

**IN THE COURT OF KYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Services Appeal No. 879/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12390

Engineer Faisal Pervez

Dated 25-04-24

Versus

Chief Secretary Govt of Khyber Pakhtunkhwa & others

APPLICATION FOR INTERIM RELIEF

Respectfully Sheweth,

1. That the above title appeal is pending adjudication here and fixed for 1st July 2024.
2. That the respondents are going to grant break that seniority to 2 others employees namely asif Khan & Musharaf Shah (Graduate Sub Engineer) on the basis of favoritism and kinship because the employees have sister in law's relation with additional secretary irrigation, in violation of seniority rules and judgment of Supreme Court.
3. That the applicant has a prima facie, balance of convenience leans in his favor, if other 2 employees have been placed senior in seniority list, in violation of law's, the applicant will suffer an irreparable loss because the applicant had already challenged back date seniority of other colleagues of the said 2 employees, and the said appeal is pending here and fixed for final arguments.
4. That under the doctrine of new comer injunction stay order can also be granted against those people who has not before the court and under

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the said doctrine this court has got ample jurisdiction and power to issue injunction order in favor of applicant, by directing the respondent to not giving antedated seniority, at the cost of seniority of the appellant, being appointed at 2021, much before the promotion of 2 graduate sub engineers to BPS 17 in 2024.

5. Any other grounds, with leave of this Hon'ble Court, will be argued at the time of arguments

It is, therefore, most humbly prayed that on acceptance of this application the interim relief as prayed for may kindly be granted till the final disposal of the case.

Dated: 25/04/2024

Petitioner
Through
Counsel
Zia Ur Rehman Tajik
Advocate Supreme Court
&
Jabir Khan Advocate Peshawar

Affidavit:-

It is solemnly affirm and declared on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Deponent

