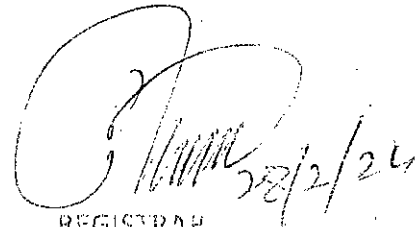


The Civil Misc. application in appeal no. 141/2022 on behalf of respondent no. 21 received by registered post is returned to the applicant/counsel for correction and resubmit the same within 15 days.

1. Application is not on proper format.
2. Grounds of application are hand writing which is not acceptable.
3. Copy of title page of the main appeal is not attached with the application.

434

28/2/2024



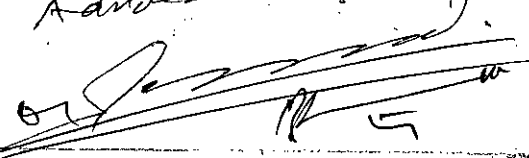
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Saeed Bhutta Adv.
High Court Dist. Bar D.I. Khan.

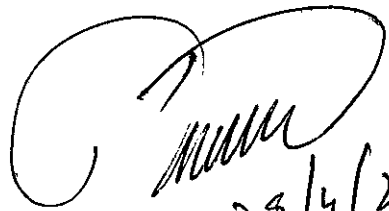
Respected Sir

It is requested that all the objections has been meet out but your office is unnecessarily corresponding again and again. it is mistleious application and it has no grounds as per facts of the case because impugned order passed by the negligency of your ministerial staff. so it is requested that case / application be fixed before the honorable Tribunal with your objection which are baseless.

Date. 23-4-2024. yours faithfull
M. Saeed Bhutta
Advocate High Court



As per verbal direction of the Hon'ble chairman this application is placed ~~of~~ on file for further necessary action.


29/4/24



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

No. 668 /ST

Dated: 25 / 3 / 2024

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

☎: 091-9212281

To

Mr. Muhammad Saeed Bhutta Advocate,
Peshawar High Court, Dera Ismail Khan.

Subject

**RETURN OF RESUBMITTED FILES TITLED SAIF UR
REHMAN VS. EDUCATION DEPARTMENT KHYBER
PAKHTUNKHWA FOR REMOVAL OF THE OBJECTIONS
AND DEFICIENCIES**

am I am directed to refer to the subject noted above and to inform you that your resubmitted ~~appeal~~ *application* is again returned for removing of the objections and resubmitting the same, please.

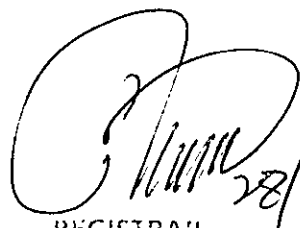
**(PIR MUHAMMAD AFRIDI)
SUPERINTENDENT
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

6

The Civil Misc. application in appeal no. 141/2022 on behalf of [Name] by registered post is returned to the applicant/counsel for [Reasons] and resubmit the same within 15 days.

- 1. Application is not on proper format.
- 2. Grounds of application are hand writing which is not acceptable
- 3. Copy of title page of the main appeal is not attached with the application.


434
28/2/2024


28/2/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Saeed Bhutta Adv.
High Court Dist. Bar D.I.Khan.

Q/sir

The application received through post today on 21/3/24 as it was returned to applicant/counsel for removing the above mentioned objections. The objections are still stands. Report submitted for orders please.


21/3/24 Assistant
Institution

Supintendent put it before the worthy chairman for appropriate order

Assistant
Institution

Be returned through [Name] for removal of objections.

20/3/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 141/2022

Saif Ur Rehman
VERSUS
Govt of KPK etc

APPEAL

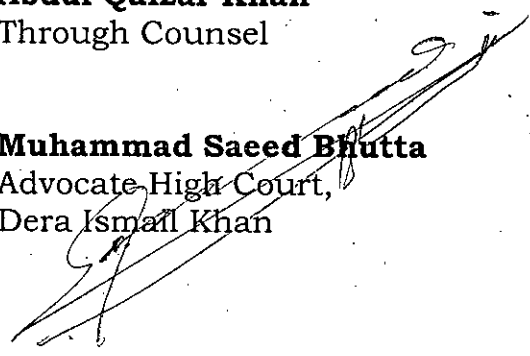
INDEX

Sr. #	Particulars of Documents	Annexure	Page
1.	Memo of application along with affidavit	--	1-4
2.	Date Receipt by the court	A	5
3.	Copy of Ex-parte order dated 19/01/2023 + copy of Appeal.	B	6-12

Dated: 19 /03/2024

Your humble Petitioner/
Respondent No.21


Abdul Qaizar Khan
Through Counsel


Muhammad Saeed Bhutta
Advocate High Court,
Dera Ismail Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**PESHAWAR**

Appeal No. 141/2022

Saif Ur Rehman

VERSUS

Govt of KPK etc

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12445

Dated 29/4/24

APPEAL**APPLICATION FOR SET-ASIDE EX-PARTEE PROCEEDINGS
AGAINST RESPONDENT NO.21.****Respectfully Sheweth;-**

That the Petitioner humbly submits as under;-

1. That above title case was fixed for hearing 18/01/2024.
2. That there is two appeals title, "**Saif Ur Rehman Vs Govt of KPK etc**" are pending before your Honour.
3. That the Petitioner is Respondent in appeal title, "**Saif Ur Rehman Vs Govt of KPK etc bearing No.141/2022**". *in which Respondant No is 21:-*
4. That, another appeal bearing No.14548/20 is on the same title is also pending before this Honorable Court.
5. That the Honourable Tribunal on the date fixed show the attendance of Petitioner in appeal No.14548/20 instead of petitioner own appeal bearing No.141/2022. Date Receipt by the court is annexed as proofs as **Annexure-A.**
6. That the petitioner is regularly attending the court in his own appeal bearing No.141/22 but inadvertently court show the attendance of the petitioner in appeal no.14548/20. Hence, on inadvertent mistake committed by the reader of this


Honorable Court due to rush of work, this Honorable Court passed order of ex-parte proceedings against the petitioner on 19/01/2023 which is unwarranted as per fact of the case. Copy of order 19/01/2023 is annexed as **Annexure-B**.

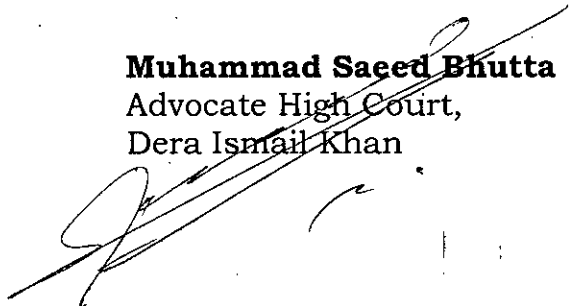
7. That petitioner has not commit any negligency but it was done due to inadvertent mistake by the Ministerial staff of this Honorable Court while the application in hand is within time further, the court has vast jurisdiction to entertain the same in the interest of justice.

Therefore, it is requested to this Honourable Tribunal to set aside ex-parte proceedings/order dated 19/01/2023 being unjustified.

Dated: 19 /03/2024

Your humble Petitioner/
Respondent No.21



Abdul Qaizar Khan
Through Counsel


Muhammad Saeed Bhutta
Advocate High Court,
Dera Ismail Khan

CERTIFICATE

Certified that appellants have not filed an application regarding the subject controversy, earlier in this august Tribunal.

Dated: 19 /03/2024

Appellant/Respondent No.21 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**PESHAWAR**

Appeal No. 141/2022

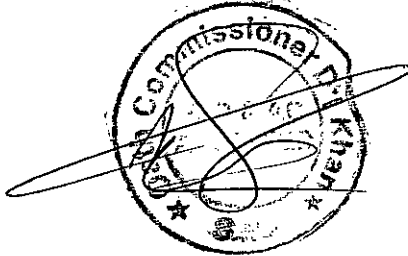
Saif Ur Rehman**VERSUS****Govt of KPK etc****APPEAL****AFFIDAVIT**

No 21

I, **Abdul Qaizar Khan**, the respondent, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of this application are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dependent



12103-1858992-3

2-3-2024

24.11.2022

Tour to camp court D.I Khan has been cancelled therefore, the case is adjourned to 19.01.2023 for the same.

READER

19th Jan, 2023

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present. Nemo for private respondents.

Attested by Council
AS

Today there is nobody present on behalf of official respondents as well as private respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 17.02.2023 before D.B at camp court D.I Khan.

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal

[Signature]

(Kalim Arshad Khan)
Chairman
Camp Court D.I Khan

A. No. 141/2022
Muhammad Akbar Khan

- 24th Nov. 2023
1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
 2. Bench is incomplete. Therefore, case is adjourned. To come up for arguments on 22.12.2023 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

SCANNED
KPST
Peshawar

Muhammad Shah

(Muhammad Akbar Khan)
Member (E)
Camp Court, D.I.Khan

Al-Uda

- 22nd Dec. 2023
1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.
 2. The availability of minutes of Departmental Promotion Committee held on 12.07.2021, as well as seniority list of Class-IV employees pertaining to the year 2021, before the court is necessary for just and right decision of the appeal in hand. Therefore, respondents are directed to produce the same on the next date To come up for arguments on 18.01.2024 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

(Salah Ud Din)
Member(J)

Muhammad Shah

(Kalim Arshad Khan)
Chairman
Camp Court, D.I.Khan

Date of Decision: 11-01-24

4-p

27/1-24

28/1-24

11-01-24

11-24-24

Certified to be a true copy

Notary Public
Peshawar

(1) (9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. _____/2022

Saif-ur-Rehman son of Haq Nawaz resident of Mauza Pir Haji Ilyas, post office Rangpur Shumali, Lari, Tehsil Paharpur, District Dera Ismail Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Govt. of K.P.K, Peshawar.
2. Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
3. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Dera Ismail Khan.
5. Muhammad Jehangir, Bahishti, GHSS Daraban Kalan, Dera Ismail Khan.
6. S. Kifayat Hussain Shah, Lab Attendant, GHS Kath Garh, Dera Ismail Khan.
7. Sana Ullah, Mali, GHSS Daraban Kalan, Dera Ismail Khan.
8. Muhammad Ali, Sweeper, GHS Kath Garh, Dera Ismail Khan.
9. Azhar Hussain Shah, Naib asid, GHS Malana, Dera Ismail Khan.
10. Muhammad Akram, Chowkidar, GPS Khudaka, Dera Ismail Khan.
11. Hidayat Ullah, Chowkidar, GPS Khanka Yasinzi, Dera Ismail Khan.
12. Qamar Abbas, Naib Qasid, GHS No. 6, Dera Ismail Khan.
13. Imdad Ullah, Lab Attendant, GHS Rodi Khel, Dera Ismail Khan.
14. Muhammad Khalid, Bahishti, GMS Shiekh Yousaf, Dera Ismail Khan.
15. Muhammad Ramzan, Naib Qasid, GMS Himmat, Dera Ismail Khan.
16. Muhammad Mudasir Waqas, Naib Qasid, GMS Kech, Dera Ismail Khan.
17. Malik Shoab, Lab Attendant, GHSS Kurai, Dera Ismail Khan.
18. Muhammad Imran Shah, Chowkidar, GPS Kachi Baqir, Dera Ismail Khan.
19. Muhammad Ashraf, Chowkidar, GPS Easti Ustrana, Dera Ismail Khan.
20. Saeed ur Rehman, Lab Attendant, GHSS No. 4, Dera Ismail Khan.
21. Abdul Qaizar, Naib Qasid, GHSS Dhaki, Dera Ismail Khan.
22. Attiq ur Rehman, Bahishti, O/o DEO (Male), Dera Ismail Khan.
23. Muhammad Saqlain, Sweeper, GHS Wanda Dost Ali, Dera Ismail Khan.

.....RESPONDENTS

(A) (10)

**APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNALS ACT, 1974**

PRAYER; On acceptance of this appeal this august Tribunal may please be declared the impugned Notification Endst: No. 18314-22 dated 08/09/2021 issued by respondent No. 4 vide which he promoted the respondents No. 5 to 23 as Junior Clerk (BPS-11) against the law, illegal, void-ab-initio, ultra-virus and without lawful authority and may kindly be directed the official respondent's to promote the present appellant as Junior Clerk (BPS-11) on the grounds appearing hereinafter;

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

- i. That the present appellant was appointed as Sweeper (Class-IV) in Education Department Dera Ismail Khan vide appointment order dated 12/10/2007 and posted at GHS Larr, Dera Ismail Khan.
- ii. That in July, 2020 the District Education Officer (Male) Dera Ismail Khan called the Class-IV for promotion to Junior Clerk against the reserved quota. The appellant being eligible also appeared in the process and qualified the typing test by completing 40 words per minute.
- iii. That the department did not informed the appellant in respect of test and merit list for promotion and on 22/09/2021, the appellant visited the DEO (Male) office Dera Ismail Khan and got the knowledge that vide impugned Notification dated 08/09/2021, the respondent No. 4 promoted the respondents No. 5 to 23 against the reserved quota of Junior Clerk.
- iv. That the promoted employees are junior to the appellant and also having the less qualification from the appellant. Moreover, some of them were failed in the typing test while some of them even did not

~~13~~ (11)

appeared in the test. Thus, being aggrieved, the appellant preferred the departmental appeal on 04/10/2021 to Respondent No. 3 but the appeal of the appellant has not been decided yet. Hence, being aggrieved, the appellant filing the instant appeal, inter alia, on the following grounds:

GROUNDS:

1. That the acts of the official respondents while they ignored the appellant and promoted the respondent No. 5 to 23 as Junior Clerk vide Notification Endst: No. 18314-22 dated 08.09.2021 issued by respondent No. 4 is illegal, against the natural justice, ulterior motives, based on malafide and without lawful authority.
2. That, the promoted employees are junior to the appellant and also having the less qualification from the appellant. Moreover, some of them were failed in the typing test while some of them even did not appear in the test. Hence, the impugned notification is liable to be cancelled to that extent.
3. That the respondent No. 4 had not followed the rules and without announcing the typing test promoted the respondent No. 5 to 23 on the basis of favouritism. Furthermore, it is also requested from this Honourable Tribunal to requisition the entire record regarding promotion process from the respondent No. 4.
4. That according to the Civil Servants (Appointment, Promotion and Transfer) Rules, the appellant is entitled for promotion but the official respondents violative the rules and promoted the respondent No. 5 to 23 without considering the seniority and other facts.
5. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the fundamental right of the appellant protected by the Constitution of Islamic Republic of Pakistan.

(11)

(12)

6. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
7. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
8. That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.

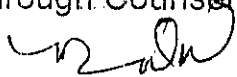
It is, therefore, prayed that on acceptance of this appeal, this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: ___/01/2022

Humble Appellant


Saif-ur-Rehman

Through Counsel


Muhammad Mohsin Ali
Advocate High Court,
District Courts, D.I.Khan.