINTENDING ENGINEER


ATTESTED
HAJI SABIR HUSSAIN TANOLI
Advocate Supreme Court of Pakistan
Abbottabad

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EXECUTIVE DISTRICT OFFICE
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EXECUTIVE DISTRICT OFFICER

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2. District Accounts Officer Abbottabad.
3. Divisional Accounts Officer (local).
4. Office Order file.

M. Hussain
EXECUTIVE DISTRICT OFFICER

ATTESTED
HAJI SAAD HUSSAIN TAPOLI
Advocate Supreme Court of Pakistan
Abbottabad

No. 5070163/EDated A' Aabad 10/12 /2012

To,

The Superintending Engineer,
Communication & Works Circle,
Abbottabad.

Subject: Promotion Against the Vacant Post of Work Supervisor.

Reference: Your office letter No. 2474/5-E, dated 28.11.2012.

Please refer to the letter quoted above on the subject cited, the desire information is sent herewith as under:

S #	Name	Designation	BPS	Qualification	Date of Birth	Date of Appointment	Date of promotion
1	Ghulam Qadir	Electrician	05	Middle	01.06.1969	29.12.1988	19.02.1999
2	Nasir Khan	do-	05	Matric	30.05.1972	10.05.1991	19.02.1999
3	Muhammad Faisal	Cleaner	03	Diploma of Associate Engineer / BA	21.01.1987	01.08.2006	
4	Shahid Khan	Carpenter	05	F.A	04.03.1976	04.05.2006	Promoted as Work Supervisor By your good office

[Signature]
Executive Engineer
C&W DIVISION
Abbottabad

[Signature]
ATTESTED
HAFI SABIR MUSSAIN TANOLI
Associate Supreme Court of Pakistan
Abbottabad

PENSION PAPERS

OF

Mr. Muhammad Khalil

Self-employed

8/0 Boston Khan

C/O BTR

Abbottabad

Pension Case in r/o Mr Muhammad Khalil 8/0 Boston Khan Ex
Superannuation B. 09 P NO-3940 CNIC NO-13101-08468043

07-10-2013

07-10-2013

DAB=08-10-1953

08-10-1953

05-06-1976

DOA=05-06-1976

44-60

02-04-37

DOI=07-10-2013

QIS=37 year

Age=60 year

LPaf=14180+380=14560

~~CA=15084-H~~

CA=15084-H

e no=12876

PPO=14655-H

14560x30x7

LP=10192-00

300 35 contd=3567-20

NP=6624-80

15. 7/10 = 993-72

15. 7/11 = 1142-77

20. 7/12 = 1752-25

19. 7/13 = 1577-03

12090-59

25. MA=1905

13995-50 up 8-10-2013

56720x148-4628=529597
Five lac twenty nine thousand
five hundred and ninety seven

[Signature]
24/10/2013