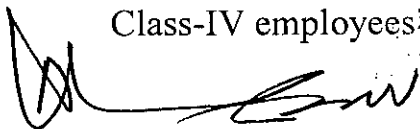


5. Upon careful examination of the appellant's case, it is evident that the appellant was appointed as Process Server (BPS-05) on April 30, 2018, but subsequently faced termination on June 22, 2018, due to an alleged ineligibility for appointment under the reserved quota for the sons of retired Class-IV employees. The appellant responded to the show cause notice issued on June 14, 2018, and subsequently filed a departmental appeal on July 12, 2018, which was rejected on July 27, 2018. The appellant sought recourse through a Writ Petition before the Hon'ble Peshawar High Court, and the Hon'ble Peshawar High Court vide judgment dated 09.06.2021, remanded the case back to the respondents for reconsideration. However, the respondents maintained the original termination order in their decision dated August 4, 2021.

6. Admittedly, the appellant was appointed as Process Server against 25% reserved quota for retired employees son. True that father of the appellant was employee of the respondent department but the post against which he was appointed on the quota of retired sons, was reserved only for children of Class-IV employees, whereas, father of the appellant had retired in BPS-16, therefore, the appellant was not eligible for appointment against the quota reserved for Class-IV employees' sons.



*Service Appeal No.7357/2021 titled "Mian Abdul Rehman Vs.Senior Civil Judge Nowshera and others", decided on 19.09.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

7. Keeping in view the above situation, we see no merits in this appeal, which is dismissed with costs. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19<sup>th</sup> day of September, 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**RASHIDA BANO**  
Member (Judicial)

*\*Mutazem Shah\**

12<sup>th</sup> July, 2024

Learned counsel for the appellant present. Mr. Owais Saleem, Senior Clerk as representative on behalf of respondent No. 1 alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of respondent No. 1 produced original record, which was returned to him with the direction to submit 04 sets of attested copies of the same on the next date positively. To come up for record as well as arguments on 19.09.2024 before the D.B. Parcha Peshi given to the parties.

RECEIVED  
12/07/2024  
D.D.A. PESHAWAR

(Muhammad Akbar Khan)  
Member (Executive)

(Aurangzeb Khattak)  
Member (Judicial)

\*Naeem Amin\*

S.A #.7357/2021

**ORDER**

19<sup>th</sup> Sep. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Heard.
2. Vide our detailed judgment of today placed on file, instant service appeal is dismissed with costs. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19<sup>th</sup> day of September, 2024.*

(Rashida Bano)  
Member (J)

(Kalim Arshad Khan)  
Chairman

19/09/24

\*Mutazem Shah\*

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**  
**RASHIDA BANO ...MEMBER (Judicial)**

*Service Appeal No.7357/2021*

Date of presentation of appeal.....25.08.2021

Dates of Hearing.....19.09.2024

Date of Decision.....19.09.2024

**Mian Abdul Rehman S/O Mian Abdul Waseh R/O Mohallah Miangan Taru Jabba Tehsil Pabbi, District Nowshera..(Appellant)**

Versus

1. **Senior Civil Judge, Nowshera**
2. **District Judge Nowshera.**
3. **District Accounts Officer, Nowshera.....(Respondents)**

Present:

Syed Shahid Shah, Advocate.....For the appellant

Mr. Muhammad Jan, District Attorney.....For respondents

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 04.08.2021 THEREBY RESPONDENT NO.2 HAS DISMISSED THE DEPARTMENTAL APPEAL OF THE APPELLANT AS WELL AS TERMINATION FROM SERVICE ORDER DATED 22.06.2018 ISSUED BY RESPONDENT NO.1.**

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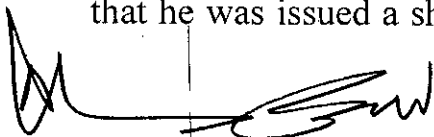
**JUDGMENT**

**KALIM ARSHAD KHAN, CHAIRMAN:** Appellant's case

in brief, as per the memo and grounds of appeal, is that he

was appointed as Process Server (BPS-05) on 30.04.2018;

that he was issued a show cause notice on 14.06.2018 which



was replied by him on 22.06.2018; that his services were resultantly terminated vide impugned order of respondent No.1 dated 22.06.2018 on the ground that he was not eligible to be appointed against 25% quota reserved for the retired Class-IV employees sons; that feeling aggrieved, he filed departmental appeal on 12.07.2018 but the same was rejected on 27.07.2018; that thereafter, he filed a Writ Petition No.6275-P/2018 before the Hon'ble Peshawar High Court, Peshawar and the Hon'ble Peshawar High Court vide its judgment dated 09.06.2021, remanded the case of the appellant to the respondents; that in compliance of the judgment, the respondent No.2 passed order dated 04.08.2021 and the earlier impugned order dated 22.06.2018 was kept intact, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned District Attorney for respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney, controverted the same by supporting the impugned order.