

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

Amended S. A. No. 7878 /2021

Intiaz Alam

versus

PPO & Others

**WRITTEN STATEMENT ON BEHALF OF**  
**R. NO. 05, 07, 08 and 09:**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12438

Dated 29-04-2024

**Respectfully Sheweth,**

**Preliminary Objections:**

- a. 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.
- b. That the appeal is miserably time barred and hit by limitation.
- c. That appellant has no cause of action / locus standi against R. No. 03 to 10.
- d. That in a single appeal appellant has made several requests not in time, so the appeal is meritless.

**ON FACTS**

1. Not correct. At the same time, one of the post was held by the Ho'ble Peshawar High Court, Peshawar with direction to Commission to withheld the recommendation of one of the advertised seat. At the same time Commission was bound to follow the order of the hon'ble court and it was then not known that whether the said post would come in his credit.
2. Correct to the extent of issuing order of R. No. 03 to 09 on 28-12-2006. However the situation was not cleared due to the Interim Relief of the hon'ble court, so appellant was not appointed as such and thereafter he was recommended later on after dismissal of the Writ Petition of Mukkaram Shah. Yet appellant was legally required to ante date his appointment order after his appointment to become on line with his colleagues.

07-06-24  
Peshawar

3. Correct to the extent of the dismissal of Writ Petition of Mukkaram Shah and thereafter appellant was recommended for the post on 17-04-2007 vide Notification dated 21-04-2007. It is incorrect to say that he should have been appointed with his batch-mates on 28-12-2006 and his appointment was delayed not by the respondents but the same was withheld by the hon'ble High Court.
4. 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.
5. 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.
6. 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.
7. Not correct. When juniors were confirmed on 28-12-2006, then he should agitate the matter even to the rank of Sub Inspector, it is submitted that when appellant was recruited after the judgment of High Court on 17-04-2007, 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 recourse to law for the needful for every rank.
8. Needs no comments.

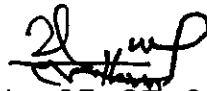
**GROUND:**

- 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.

Through

  
R. No. 05, 07, 08 & 09

  
Saadullah Khan Marwat

  
Arbab Siyf-ul-Kamal

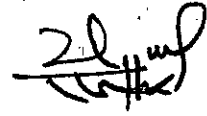
  
Amjad Nawaz

Advocates,

Dated: 29-04-2024

**VERIFICATION**

I, **Rehmat Ullah**, R. No. 07 do hereby verify that contents of the **Written Statement** are true and correct to the best of my knowledge and belief.



DEPONENT