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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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Abdul Wahab vs Education

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Muharir
Muharir
10/07/24

Incharge
Incharge Judicial Branch
12/7/24

①

Service Appeal No.655/2024 titled "Abdul Wahab Vs. Government of Khyber
Pakhtunkhwa"

ORDER


14th June. 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the
appellant present and heard.

2. This appeal is against the order dated 25.04.2019, whereby,
private respondent No.3 was promoted from the post of Beldar to the
post of Gauge Reader. Against the order, the appellant filed appeal
on 14.01.2020 while this appeal on 05.04.2024. He had, in the first
instance, challenged the said order in Appeal No.12173/2020, which
he had withdrawn on 13.03.2024 to avail proper remedy. The proper
remedy is provided under Section.-4 of the Khyber Pakhtunkhwa
Service Tribunal Act, 1974 to be a service appeal before this
Tribunal, but for the unknown reasons, the earlier appeal was
withdrawn and this appeal has been filed.

3. The departmental appeal was barred by time while instant
appeal is not only barred by time, but also barred by provisions of
Rule-23 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974.

4. In view of above, instant service appeal is dismissed with
costs. Consign.

5. *Pronounced in open Court at Peshawar and given under my
hand and seal of the Tribunal on this 14th day of June, 2024.*


(Kalim Arshad Khan)
Chairman



(2)

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 655/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.05.2024	<p>As per verbal direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 15.5.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;"> REGISTRAR</p> <p>01. Junior to counsel for the appellant present and requested for adjournment in order to place on file working paper, minutes of DPC meeting and promotion order. To come up for preliminary hearing on 14.06.2024 before the S.B. PP given to AAG.</p> <p style="text-align: right;"> (Farecha Paul) Member(E)</p>

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

Fazle Subhan, P.S

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Respected Sir,

It is submitted that the present appeal was received on 05.04.2024, which was returned to the counsel for the appellant for removing objection (Flag-A). Today i.e. 03.05.2024 the learned counsel re-filed the appeal without removing the objection no.1.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.



REGISTRAR

Hon'ble Member (J).


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The appeal of Mr. Abdul Wahab received today i.e on 05.04.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Copy of impugned promotion order of respondent no.3 to 5 mentioned in the memo of appeal are not attached with the appeal be placed on it.
- 2- Copy of departmental appeal against the impugned promotion order is not attached with the appeal be placed on it.

No. 771 /S.T,

Dt. 8/4 /2024.


8/4/24

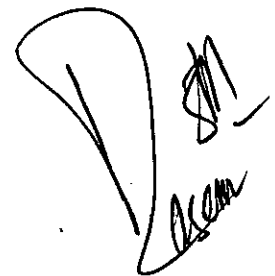
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv.
High Court Peshawar.

Respected Sir,

Resubmitted with the request that the appellant filed an application to XEN arrigation in which he prayed for the promotion orders of respondents No: 3 to 5 but no result. Copy of application is attached.

It is therefore requested that kindly the instance Service Appeal may kindly be put up to Honble Court. please.


Asam

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

Abdul Wahab.....**Appellant**

V E R S U S

Govt. of KPK and others.....**Respondents**

**APPLICATION FOR FIXATION
ABOVE TITLED SERVICE APPEAL
AT PRINCIPAL SEAT PESHAWAR**

Respectfully Sheweth:-


1. That the instant service appeal has been filed today in which no date of hearing is fixed.
2. That counsel for the appellant as well as respondents in the instant case belongs to Peshawar in this regard the counsel as well as the appellant request for fixation of the instant service appeal at Principal Seat of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application, the instant case may kindly be fixed at the principal seat at Peshawar of this Hon'ble Tribunal.

Dated:- 5/4/2024

Applicant

Through


Fazal Shah Mohmand
Advocate, Supreme Court of
Pakistan

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____

S#	Abdul Wakeb CONTENTS SE & other	YES	NO
1	This Appeal has been presented by: <u>Fazal Shah Mohamed</u>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?		
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?		
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Fazal Shah Mohamed

Signature: _____

[Signature]

Dated: _____

08/09/2024

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 655 /2024

Abdul Wahab.....Appellant

SCANNED
KPST
Peshawar

V E R S U S

SE & others.....Respondents

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S.No	Description of documents	Annexure	Pages
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4.	Copy of Rules	C	10
5.	Copy of Seniority List & Order dated 25-04-2019	D, E	11-16
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Dated:-03-04-2024

عبد الوهاب
Appellant

Through

Fazal
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

&

Baseer
Baseer Ahmad Shah

&

Ibad
Ibad Ur Rehman Khalil
Advocates, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No 635 /2024

Diary No. 12155

Dated 05-04-2024

Abdul Wahab S/O Sultan Mehmood, Beldar Malakand Irrigation Division,
Malakand.....**Appellant**

V E R S U S

1. Superintendent Engineer, Irrigation Department, Circle Mardan.
2. Executive Engineer, Malakand Irrigation Division, Malakand.
3. Yaqoob Said S/O Rahim Said, Gauge Reader, Malakand Irrigation Division, Malakand.
4. Masaud Khan, Gauge Reader, Malaknad Irrigation Division, Malakand.
5. Muhammad Bashir S/O Jamshed, Gauge Reader, Malaknad Irrigation Division, Malakand.....**Respondents**

Filed to-day

Registrar

5/4/24

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE PROMOTION ORDERS OF THE RESPONDENTS NO 3 TO 5 AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 14-01-2020 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the promotion Orders of the respondents No 3 to 5 may kindly be set aside and the appellant may kindly be ordered to be promoted as Gauge Reader (BPS-05) from 25-04-2019, i.e the date his juniors were promoted with all back benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified, has passed his Inter mediate and was initially appointed as Chowkidar BPS-01 on 07-04-2009 and was redesigned as Beldar on 18-10-2010 and since then he performed

re-submitted to-day and filed.

Registrar

13/5/24

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his duties with honesty and full devotion and to the entire satisfaction of his high ups. **(Copies of Orders dated 07-04-2009 & 18-10-2010 are enclosed as Annexure A & B).**

2. That since appointment/re-designation as Beldar the appellant has not been promoted despite having more than 14 years of unblemished service record while he is perfectly fit and eligible and coming up to the criteria for promotion to the post of Beldar.
3. That according to the rules 50% posts of Gauge Reader are to be filled by initial recruitment while 50% posts are to be filled by promotion on the basis of seniority cum fitness from amongst the Mate, Regulation Beldar and Beldar having SSC qualification and ten years' service in the circle. **(Copy of Rules is enclosed as Annexure C).**
4. That according to the Seniority of the Beldars of Malakand Irrigation Division, Malakand the appellant is placed at Serial No 44 while his other colleagues who are placed below the appellant, i.e respondent No.3 at Serial No 53 and respondent No 4 placed at Serial No 87 have been promoted in violation of law and rules on the subject. Respondent No 5 has been promoted as Gauge Reader on 25-04-2019 while he was transferred from other Division to Malakand Irrigation Division was thus required to had been placed at the bottom of seniority was promoted as Gauge Reader vide Order dated 16-03-2020. It merits mention that the despite request, copies of promotion orders of respondents No 3 and 4 were not provided to the appellant. **(Copy of Seniority List & Order dated 25-04-2019 is enclosed as Annexure D & E).**
5. That the appellant filed departmental appeal for his promotion as Gauge Reader (BPS-05) on 14-01-2020 to respondent No 1 however the same was not been responded so far despite the lapse of more than the statutory period of ninety days where after, the appellant approached this honorable Court by filing Service Appeal No 12173/2020 and during the pendency the respondents filed their comments/reply. **(Copy of departmental appeal, Post office receipts, Service Appeal & comments are enclosed as Annexure-F, G & H).**

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6. That the stated Service Appeal No 12173/2020 came up for final arguments on 13-03-2024 and during arguments, the appellant was confronted with point that since he has not challenged the promotion orders of private respondents therefore it would be appropriate to withdraw the appeal with permission to avail proper remedy, thus the appellant requested accordingly and the Service Appeal was disposed of accordingly vide Order dated 13-03-2024. **(Copy of Order dated 13-03-2024 is enclosed as Annexure I).**
7. That the impugned promotion Orders of respondents No 6 to 8 are against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND:-

- A. That the impugned Orders are illegal, unlawful without lawful authority and void-ab-initio.
- B. That mandatory provisions of law have been violated by the respondents and the appellant has not been treated according to law and rules and more particularly rules governing the subject.
- C. That the appellant is perfectly fit and eligible and coming up to the criteria set forth in law and rules but malafidely has not been promoted.
- D. That most of the seniors to the appellant are not eligible for promotion for not having the requisite qualification, hence the appellant is required to be promoted accordingly.
- E. That even as per the rules/law the appellant is entitled having more than the required length of service besides qualification for promotion as Gauge Reader.
- F. That even juniors including respondent No 3 & 4 have been promoted in violation of the rules on the subject denying the same treatment to the appellant.
- G. That so far respondent No 5 is concerned, he too is required to have been placed junior to the appellant, as he was recently transferred to

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Malakand Irrigation Division, thus too he is not eligible to have been promoted.

- H. That even in reply to para "G" of the comments, official respondents have admitted that some posts were filled in Baizai Irrigation Scheme through initial recruitment, but strangely no posts were allocated to the promotion quota, thus too the appellant is required to be promoted as Gauge Reader.
- I. That there is no omission or commission on part of the appellant and he could not be punished for the fault of others if any.
- J. That respondents have appointed three Gauge Readers in the Baizai Irrigation Scheme of the same division, thus too the appellant is entitled to be promoted as Gauge Reader.
- K. That the appellant has more than 15 years of service with unblemished service record.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-03-04-2024

Through


Appellant


**Fazal Shah-Mohmand
Advocate,
Supreme Court of Pakistan**

&


Baseer Ahmad Shah

&


**Ibad Ur Rehman Khalil
Advocates, Peshawar**

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LIST OF BOOKS:

- 1. Constitution 1973.
- 2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

[Handwritten Signature]
ADVOCATE

AFFIDAVIT

I, **Abdul Wahab S/O Sultan Mehmood, Beldar Malakand Irrigation Division, Malakand**, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Handwritten Signature]
DEPONENT

ATTESTED
 Gui Daraz Khan
 Oath Commissioner
 Advocate High Court Peshawar
[Handwritten Signature]

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Abdul Wahab.....Appellant

V E R S U S

SE & others.....Respondents

Application for the condonation of delay if any

Respectfully submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the appellant approached respondents for his promotion and he was time and again assured that his appeal will soon be decided due to which he visited time and again but to no avail.
4. That even juniors to the appellant have been promoted while denying such right to the appellant which is recurring cause of action and the loss is caused to the appellant every month.
3. That even otherwise law as well as the superior Courts dictas favors decision of cases on merit instead of technicalities.

It is therefore prayed, that on acceptance of this application, the delay if any in filing of instant appeal may kindly be condoned.

Dated:-03-04-2024

Through


Appellant


Fazal Shah Mokmand
Advocate,
Supreme Court of Pakistan

&


Baseer Ahmad Shah

(7) (14)

&

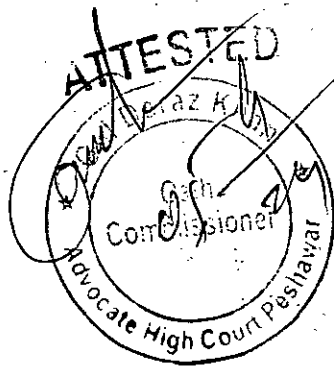
Ibad Ur Rehman Khalil
Ibad Ur Rehman Khalil
Advocates, Peshawar

AFFIDAVIT

I, Abdul Wahab S/O Sultan Mehmood, Beldar Malakand Irrigation Division, Malakand, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Abdul Wahab

DEPONENT



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8 "A"

OFFICE OF THE EXECUTIVE ENGINEER MALAKAND IRRIGATION DIVISION, MALAKAND.

No. **811/7-EL(S)**

Dated Malakand, the **7/04/2009**

To
Mr. Abdul Wahab S/O Sultan Mehmood, ✓
R/O Jewar Banda Tehsil Takht Bai,
District Mardan.

Subject:- **APPOINTMENT AS CHOWKIDAR BS-01.**


Consequent upon the recommendation of the Departmental Selection Committee meeting held on 02/04/2009, you are hereby appointed as "CHOWKIDAR"BS-01 (2970-90-5670) on temporary contract basis, at the rate of Rs.2970/- per month plus usual allowances as admissible to Civil Servant of the same status and grade with effect from the date of actual arrival for duty, in Irrigation Sub Division, Dargai subject to the following terms and conditions. The order is issued in light of the policy notified vide Government of NWFP Finance Department No. FD (SOSR) (II) 12-1/2002, dated 20/10/2002 endorsed to this office vide Chief Engineer (O&M) Irrigation Department NWFP Peshawar No.19893-19900/IB/A/179-E (II), dated 20.08.2003.

TERMS & CONDITIONS.

1. You will be placed in Minimum of BPS-01 (2970-90-5670) with usual allowance as admissible to Govt. Servant of the same Pay Scale.
2. Your services will be governed under the Government of NWFP Contract Policy 2002 and concerned provincial Govt. policy notified time to time.
3. Either party can terminate the contract on 2 Months Notice or 2 Months salary in lieu thereof.
4. You will be provided same facilities under Benevolent Fund as admissible to Government Servants at the rates to be prescribed by the Government.
5. You will be entitled toward Contributed Provident Fund for which you will have to contribute at the Govt. prescribed rate.
6. You will not contribute to G.P.Fund and shall not be entitled for pension and gratuity benefits.

If the offer of the appointment on contract basis on the above-mentioned terms and conditions is acceptable to you, then you should report your self for duty to the undersigned with the production of the following documents.

- i. Domicile Certificate.
- ii. Medical Fitness Certificate from the concerned Medical Superintendent of District Head Quarter Hospital.
- iii. A Certificate to the effect that you are not dismissed Government servant.
- vi. You are required to produce an undertaking on Stamp Paper worth Rs.30/- duly attested by the Oath Commissioner stating therein the acceptance of all the above noted Terms & Conditions.


Executive Engineer
(Phone #.410492)

Copy to the:-

1. Agency Comptroller of Accounts, Malakand Agency for information and necessary action, please.
2. Sub Divisional Officer, Irrigation Sub Division, Dargai.
3. Divisional Accounts Officer (Local) for information and necessary action.
4. Head Clerk (Local)
5. Service Book:


Executive Engineer
(Phone #.410492)


ATTESTED

OFFICE OF THE EXECUTIVE ENGINEER MALAKAND IRRIGATION DIVISION MALAKAND

Dated Malakand the 18 / 10 / 2010.

OFFICE ORDER

Mr. Abdul Wahab Chowkidar of Katlang Section attached to Dargai Irrigation Sub Division Dargai is hereby re-designated as Balder against the vacant post on his own request in the same pay and scale with immediate effect.

Executive Engineer,
Malakand Irrigation Division,
Malakand

Copy forwarded for information to the

- 1. Sub Division Officer, Dargai Irrigation Sub Division Dargai
- 2. Agency Account Officer Malakand
- 3. Divisional Account Officer / Head clerk (Local)

Executive Engineer,
Malakand irrigation Division,
Malakand

ATTESTED

PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT FOR THE VARIOUS POSTS IN IRRIGATION DEPARTMENT NY

Sl. No.	Name of Post with BS	Minimum qualification for appointment by initial recruitment or by transfer	Age Limit	Method of Recruitment
55	Surveyor BS-6	SSC with one year certificate of survey from a recognized Institute.	18-30 years	By initial recruitment.
56	Security Sergeant BS-6	Retired Armed/Civil Armed force soldier in the rank of Havildar with SSC.	upto 45 years	1-50% by initial recruitment 2-50% by promotion on the basis of seniority from amongst the Security Guards/Constables in the Division.
57	Security Guard BS-1	Ex-service man	18-45 years	By initial recruitment.
58	Barkandaz BS-1	Ex-service man	18-45 years	By initial recruitment.
59	Land Reclamation Supervisor BS-6	SSC with Talwar Course	18-60 years	By initial recruitment.
60	Gauge Reader BS-5	SSC or equivalent Qualification from a recognized Institute or Board.	18-30 years	1-50% by initial recruitment. 2-50% by promotion on the basis of seniority cum fitness from amongst the Mate, Regulation Beldar and Beldar having SSC qualification and ten years service in the Circle.
61	Imam Masjid BS-5	Either samai in Durr-e-Niyazi or a Samai of Fazil-Arabi or Preference a. Proficiency in Qura b. Hafiz-Quran c. A samai in Shahdat-e-Manna from the Jamia d. Certificate of having passed primary class examination.	25-30 years	By initial recruitment.
62	Telephone Attendant BS-5	SSC or equivalent qualification from a recognized Institute/Board	18-30 years	By initial recruitment.
63	Painter BS-5	Three years experience certificate in the relevant field from a reputable firm/institute	18-30 years	By initial recruitment.

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"C"

ATTESTED

BETTER COPY OF THE PAGE NO. 7
PROFROMA SHOWING PROPOSED METHOD OF RECRUITMENT
FOR THE VARIOUS POSTS IN IRRIGATION DEPARTMENT NWFP

S No.	Name of Post with BS	Minimum qualification for appointment by initial Recruitment or by transfer	Age Limit	Method of requirement
1	2	3	4	5
55	Surveyor BS-6	SSC with one year certificate of survey from a recognized Institute	18-30 years	By initial recruitment
56	Security Sergeant BS-6	Retired Armed/Civil Armed Forces as least in the rank of Hawaldar with SSC	Upto 45 years	1. 50% by initial recruitment 2. 50% by promotion on the basis of sonority cum fitness from amongst the Security/Barkandaz in the Division
57	Security Guard BS-1	Ex-service man	18-45 years	By initial recruitment
58	Barkandaz BS-1	Ex-service man	18-45 years	By initial recruitment
59	Land Reclamation Supervisor BS-6	SSC with Patwar Course	18-30 years	By initial recruitment
60	Gauge Reader BS-5	SSC or equivalent Qualification from a recognized Institute or Board	18-30 years	1. 50% by initial recruitment 2. 50% by promotion on the basis of sonority cum fitness from amongst the Mate. Regulation Beldar and Beldar having SSC qualification and ten years service in the Circle.
61	Imam Masjid BS-5	Either sanad in Dars-e-Nizami of Fazil-e-Arabi preference a. Proficiency in Qirat b. Hafiz Quran c. A sanad in Shahdat-e- Alamia from the Jamie d. Certificate of having passed primary class examination	25-30 years	By initial recruitment
62	Telephone Attendant BS-5	SSC or equivalent qualification from a recognized Institute/Board	18-30 years	By initial recruitment
63	Painter BS-4	Three years experience certificate in the relevant field from a reputable Firm/ Institute	18-30 years	By initial recruitment

awb
ATTESTED

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MALAKAND IRRIGATION DIVISION MALAKAND
SENIORITY LIST OF BELDARS.

"D"
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S.L No.	Name	Father Name	Designation	Qualification	D.O.B	Date of Appointment	Date of Promollon
1	Hussain Bacha	Ghulam Bacha	Beldar		1968	10.3.1980	
2	Amir Hussain	Hazrat Hussain	Beldar		12.2.1968	1.3.1987	
3	Bacha Rahman	Azizur Rahman	Beldar		1965	1.11.1988	
4	Khanata Rahman	Masal Khan	Beldar		18.07.1965	1.9.1989	
5	Sher Zada	Sirajud Khan	Beldar		1967	1.10.1989	
6	Javiez Khan	Darvaish Khan	Beldar		1968	12.5.1990	
7	Sher Muhammad	Gulam Sadiq	Beldar		1968	12.5.1990	
8	Said Naeem	Muhammad Amin	Beldar		1966	1.7.1990	
9	Sher Rahman	Saleem Khan	Beldar		1.1.1967	8.8.1990	
10	Muhammad Hussain NO. 1	Alam	Beldar		1964	1.6.1992	
11	Maqbool Shah	Mir Muhammad	Beldar		1970	4.9.1984	
12	Ezaz Muhammad	Said Akbar	Beldar		12.3.1973	13.09.1995	
13	Habibullah	Rahmullah	Beldar		8.2.1975	14.09.1995	
14	Javid Ahmad	Abdul Hamid	Beldar		1.1.1976	01.10.1995	
15	Qaisar Khan	Awal Khan	Beldar		2.2.1976	1.10.1995	
16	Muhamad Mukamil Khan	Gul Pur	Beldar		10.2.1978	15.07.1996	
17	Bahadar Khan	Sher Afzal	Beldar		1965	4.11.1998	
18	Muhammad Nawaz	Muhammad Ali Khan	Beldar		1972	6.11.1998	
19	Sharafat Ali Shah	Maqbool Shah	Beldar	BA	30.03.1978	13.03.2004	
20	Muhammad Basher	Jenshid	Beldar	Matric	5/2/1977	8.04.2004	
21	Muhammad Idrees	Muhammad Haneef	Beldar	Matric	09.01.1985	10.04.2004	
22	Amir Jan	Khan Khan	Beldar		1.7.1986	12.4.2004	
23	Abdul Hamid	Bismil Shah	Beldar		1.7.1968	12.4.2004	
24	Sher Jan	Muhamad Jan	Beldar		17.1973	12.4.2004	

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Executive Engineer
Malakand Irrigation Division

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ATTESTED


Handwritten notes

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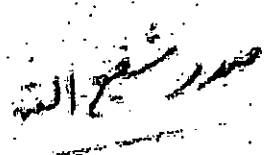
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Date: 1/11/10

25	Fahmat Ullah Khan	Zafar Khan	Beldar		1.7.1976	12.4.2004	
26	Jayrad Khan	Abdur Rahman	Beldar	SSC	1.1.1976	12.04.2004	
27	Muhammad Saeed	Gul Zarin	Beldar		1.7.1978	12.4.2004	
28	Mustaqem Bacha	Abdur Raziq	Beldar		1.7.1977	12.4.2004	
29	Hujat Ali	Zagrawar	Beldar	MA	9.1.1978	12.4.2004	
30	Amin Said	Noor Ghanil	Beldar		1.7.1978	12.4.2004	
31	Mumtaz Gul	Taza Gul	Beldar	Matric	12.2.1979	12.4.2004	
32	Amin Badshah	Lal	Beldar	FA	12.2.1979	12.4.2004	
33	Muhammad Ali	Muhammad	Beldar		2/2/1980	12.4.2004	
34	Yaqin	Muhammad	Beldar		01-07-1973	22.04.2004	
35	Yaqin Zamin	Muhammad Khan	Beldar		31.12.1986	01.10.2007	
36	Nizamuddin	Mubarak Ali	Beldar		02.02.1976	01.10.1995	
37	Qasim Khan	Awais Khan	Beldar		3/3/1980	1.4.2009	
38	Shahid Khan	Sabir Khan	Beldar		15.01.1986	8.04.2009	
39	Umair Haya	Muhammad Ullah	Beldar		30.08.1970	3.4.2009	
40	Muhammad	Muhammad Khan	Beldar	FA	1978	10.4.2009	
41	Taza Gul	Saeed	Beldar		7.3.1982	10.4.2009	
42	Muhammad Ali	Mirza Khan	Beldar		7.9.1989	10.4.2009	
43	Muhammad Ilyas	Gul Hakeem	Beldar		20.02.1986	11.4.2009	
44	Sabir Khan	Hameed Khan	Beldar		12.02.1987	11.04.2009	18.10.2010
45	Wali Khan	Ibrahim	Beldar	SSC	2.3.1973	11.4.2009	
46	Abdul Wahab	Sultan Mahmood	Beldar	Matric	1984	14.04.2009	
47	Afsar Ali	Muhammad Jan	Beldar		17.04.1985	20.04.2009	
48	Shah Faisal	Naik Amal	Beldar	Matric	12.6.1978	27.04.2009	
49	Amal Khan	Saeed Gul	Beldar		22.03.1978	10.11.2009	
50	Imran Muhammad	Fazal Khalig	Beldar		23.03.1982	13.07.2010	25.04.2019
51	Ashfaq Ahmad	Sher Zamin	Beldar	FA	16.02.1985	1.11.2010	
52	Imran Khan	Abdul Khalig	Beldar	Matric			


 Headmaster
 Malakand District Division
 Malakand


ATTESTED



53	Rehman Said	Faleh Said	Beldar	Matric	17.04.1975	1.11.2010
54	Muhammad Yaqoob Khan	Habib Rasool	Beldar		24.04.1966	1.11.2010
55	Hassan Khan	Zigrawar Khan	Beldar	SSC	3.1.1985	23.11.2012
56	Abdullah	Bacha Muhammad Noor Zaman	Beldar		20.02.1984	26.11.2012
57	Shah Zaman	Sayed Gulab Shah	Beldar	SSC	3.1.1988	9.10.2014
58	Syed Samiullah	Muzamil Shah	Beldar	SSC	14.04.1989	14.10.2014
59	Mohsin Shah	Sawab Khan	Beldar		15.03.1995	14.11.2014
60	Hazrat Usman	Muhammad Jah	Beldar		10.1.1990	15.12.2014
61	Nizam-ud-Din	Wazir Zada	Beldar	SSC	18.1991	11.3.2016
62	Asif Ali	Zoortalab	Beldar		15.04.1992	22.10.2015
63	Abid Ullah	Sher Ali	Beldar	Matric	18.03.1994	17.12.2015
64	Zafar Hussain	Bakht Zada	Beldar	FA & DIT one year	14.02.1992	22.12.2015
65	Manzoor Ali	Amir Shah	Beldar	SSC	16.03.1985	14.01.2016
66	Naveed Shah	Gul Rahman	Beldar	Deploma Ass: Eng	18.02.1996	16.01.2016
67	Shah Zaib Ur Rahman	Muhammad Khan Nazir Muhammad Hidayatullah	Beldar	SSC	10.2.1993	11.2.2016
68	Ikram Khan	Izaf Muhammad	Beldar		1.4.1984	1.4.2016
69	Ayaz Muhammad	Niamat Ullah	Beldar		1.1.1982	5.4.2016
70	Safiullah	Shah Sawaar Ghani Khan	Beldar		1.1.19986	29.04.2016
71	Said Bacha	Rahimullah	Beldar	Matric	19.02.1998	9.5.2016
72	Asmat Ullah	Muhammad Iqbal	Beldar		8	
73	Nowshad	Muhammad Iqbal	Beldar		14.03.1982	7.6.2016
74	Shahid Ali	Rahimullah	Beldar		2.1.1981	11.7.2016
75	Zia Ullah	Muhammad Iqbal	Beldar	SSC	2.2.1986	11.7.2016
76	Muhammad Said	Rahimullah	Beldar		1.1.1996	12.7.2016
77	Bakht Amin	Noor Khan	Beldar	DAE	25.04.1994	22.07.2016
78	Nasar Khan	Noor Khan	Beldar		8.3.1982	22.07.2016
					15/10/1990	22/7/2016

Asif Ali
 Ex-RC Director
 Mahabubpur Division
 Mahabubpur

Asif Ali
 ATTESTED

80	Nisar Khan	Ziaullah Khan	Beldar		6.2.1997	23.07.2016
81	Sher Ghani	Muham Khan	Beldar		4.8.1978	25.7.2016
81	Khalid Khan	Naik Nara Ali	Beldar		1983	25.07.2016
82	Hayat Ullah	Hamish Gul	Beldar		1.1.1977	25.07.2016
83	Nisar Ali	Sakhi Muhammad	Beldar		1/1/1988	25/07/2016
84	Muhammad Naveed	Murtaza Khan	Beldar	FA	13.03.1992	25.07.2016
85	Umar Rahman	Sakir Gul	Beldar		2.8.1984	26.7.2016
86	Ali Ali	Rabnawaz	Beldar		20.02.1991	20.07.2016
87	Yousaf	Yousaf Khan	Beldar	Matric	13.1988	10.8.2016
88	Yousaf	Rahim Sadiq	Beldar	DAE	1.3.1989	10.8.2016
89	Mehran Khan	Rahim Ullah	Beldar	Matric	13.07.1988	10.8.2016
90	Nasir Khan	Dawa Khan	Beldar	Matric	1.4.1979	10.8.2016
91	Shahid	Fazal Khan	Beldar	DAE	16.01.1990	10.8.2016
92	Zubair Khan	Khan Zada	Beldar		1.1.1987	8.9.2016
93	Sameer Khan	Saeed Ullah Khan	Beldar	BA	25.03.1982	2.11.2016
94	Shahid Ullah	Umar Zada	Beldar	Matric	10.2.1992	4.11.2016
95	Muhammad	Muhammad	Beldar		23/1/88	15.08.2016
96	Siraj-ud Din	Palo-ud-Din	Beldar	Matric	4.4.1987	10.2.2017
97	Bilal Ud Din	Mislah-ud-Din	Beldar	Matric	25.02.1993	1.3.2017
98	Kaleem Ullah	Akram Ullah	Beldar	SSC	15.04.1998	8.3.2017
99	Fazal Subhan	Sultan Muhammad	Beldar		1981	10.3.2017
100	Imran Khan	Bahreem	Beldar	Matric	7.4.1993	15.03.2017
101	Humayun Khan	Munir Khan	Beldar	D.A.E	1.1.1979	9.6.2017
102	Zeb Alam	Sher Bahadar Khan	Beldar		1.1.1984	2.8.2017
103	Haseeb Habib	Habib Ullah Khan	Beldar	Matric	20.01.1990	8.8.2017
104	Sakun Khan	Sher Nawab Khan	Beldar		1.4.1991	8.9.2017
105	Muhammad Azam	Ab Muhammad	Beldar	FA	6.7.1987	20.09.2017

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 F. R. C.
 Headmaster
 Government High School
 Bahawalpur

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Fazal Wahid	Beldar	Matric	10.03.1990	10.10.2017
Feroz Khan	Beldar		30.04.1985	23.10.2017
Ghani Ur Rahman	Beldar		06.04.1982	30.10.2017
Nawab Khan	Beldar	BA	08.01.1987	21.02.2018
Gul Hussain	Beldar	SSC	10.03.1979	26.02.2018
Israr Ullah	Beldar		10.03.2000	22.11.2018
Zahid Hussain	Beldar	SSC	05.04.1999	22.01.2018
Zor Zamin	Beldar	SSC	10.04.1996	24.11.2018
Hassan Zada	Beldar	FA	07.03.1998	15.03.2019
Bakhtawar Khan	Beldar	BA	14.01.1992	8.04.2019
Khan Sahib	Beldar	SSC	18.01.1989	28.02.2018
Nadar Khan	Beldar	SSC	16.03.1993	02.05.2019
Zor Zamin	Beldar		01.01.1987	02.05.2019
Malk-e-Aman	Beldar		1984	02.05.2019
Aziz Ullah	Beldar	FA	01.05.1994	06.05.2019
Fazal Wahid	Beldar		27.06.1998	07.05.2019

Asad
E/Clerk

[Signature]
In-charge
Muzakki Investigation Division

[Signature]
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Annex-E

16



OFFICE OF THE EXECUTIVE ENGINEER
MALAKAND IRRIGATION DIVISION MALAKAND

Ph: No. 0932-410492

No. 702A /7-E (Sub),

Dated Malakand the 25/04/2019

OFFICE ORDER.

Consequent upon recommendation of the Departmental Promotion Committee in its meeting held on 25/04/2019, Mr. Yaqqob Said Beldar attached to Bazai Irrigation Sub Division, Katlang is hereby promoted as Gauge Reader (BS-07) with immediate effect in the public interest.

EXECUTIVE ENGINEER,

- 1/ Copy forwarded for information & necessary action to the:-
- 2/ District Accounts Officer, Malakand.
- 3/ Sub-Divisional Officer Bazai Irrigation Sub Division, Katlang.
- D.A.O. (Local) / H.C (Local).

EXECUTIVE ENGINEER,

ATTESTED

Circle Inspector Engineer Superintendent
بخدمت جناب سپرنٹنڈنگ انجینئر ایریکیشن ڈیپارٹمنٹ سرکل مردان

عنوان۔ یعقوب سید (گج ریڈر)، مسعود (گج ریڈر)، سبزی (گج ریڈر) کو عملہ ایریکیشن میں غیر قانونی پروموشن کی کینسلیشن۔

جناب عالی:

میں محکمہ ایریکیشن میں تقریباً دس سال سے حاضر سروس ہوں اور ایف اے تک تعلیم کے ساتھ تجربہ بھی رکھتا ہوں۔ مجھ سے جو نمبر کو غیر قانونی اور اثر سوخ پر پروموشن دی گئی ہے۔ جس میں سرپرست مسعود کو (بیلدار سے گج ریڈر) سبزی علی کو (میٹ سے گج ریڈر) جبکہ یعقوب سید کو تین سال سروس پر غیر قانونی طریقے سے گج ریڈر کے پوسٹ پر پروموشن دی گئی ہے۔

آپ جناب سے درخواست کی جاتی ہے کہ یہ غیر قانونی پروموشن کو کینسل کی جائے میرٹ اور ^{Rolls} رولز کے مطابق مجھے پروموشن دے کر مشکور فرمائیں۔ کیونکہ میرا سروس اور تجربہ، تعلیم زیادہ ہے، مجھ سمیت میرے بچے تاحیات دعا گو رہیں گے۔

العارض

عبدالوہاب (بیلدار) عبدالوہاب
14-01-2020

کالنگ سیکشن (ایریکیشن ڈیپارٹمنٹ) ضلع ملاکنڈ

رابطہ نمبر: 03469307899

کاپی برائے اطلاع: (1)۔ جناب صوبائی وزیر لیاقت خٹک صاحب (وزیر آبپاشی خیبر پختون خواہ)

(2)۔ سیکرٹری ایریکیشن ڈیپارٹمنٹ خیبر پختون خواہ

(3)۔ جناب چیف انجینئر صاحب ایریکیشن ڈیپارٹمنٹ ساؤتھ خیبر پختون خواہ

(4)۔ ایگزیکٹو انجینئر صاحب ایریکیشن ڈیپارٹمنٹ ملاکنڈ

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-13-

No. 245

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. Ps.

Received a registered* addressed to

Prof. P. S. S. S.

Initials of Receiving Officer. *Write here "letter", "postcard", "packet" or "parcel" with the word "Registered" when necessary.

Insured for Rs. (in figures) *14-01-20* (in words) *Fourteen rupees and one paise only*

If insured

Insurance fee Rs. *14-01-20* Ps. (in words) *Fourteen rupees and one paise only*

Name and address of sender

cool
ATTESTED

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No. 241

For Insurance Notices see reverse. Rs. Ps. 50-
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered* _____
addressed to _____

*Write here "letter", "postcard", "packet" or "parcel"
Name of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo _____ Grams _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Name and address of sender { _____
_____ 14-01-22

No. 242

For Insurance Notices see reverse. Rs. Ps. 50-
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered* _____
addressed to _____

*Write here "letter", "postcard", "packet" or "parcel"
Name of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo _____ Grams _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Name and address of sender { _____
_____ 14-01-22

No. 243

For Insurance Notices see reverse. Rs. Ps. 50-
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered* _____
addressed to _____

*Write here "letter", "postcard", "packet" or "parcel"
Name of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo _____ Grams _____
Insurance fee Rs. _____ Ps. _____ (in words) _____
Name and address of sender { _____
_____ 14-01-22

ATTACHED

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No/2173/2020

Abdul Wahab S/O Sultan Mehmood, Beldar Malakand Irrigation Division, Malakand.....**Appellant**

V E R S U S

- 1. Superintendent Engineer, Irrigation Department, Circle Mardan.
- 2. Chief Engineer, Irrigation Department, South, Khyber Pakhtunkhaw, Peshawar.
- 3. Secretary, Irrigation Department, Khyber Pakhtunkhaw, Peshawar.
- 4. Executive Engineer, Malakand Irrigation Division, Malakand.
- 5. Ashfaq Ahmad S/O Sher Zamin, Gauge Reader, Malakand Irrigation Division, Malakand.
- 6. Yaqoob Said S/O Rahim Said, Gauge Reader, Malakand Irrigation Division, Malakand.**Respondents**

7. M. Bashir.
 8. Masud Khan) implemented order dt: 5-2-21 -

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR THE PROMOTION OF THE APPELLANT AS GAUGE READER AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 14-01-2020 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the appellant may kindly be ordered to be promoted as Gauge Reader (BPS-05) from 25-04-2019, i.e date his juniors were promoted with all back benefits.

Respectfully Submitted:-

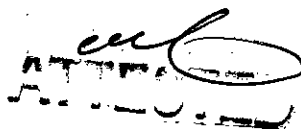
- 1. That the appellant is highly qualified, has passed his Intermediate and was initially appointed as Chowkidar BPS-01 on 07-04-2009 and was redesignated as Beldar on 18-10-2010 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. (Copies of Orders dated 07-04-2009 & 18-10-2010 are enclosed as Annexure A & B).
- 2. That since appointment/re-designation as Beldar the appellant has not been promoted despite having more than 11 years of unblemished service record while he is perfectly fit and eligible and coming up to the criteria for promotion to the post of Beldar.

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3. That according to the rules 50% posts of Gauge Reader are to be filled by initial recruitment while 50% posts are to be filled by promotion on the basis of seniority cum fitness from amongst the Mate, Regulation Beldar and Beldar having SSC qualification and ten years' service in the circle. **(Copy of Rules if enclosed as Annexure C).**
4. That according to the Seniority of the Beldars of Malakand Irrigation Division, Malakand the appellant is placed at Serial No 46 while his other colleagues who are placed below the appellant at Serial No 51 and 88 have been promoted in violation of law and rules on the subject. Respondent No 5 has been promoted as Gauge Reader (BPS-05) on 25-04-2019 while the exact date of promotion of respondent No 6 is not provided to the appellant. **(Copy of Seniority List is enclosed as Annexure D).**
5. That the appellant filed departmental appeal for his promotion as Gauge Reader (BPS-05) on 14-01-~~2019~~ to respondent No 1 however the same has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of departmental appeal & Post office receipts are enclosed as Annexure E).**
6. That ~~the~~ this action of the respondents of not promoting the appellant as Gauge Reader (BPS-05) in the quota reserved for the promotion, is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- A. That the omissions and commissions of the respondents are illegal, unlawful without lawful authority and void ab initio.
- B. That mandatory provisions of law have been violated by the respondents and the appellant has not been treated according to law and rules and more particularly rules governing the subject.
- C. That the appellant is perfectly fit and eligible and coming up to the criteria set forth in law and rules but malafidely has not been promoted.
- b. That even as per the rules/law the appellant is entitled having more than the required length of service besides qualification for promotion as Gauge Reader.


ATTORNEY

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- E. That even juniors including respondent No 5 & 6 have been prompted in violation of the rules on the subject denying the same treatment to the appellant..
- F. That there is no omission or commission on part of the appellant and he could not be punished for the fault of others if any.
- G. That respondents have appointed three Gauge Readers in the Baizai Irrigation Scheme of the same division, thus too the appellant is entitled to be prompted as Gauge Reader.
- H. That the appellant has more than 11 years of service with unblemished service record.


It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-08-10-2020


Appellant
(Abdul Wahab)

Through


FAZAL SHAH MOHMAND
Advocate,
Supreme Court of Pakistan.


ATTESTED

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

APPEAL NO. 12173/2020

Mr. Abdul Wahab.....(Appellant)

Versus

1. Superintending Engineer, Mardan Irrigation Circle Mardan.
2. Chief Engineer (South), Irrigation Department Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
4. Executive Engineer, Malakand Irrigation Division Malakand.
5. Ashfaq Ahmad S/O Sher Zamin G.R Malakand Irrigation Division Malakand.
6. Yaqoob Said S/O Rahim Said G.R Malakand Irrigation Division Malakand.

(Respondents)

A. PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action.
2. That appeal of appellant is time bared, hence liable to be dismissed on this score.
3. That the appellant has preferred the appeal in order to pressurize the incumbent answering respondents.
4. That the appellant has not come to this court with clean hands.
5. That the appellant has no locus standi to prefer the present appeal.
6. The appeal is bad in its present form.
7. That this Honorable Tribunal has got no jurisdiction to entertain this appeal.

RESPECTFULLY SHEWETH:

1. The para is corrected to the extent that the appellant was appointed as Chowkidar BPS 01 on 07/04/2009 and latter on re-designated as a Beldar in the same basic pay scale i.e. BPS-01 on 18/10/2010 on his own request.
2. The para is incorrectly drafted, as the appellant is already serving as a Beldar however the name of appellant has been included in the seniority list of Beldars of Malakand Irrigation Division Malakand and the promotion of the appellant would be considered on his turn subject to recommendation of departmental promotion committee.
3. The rules as quoted for promotion are correct and would be followed by the Departmental Promotion Committee in its meeting/ meetings subject to availability of vacancy.
4. The respondent No. 05 Mr. Ashfaq Ahmad S/O Sher Zameen have not yet been promoted as Gauge Reader rather re-designated as Beldar vide Executive Engineer, Malakand Irrigation Division Malakand office order No.831/7-E(Sub), dated 02-05-2019 (copy of

Mr. [Signature]
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office order is attached as Annexure-A) whereas the respondent No.06 Mr. Yaqoob Said Beldar was promoted as Gauge Reader vide Executive Engineer Malakand Irrigation Division Malakand office order No 708/7-E(sub) dated 25/04/2019 (copy of office order is attached as Annexure-B) through Departmental Promotion Committee meeting held on 25-04-2019, minutes of the Department Promotion Committee meeting is attached as Annexure-C).

5. The para is correct to the extent that the appellant filed Departmental appeal on 14-01-2020 for cancellation of promotion of some already promotion officials & his promotion as Gauge Reader, which was not worth consideration at this belated stage and therefore not considered being badly time barred. However the promotion of the appellant will be considered at his own turn subject to availability of post and clearance by the Department Promotion Committee.
6. As explained in para-2 above, the promotion of Mr. Abdul Wahab, Beldar to the post of Gauge Reader would be considered at his own turn subject to recommendation of the Departmental Promotion Committee upon availability of the post.

GROUND

- A. No irregularity has been made by the incumbent respondents in the instance appeal.
- B. The respondent will be treated according to the law and rules by considering the promotion to the post of Gauge Reader on his own turn under relevant quota subject to recommendation of the Departmental Promotion Committee and availability of vacancy.
- C. The eligibility and fitness of the appellant according to the criteria set forth in the law and rules would be examined by the Departmental Promotion Committee at his own turn. The appellant cannot established his right by himself
- D. As per Para "C" above.
- E. The re-designation of respondent NO.5 and promotion of respondent No.6 have been considered by the Departmental Promotion Committee in its meeting held on 25-04-2019.
- F. The appellant has not been punished but the appellant was to be consider for promotion as explained in para 2 above.
- G. The 03-Nos Gauge Reader of Bazai Irrigation scheme were recruited through fresh appointment against the newly created post, therefore the appeal of the appellant for promotion against one of the mention posts is un-justified.
- H. As per Para "C" above.

Keeping in view the above explanation, it is therefore humbly prayed that upon the acceptance of above replies, the instance appeal of the appellant may kindly be dismissed.


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[Signature]
Executive Engineer
Malakand Irrigation Division
Malakand
(Respondents No.1, 2,3 & 4)

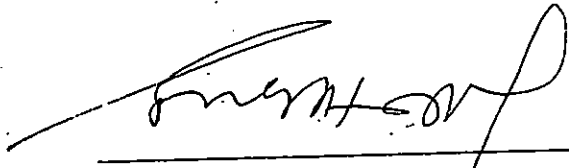
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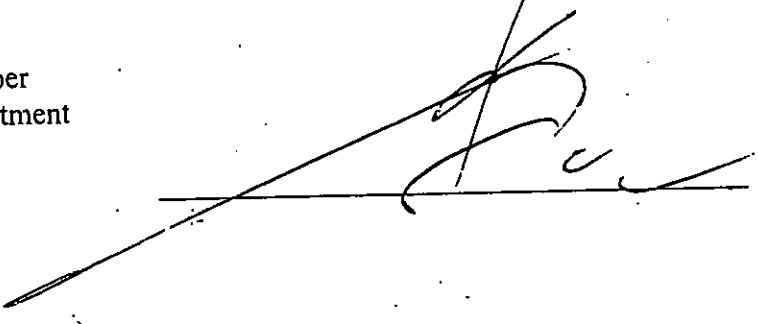
1- Superintending Engineer,
Mardan Irrigation Circle,
Mardan.
(Respondent 01)


Superintending Engineer
Mardan Irrigation Circle
Mardan

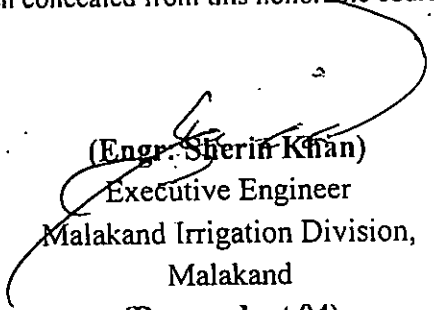
2- Chief Engineer (South),
Irrigation Department
Peshawar.
(Respondent 02)



3- Secretary to the Govt: of Khyber
Pakhtunkhwa Irrigation Department
Peshawar.
(Respondent 03)



I Engr: Sherin Khan Divisional Canal Officer/Executive Engineer, Malakand Irrigation Division Malakand do hereby solemnly affirm and declare on oath that the contents of the subject replies are true and correct to the best of my knowledge and nothing has been concealed from this honorable court.


(Engr. Sherin Khan)
Executive Engineer
Malakand Irrigation Division,
Malakand
(Respondent 04)


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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 12173 /2020

Abdul Wahab S/O Sultan Mehmood, Beldar Malakand Irrigation Division,
Malakand.....Appellant



V E R S U S

1. Superintendent Engineer, Irrigation Department, Circle Malakand.
2. Chief Engineer, Irrigation Department, South, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
4. Executive Engineer, Malakand Irrigation Division, Malakand.
5. Ashfaq Ahmad S/O Sher Zamin, Gauge Reader, Malakand Irrigation Division, Malakand.
6. Yaqoob Said S/O Rahim Said, Gauge Reader, Malakand Irrigation Division, Malakand.Respondents

APPEAL APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR THE PROMOTION OF THE APPELLANT AS GAUGE READER AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 14-01-2020 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the appellant may kindly be ordered to be promoted as Gauge Reader (BPS-05) from 25-04-2019, i.e date his juniors were promoted with all back benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified, has passed his Intermediate and was initially appointed as Chowkidar BPS-01 on 07-04-2009 and was redesigned as Beldar on 18-10-2010 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. (Copies of Orders dated 07-04-2009 & 18-10-2010 are enclosed as Annexure A & B).

Certified to b2: That since appointment/re-designation as Beldar the appellant has not been promoted despite having more than 11 years of unblemished service record while he is perfectly fit and eligible and coming up to the criteria for promotion to the post of Beldar.

XAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

18.01.2024

36
Appeal No. 12173/2020 28
Abdul Wahab vs Govt



Appellant in person present. Mr. Muhammad Bashir

Sub-Engineer alongwith Mr. Muhammad Jan, District

Attorney for official respondents present. Private respondent

No. 8 in person also present.

Appellant requested for adjournment on the ground that his counsel is unable to attend the Tribunal due to strike of lawyers. Adjourned. To come up for arguments on 13.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

withdrew instant
appeal with permission
to grant proper remedy
against the respondents
in interest to the appellant
13-3-2024

Adn
13-3-2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Former requested for withdrawal of the instant appeal to avail proper remedy. As a token of admission of his submission he signed the margin of order sheet. Disposed of accordingly. Consign.
3. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 13th day of March, 2024.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Adnan Shah

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

خدمت جناب ایسٹن ایگری کیسٹن ملاکنڈ

28A عنوان = فراہمی پروموشن آرڈرز Under

Right to Information Act جناب عالی!

مکو دیا نہ گزارش ہے کہ بندہ کو اہمیاٹی

حکومت کے Right to Information ایکٹ کے تحت

درج ذیل بیلڈر جو کہ بیلڈر سے گنج آرڈرز موٹ

پہنچے ہیں ان آرڈرز کا پتہ طلب ہے۔

مہربانی کر کے فراہم فرما کر مشکور فرماؤں۔

① مسعود موجودہ عہدہ گنج آرڈر

② بشیر موجودہ گنج آرڈر

③ یعقوب سید گنج آرڈر

الحارثی 23/4/24

محمد کلیم امیر

عبدالرحمن بیلڈر

آلو کائلنٹ سیکس

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Attested

38

28B

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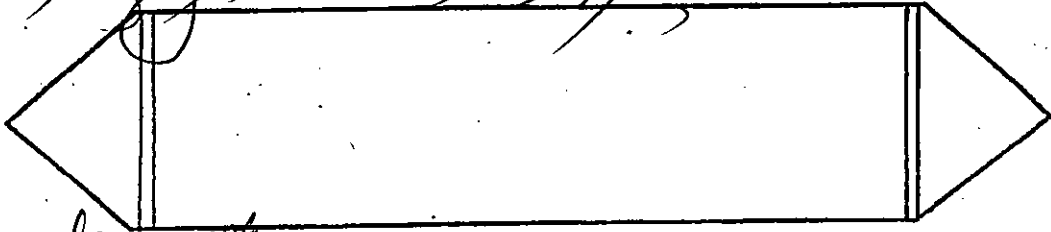
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بعدالت خیر اختوا لھوہ ہوس لوز ہونہ صلہ



2027ء پنجاب Appellant

عبدالولاب بنام گورنمنٹ و سسرہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کسٹمر کیلئے فضل شاہ / محمد شاہ / عبدالملک شاہ / عبدالرحمن شاہ / عبدالغنی شاہ / عبدالغنی شاہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

عبدالولاب

المرقوم 03
ماہ 2027ء
واہ

Accepted
For
Fazal Shah Akhond
Ase

بمقام کسٹمر
P. Ase