


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1068/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.09.2024	<p>The implementation petition of Mst. Nighat Jehan submitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 27.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Nighat Jahan

v/s The Secretary E and SE

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
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?	x	✓
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?	x	✓
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: Ashraf ali khattak

Signature: ASL

Dated: 16/9/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 1068 /2024

In

Service Appeal No.1062 /2022

Nighat Jehan W/o Prof. Engr. Noor Ul Qamer,

SDM, GGHS Achini Payan, Peshawar.....Applicant / Petitioner.

Versus

The Secretary,

Education (E & SE) Department,

Govt: of Khyber Pakhtunkhwa,

Civil Secretariat, Peshawar & others.....Respondents.

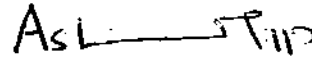
INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Petition for execution with Affidavit.			1-4
2.	Copy of order / Judgment passed by this Hon'ble Tribunal.	10-07-2024	A	5-14
3.	Copy of application.	05-08-2024	B	15-16
4.	Wakalat Nama.			17



Applicant/Petitioner

Through



Ashraf Ali Khattak

Advocate,

Supreme Court of Pakistan



Ali Bakht Mughal

Advocate,

High Court, Peshawar

Dated: _____ / 09/ 2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 1068 /2024

In

Service Appeal No.1062 /2022

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 15807

Dated 18-09-2024

Nighat Jehan W/o Prof. Engr. Noor Ul Qamer,

SDM, GGHS Achini Payan, Peshawar.....**Applicant / Petitioner.**

Versus

1. The Secretary,
Education (E & SE) Department,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. The Director (E & SE) Department,
Govt: of Khyber Pakhtunkhwa,
Near Malk Saad, BRT, Terminal, Peshawar.
3. The District Education Officer (F),
(E & SE) Department,
G.T Road, Peshawar.
4. Mst: Mst: Rehana Khatun D/o Habib Ur Rehman,
SST (G) (BPS-16),
GGHS Surizai Bala, Peshawar.
5. Mst: Shazia Bibi D/o Karam Ilahi,
GGHS, Khappa, Peshawar.**Respondents.**

**EXECUTION PETITION UNDER SECTION 7(d) OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.**

Respectfully Sheweth,

Facts giving rise to the present execution petition are as under:-

1. That the applicant / petitioner filed the above titled service appeal which was disposed of by this Hon'ble Tribunal on 10-07-2024. The operative part of the Judgment is reproduced as under for easy reference;-

4. *The matter in this appeal was considered and we saw that none of the parties have produced the final seniority list which is prayer 2 of the appellant in this appeal and that is that respondents be directed to notify fresh seniority list as per law, rules and policy, whereafter promotion was to be in accordance therein. When the District Attorney was asked as to whether final seniority list was issued or available with the department, he expressed his ignorance but has however, not objected that if the appeal is disposed of with the direction to respondents to handover final seniority list duly prepared in accordance with law and rules to the appellant within a period of thirty days to which learned counsel for the appellant also showed his willingness, therefore, while disposing of this appeal, we direct the respondents to issue final seniority list duly prepared and finalize in accordance with the law and rules. Copy of the same be handed over to the appellant within thirty days of receipt of the order. On issuance of final seniority list, any party if felt aggrieved may have resource to legal remedies in accordance with law. Consign.*

Copy of Order / Judgment dated 10-07-2024 passed by this Hon'ble Tribunal is attached as **Annexure-A**.

2. That applicant in the light of order of this Honorable Tribunal dated 10-07-2024 approached the respondent No.2 and submitted application on 05-08-2024 for implementation of the aforesaid Judgment but he is reluctant to implement the Judgment in letter and spirit. Copy of application dated 05-08-2024 is attached as **Annexure-B**.
3. That the acts and actions of the respondents squarely fall within the ambit of the Contempt of this Hon'ble Tribunal and as such are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, this Hon'ble Tribunal may graciously be pleased to take action and initiate Contempt of Tribunal proceedings against the respondents and directs them implement the Judgment in letter and spirit.

Ajeban

Applicant/Petitioner

Through

Asl 

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

AQ&

Ali Bakht Mughal
Advocate,
High Court, Peshawar

Dated: _____ / 09/ 2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____/2024

In

Service Appeal No.1062 /2022

Nighat Jehan W/o Prof. Engr. Noor Ul Qamer,
SDM, GGHS Achini Payan, Peshawar.....Applicant / Petitioner.

Versus

The Secretary,
Education (E & SE) Department,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & others.....Respondents.

AFFIDAVIT

I Nighat Jehan W/o Prof. Engr. Noor Ul Qamer SDM, GGHS Achini Payan, Peshawar solemnly affirms and declare on Oath that the Contents of the instant petition are correct and true to the best of my knowledge and belief and nothing has been concealed from the notice of this Hon,ble Tribunal.

Nighat Jehan

Deponent

M.No. 0300-9355468

e.N.I.No. 1730112413876





Service Appeal No. 1062/2022 titled "Nighat Jehan Vs. The Secretary, Education (E&SE), Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

ORDER

10th July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant

present. Mr. Muhammad Jan, District Attorney for respondents present.

2. Brief facts gathered from the memo and grounds of appeal are that the appellant was appointed as Drawing Master vide order dated 26.06.1997 alongwith private respondents No. 4 and 5; that the appellant according to merit list was at serial No. 6 while private respondents No. 4 and 5 were at serial No. 15 and 11 respectively; that the respondent department has neither notified any tentative seniority list nor any final seniority list of Drawing Master till convening of Departmental Promotion Committee meeting for the purpose of impugned promotion of Drawing Master to the post of Senior Drawing Master; that the appellant and private respondents No.4 and 5 were promoted to the post of Senior Drawing Master (BPS-16) vide order dated 21.02.2012; that the respondent department was issued revised tentative seniority list, wherein private respondents No. 4 and 5 were placed senior to the appellant; that the appellant filed objection application on the revised tentative seniority list but the same was not decided; that thereafter the respondent department promoted private respondents No. 4 and 5 to the post of SST vide order dated 11.01.2021 and 11.01.2022; that being aggrieved of the same, the appellant filed departmental appeal which was not responded, hence the instant service appeal.


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3. We have heard the arguments and record perused.


4. The matter in this appeal was considered and we saw that none of the parties have produced the final seniority list which is prayer 2 of the appellant in this appeal and that is that respondents be directed to notify fresh seniority list as per law, rules and policy, whereafter promotion was to be made in accordance therein. When the District Attorney was asked as to whether final seniority list was issued or available with the department, he expressed his ignorance but has however, not objected that if the appeal is disposed of with the direction to the respondents to handover final seniority list duly prepared in accordance with law and rules to the appellant within a period of thirty days to which learned counsel for the appellant also showed his willingness, therefore, while disposing of this appeal, we direct the respondents to issue final seniority list duly prepared and finalize in accordance with the law and rules. Copy of the same be handed over to the appellant within thirty days of receipt of this order. On issuance of final seniority list, any party if felt aggrieved may have recourse to legal remedies in accordance with law. Consign.

5. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 10th day of July, 2024.


(Muhammad Akbar Khan)
Member(E)


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

240

Date of Presentation of Application 16/8/23
 Number of Words 28
 Copying Fee 1.0
 Urgent JK
 Total 151
 Name of Copyist _____
 Date of Completion 16/8/23
 Date of Delivery of Copy 16/8/23

RECEIVED
 THE DIRECTOR
 GENERAL OF
 CUSTOMS AND
 EXCISE
 DEPARTMENT
 KUALA LUMPUR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2022

Nighat Jehan W/o Prof. Engr. Noor Ul Qamer
SDM, GGHS Achini Payan.
Peshawar.....Appellant

Versus

- 1. The Secretary,
Education (E & SE), Departmet,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
- 2. The Director,
(E & SE), Departmet,
Govt: of Khyber Pakhtunkhwa,
Near Malk Saad, BRT, Terminal, Peshawar.
- 3. The District Education Officer (F),
(E & SE), Departmet,
G. Road, Peshawar.
- ✓ 4. Mst: Mst: Rehana Khatun D/o Habib Ur Rehman,
SST (G) (BPS-16),
GGHS Surizai Bala, Peshawar.
- ✓ 5. Mst: Shazia Bibi D/o Karam Ilahi
GGHS, Khappa, Peshawar. Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED PROMOTION ORDER /
NOTIFICATION NO.650-83, DATED 11-01-2022 AND
IMPUGNED PROMOTION ORDER / NOTIFICATION
NO.5360-76 DATED 11-01-2021 THEREBY JUNIOR TO
THE APPELLANT MST: REHANA KHATUN D/O
HABIB UR REHMAN (SDM) AND MST: SHAZIA

ATTESTE

**BIBI D/O KARAM ILAHI (SDM) AND OTHERS,
WERE PROMOTED TO THE POST OF SST (G) (BPS-16)
ON REGULAR BASIS AND AGAINST WHICH
APPELLANT FILED DEPARTMENTAL APPEAL, WHICH
IS STILL PENDING WITHOUT DISPOSAL.**

PRAYER:

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

- i. **Declare the impugned promotion Order / Notification No.650-83, dated 11-01-2022 and impugned promotion Order / Notification No.5360-76 dated 11-01-2021 thereby junior to the appellant Mst: Rehana Khatun D/o Habib Ur Rehman (SDM) and Mst: Shazia Bibi D/o Karam Ilahi (SDM) and others, were promoted to the post of SST (G) BPS-16 on regular basis as illegal, discriminatory, without lawful authority and set aside the same;**
- ii. **Direct the respondents to notify fresh seniority list as per law, rules and policy, immediately convene DPC meeting and promote the appellant to the post of SST (G) (BPS-16) with effect from the date junior to her have been promoted.**
- iii. **Any other relief as deemed appropriate under the circumstances of the case may also graciously be allowed to the appellant.**

Respectfully Sheweth,

The facts given rise to the present service appeal are as under;

- 1. That appellant is highly educated and qualified (MA & M.Ed), presently serving against the post of Senior Drawing Master (BPS-16) (hereinafter referred to as "SDM"). Appellant was enrolled as DM (Drawing Master) (hereinafter referred to as "DM") vide order / Notification No.9857-9917/11 dated 26-06-1997 on regular basis along with others including Mst: Rehana Khatun D/o Habib Ur Rehman and

appellant
name
enter.

ATTACHED

Mst: Shazia Bibi D/o Karam Ilahi (Respondents No.4 & 5). (Copy of appointment order is attached as Annexure-A)

2 That Rule 17 (1) (a) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 provides as to the following.

17: Seniority :- (1) the seniority Inter se of civil servants (appointed to a service, cadre or post) shall be determined:-

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or as the case may be, the Departmental Selection Committee]; provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

From the above provision of law, it is clear that seniority of appointees who are selected and appointed by initial recruitment through one batch or order shall be determined in accordance with merit position assigned to them by Departmental Selection Committee. In this view of the matter, appellant lie at Serial No.6 and whereas Mst: Rehana Khatun D/o Habib Ur Rehman (DM) and Mst: Shazia Bibi D/o Karam Ilahi (DM) are laying at Serial No. 15 and 11 respectively therefore, appellant is established senior to Mst: Rehana Khatun D/o Habib Ur Rehman (DM) and Mst: Shazia Bibi D/o Karam Ilahi (DM).

The same view of the matter has also been adopted and endorsed by the appointing authority Vide serial No.4 of the terms and conditions of the appointment Notification dated 26-06-1997.

2. That Section 8 (1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that for proper administration of a service, cadre or [post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or [post] to be prepared and subsection (5) of the same section provide that the seniority lists prepared under sub-section(1), shall be revised and notified in the

~~ATTACHED~~

official Gazette at least once in a calendar year, preferably in the month of January.

3. That the department has neither notified any tentative seniority list nor any final seniority list of DM (District Peshawar) till the time of convening the meeting of Departmental Promotion Committee meeting for the purpose of Impugned promotion of Drawing Master to the post of Senior Drawing Master.

✓ 4. That Departmental Promotion Committee was held and resultantly appellants and respondents No.4 and 5 were promoted to the post of SDM (BPS-16) Vide consolidated order Endst: No.4007-13 / File No.2 / Promotion Senior DM B-16: Dated Peshawar the 21/02/2012 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar (Respondent No.2) (Annexure-B & B1).

5. That Rule 17 (1) (b) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 provides as to the following.

17: Seniority :- (1) the seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined:-

Promotion

(b) In the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Since appellant was established senior in the lower grade (DM) therefore, as per rules; appellant was entitled for senior position in the seniority list.

~~ATTACHED~~

6. That respondents circulated undated and unsigned Revised Tentative Seniority list through WhatsApp, wherein respondent No.4 and 5 were placed at serial No.7 & 6 and whereas appellant was assigned junior position and was placed at serial No.11, which appellant impugned through objection application. (Copy of seniority list and objection application are attached as Annexure-C and C1).
7. That respondents failed to decide the objection application till the dated. Respondents have also failed to circulate any sort of final seniority list till the date.
8. That worst of the thing is that Department failed to cause seniority list even after the above cited promotion order / Notification Endst:4007-13 / File No.2 / Promotion Senior DM B-16: Dated Peshawar the 21/02/2012 till the date and more so convened DPC meeting in the absence of any legal / lawful seniority list, which resulted that both respondent No. 4 and 5 (Mst: Rehana Khatun D/o Habib Ur Rehman (SDM) and Mst: Shazia Bibi D/o Karam Ilahi) (SDM), who were junior to the appellant; were promoted to the post of SST vide Notification No.5360-761 dated 11-01-2022 and Notification No.650-83 dated 11-01-2021 respectively (Annexure-D).
9. That appellant being aggrieved from the above impugned promotion orders; submitted departmental appeal (Annexure-E), which is still pending without disposal, hence the statutory period has elapsed therefore, the instant service appeal inter alias on the following grounds.
 - A. That the appellant has not been treated by the respondents in accordance with law, rules and policy on the subject and acted in violation of Articles 4 and 10-A of the Constitution of Islamic Republic of Pakistan. Respondents were under legal obligation to cause tentative seniority list, call objection if any from all concerned and

ATTSTED

than issue final seniority list before convening DPC meeting, but respondent in violation of the prescribed rules and policy; without issuing tentative and final seniority list convened DPC meeting, which resulted the promotion of respondents No.4 and 5 in violation of seniority rules and criteria for promotion therefore, this Hon'ble Tribunal has got the jurisdiction to interfere with and direct the respondents to promote the appellant with effect from the date junior to her have been promoted.

B. That as per mandate of law; initially a tentative seniority list is notified and objection is called upon from all concerned, who may feel aggrieved from their seniority position, but in the instant case all proceeding were initiated secretly and at the back of the appellant and appellant was condemned unheard which is the violation of the well-known principle of law " Audi altram Partem". This principle of law was always deemed to have embedded in every statute even though there was no specific or express provision in this regard.An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC (CS) 1140. As no proper personal hearing has been afforded to the appellant before the issuing of the impugned orders, whereby appellant was not only deprived from his due seniority position, but also from his accrued right of promotion therefore, on this ground as well the impugned orders are liable to be set aside.

C. That appellant has highly been discriminated and that too not only in term of his seniority but also discriminated from his due and legal regular promotion to the post SST (G) and promoted juniors to the appellant. Every government servant has legitimate expectancy of rising up in government hierarchy by means of regular promotion, but

~~ATTORNEY~~

respondents in violation of the principle of legitimate expectancy deprived the appellant from his seniority and further promotion.

10. That Rule 17 (1) (a) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 provides as to the following.

17: Seniority :- (1) the seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined:-

(c) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission for as the case may be, the Departmental Selection Committee; provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

From the above provision of law, it is clear that seniority of appointees who are selected and appointed by initial recruitment through one batch or order shall be determined in accordance with merit position assigned to them by Departmental Selection Committee. In this view of the matter; appellant lie at Serial No.6 and whereas Mst: Rehana Khatun D/o Habib Ur Rehman (DM) and Mst: Shazia Bibi D/o Karam Ilahi (DM) are laying at Serial No. 11 and 15 respectively therefore, appellant is established senior to Mst: Rehana Khatun D/o Habib Ur Rehman (DM) and Mst: Shazia Bibi D/o Karam Ilahi (DM).

The same view of the matter has also been explained and endorsed by the appointing authority. Vide serial No.4 of the terms and conditions of the appointment Notification dated 26-06-1997.

11. That Section 8 (1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that for proper administration of a service, cadre or [post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or [post] to be prepared and subsection (5) of the same section provide that the seniority lists prepared under sub-section(1), shall be revised and notified in the

ATTESTED

official Gazette at least once in a calendar year, preferably in the month of January.

- D. That appellant would like to seek the permission of this Hon'ble Court to advance other grounds at the time of hearing.

In view of the above explained positions, it is humbly prayed that the instant service appeal may be allowed as prayed for above.

Appellant
Appellant

Through

Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Ali Bakht

Ali Bakht
Advocate, Peshawar.

And

Sadia Umer
Sadia Umer,
Advocate, Peshawar.

Dated: 07/01/2021

ATTORNEY

To

The Worthy,
Director (E & SE),
Khyber Pakhtunkhwa,
Peshawar.

Subject: Application for implementation of the Judgment of the Hon'ble Khyber Pakhtunkhwa Service Tribunal dated 10/07/2024 vide Service Appeal No, 1062/2022 Titled "Mst: Nighat Jehan Vs Secretary Education (E & SE) and others".

Respected Sir,

Applicant humbly submits to the following:

1. That applicant filed the titled Service Appeal before the Khyber Pakhtunkhwa Service Tribunal, which was allowed in the following words,
"The matter in this appeal was considered and we saw that none of the parties have produced the final Seniority list, which is prayed No,2 of the appellant in this appeal and that is that respondent be directed to notify fresh seniority list as per law and policy, where after promotion was to be made in accordance therein. When the district Attorney was asked as to whether was issued or available with the department, he expressed his ignorance but has however, not objected that if the appeal is disposed of with the directions to the respondents to hand over the final seniority list duly prepared in accordance with law and rules to the appellant within a period of 30 days to which learned counsel for the appellant also showed his willingness, therefore, while disposing of this appeal, we direct the respondents to issue final seniority list duly prepared and finalized in accordance with the law and rules, Copy of the same be handed over to the appellant within 30 days of receipt of this order. On issuance of the final seniority list, any party if felt aggrieved may have recourse to legal remedies in accordance with law. Consigned.
2. That the material point involved in the above-mentioned service appeal was the determination of the seniority position of D.Ms, Peshawar. The competent authority was under the legal obligation to cause a seniority list of D.Ms district Peshawar in accordance with the merit position assigned to them by the DPC, but the district education office (E&SE) failed to cause a seniority list of the applicant cadre till the date. During this intervening period, number of D.Ms appointed in the year 1997 (Annex. A) have been promoted to the post of SDMs and further promoted to the post of SST (BPS-16) on the ground of pick and choose policy. The wrong was a continuous one which necessitated the preparation of a fresh seniority list as per law and rules. The Hon'ble KP Service Tribunal in the instant decision has directed the competent authority to review the wrongs noticed in the memo of the appeal submitted by the applicant redress her grievances and bring her to her original seniority position in accordance with rule 17(1)(i), which mandates that the original seniority position shall be based on in accordance with her merit position assigned to her by the departmental selection committee.

ATTSTED

That applicant was initially appointed on 26-6-1997 was at S/No 6 along with others and she was declared senior to respondents No. 4 and 5 at S/No 15&11 respectively (Annex. A) therefore under 5 the rules she has a preferential right to be stood at a high position than respondents No. 4 and 5 and is also entitled to be promoted earlier or with her batch mates. This stance/ ground of the applicant has been allowed by the Hon'ble Service Tribunal in its judgment dated 10-07-2024.

In view of the above-narrated positions, it is humbly requested before Your Kind Honor that the instant application may kindly be allowed and a fresh seniority list based on rule 17(1)(i) as per judgment of the Hon'ble KP Service Tribunal dated 10-07-2024 (Annex. B) in-service appeal No. 1062/2022 may be prepared and notified as per rule & law.

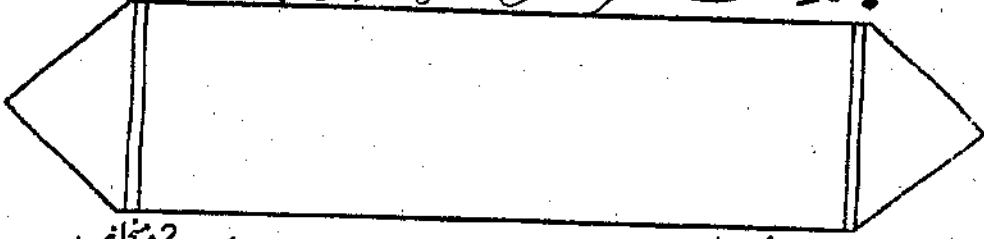
Yours faithfully,

Nighat Jehan
5/8/2024
Mst: Nighat Jehan
W/o Prof. Engr Noor-ul-Qamar
SDM GGHS Achini Payan Peshawar
Cell: 03009355468.

Dated: 05/08/2024

~~ATTSTED~~

بعدالت سردس ٹریبیونل پشاور



نکتہ جانہ بنام جہوصت

2 جناب

14/9/24

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے اسٹریٹ علی رضا

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 دینے 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 بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ

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 با اختیار حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانش التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حدی سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 14 _____ ماہ 9 _____ 2024

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

مقام پشاور

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