

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khun, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
FAREEHA PAUL ... **MEMBER(Executive)**

Service Appeal No.5219/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Zia Ur Rehman Lecturer Electronics (BPS-17), Address: Government College of Technology, Timergara.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.5220/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Muhammad Parvez Lecturer (Electronics) BPS-17, Address: Government Technical Institute, Ekka Ghund, District Mohmand
.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.5221/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Shafqat Ullah, Lecturer (Electronics) (BPS-17), Address: Government College of Technology, Bannu.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshud Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(*Respondents*)

Service Appeal No.5222/2021

Date of presentation of Appeal.....21.05.2021

Date of Hearing.....02.10.2024

Date of Decision.....02.10.2024

Noor ul Haq, Lecturer (Civil) (BPS-17), Address: Government College of Technology, Bannu.....*Appellant*

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.5223/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Abdul Nazer Shah, Lecturer (Mech:) (BPS-17), Address: Government College of Technology, Bannu.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Atihamad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nacer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Amjad Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.6560/2021

Date of presentation of Appeal.....21.05.2021
 Date of Hearing.....02.10.2024
 Date of Decision.....02.10.2024

Rasul Gul, Lecturer (Electrical) (BPS-17), Address: Government College of Technology, Bannu.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6565/2021 titled "Amal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No.6561/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Tanzeel ur Rehman Lecturer (Electronics) (BPS-17), Address:
Government College of Technology, Swat.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Service Appeal No.6562/2021

Date of presentation of Appeal.....21.05.2021
Date of Hearing.....02.10.2024
Date of Decision.....02.10.2024

Dad Muhammad Lecturer Electronics (BPS-17), Address:
Government Polytechnic Institute, Karak.....**Appellant**

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.
3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(*Respondents*)

Service Appeal No.6563/2021

Date of presentation of Appeal.....21.05.2021

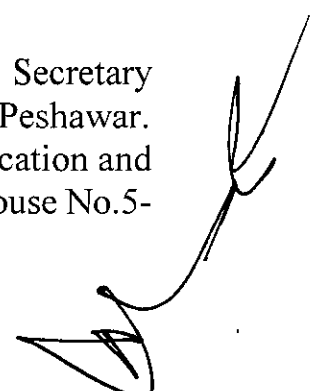
Date of Hearing.....02.10.2024

Date of Decision.....02.10.2024

Ajmal Khan Lecturer (Electrical) (BPS-17), Address: Government College of Technology, Swat.....*Appellant*

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar.
2. **Managing Director** Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K.P TEVTA), Address: House No.5-771, Old Bara Road, University Town, Peshawar.



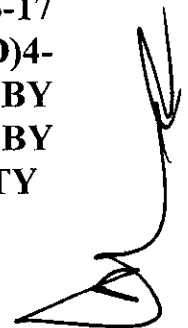
Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

3. **Engr Muhammad Irfan Ullah**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Bannu.
4. **Engr Navid Ali** Lecturer (Mechanical) BPS-17, Address: Government College of Technology, Mingora, Swat.
5. **Engr Dawood Iqbal**, Lecturer (Electronics) BPS-17, Address: Government College of Technology, Swat.
6. **Engr Mohsin Akram** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Abbottabad.
7. **Engr Muhammad Rasheed**, Instructor (Electrical) BPS-17 Address: Government Technical Institute, Khar, District Bajaur.
8. **Engr Sajid Ali** Lecturer (Electrical) BPS-17, Address: Government College of Technology, Kohat.
9. **Engr Faizan Ali** Lecturer (Electrical) BPS-17 Address: Government Technical Institution, Haripur.
10. **Engr Arshad Ali**, Instructor BPS-17, Address: Government College of Technology, Tangi, Charsadda.
11. **Engr Muhammad Daud**, Lecturer BPS-17, Address: Government Technical Institute, Bara.
12. **Engr Sangin Faris** Instructor (Civil) BPS-17, Address: Government Technical Institute, Sardar Garhi.....(**Respondents**)

Present:

Syed Noman Ali Bukhari, Advocate.....For the appellants
Mr. Muhammad Jan, District AttorneyFor official respondent No.1
Mr. Ali Gohar Durrani, Advocate.....For official respondent No.2
Private respondents No.3, 10 & 12 in person present

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 01.11.2020 REGARDING FINAL SENIORITY LIST OF MALE LECTURERS BPS-17 ISSUED VIDE LETTER NO.SOIII (IND)4-7/2020/1299-1300 DATED 02.11.2020 PASSED BY THE RESPONDENT NO.1 & 2 WHEREBY APPELLANTS WERE DEMOTED IN SENIORITY



Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment, all the above-mentioned appeals, are jointly taken up as all are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

2. Brief facts of the cases, as per grounds and memo of appeals, are that the appellants were initially appointed as Junior Instructors (BPS-14) and subsequently promoted to BPS-17 on December 14, 2012, as noted in the final seniority list No. SOIII(IND)4-5/2018/5915 dated May 25, 2018. They have been serving as Lecturers in BPS-17 within KP-TEVTA since their promotion. The last seniority list, prepared on December 31, 2017, placed the appellants at various serial numbers and was approved by the IC & TE Department. However, on November 2, 2020, the official respondents altered the appellants' positions in the final seniority list for Male Lecturers in BPS-17, demoting them and promoting private respondents who were allegedly appointed later and were junior to the appellants. In response to this, the appellants submitted objection petitions and a joint representation on January 14, 2021, to the official respondents regarding their demotions. As their

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

representation was not addressed within the stipulated timeframe, the appellants were compelled to approach this Tribunal for redress.

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and contested the appeals. Official respondents filed replies while the private respondents failed to do so. The defense setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned District Attorney for official respondents and some private respondents.

5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned District Attorney, assisted by private respondents, controverted the same by supporting the impugned order(s).

6. In the instant matter, there is dispute of seniority between the direct recruitees and the promotees. The appellants are promotees while the private respondents are appointees through initial recruitment. The contention of the appellants is that they were promoted before the private respondents could be appointed and this fact is not disputed.



Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

The appellants further contend that since they were promotees having been promoted prior to the appointment of private respondents, therefore, they (appellants) ought to have been placed senior to the private respondents and they had been so placed in the seniority list issued earlier than the disputed one. As against the contention of the appellants, learned counsel for respondent No.2 and learned District Attorney and some private respondents (in person) jointly contend that the respondents were selected as a result of Advertisement No.02/2011 of the Khyber Pakhtunkhwa Public Service Commission. They submitted that true that private respondents were appointed after the promotions of the appellants but a review of the provisions of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17, read with Regulation No.35 (3) (a) & (b) of the Khyber Pakhtunkhwa Public Service Commission Regulations, they had to be placed alongwith their batchmates. The learned counsel for appellants referred to Rule-17 (2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, but that is not so relevant in this particular case because Rule-1 of the Rule-17 requires that the batchmates had to be given seniority

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

in accordance with the merit order assigned by the Khyber Pakhtunkhwa Public Service Commission. If we consider the contention of the appellants to be true, then not only the provisions of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, but also Regulation No.35 of the Khyber Pakhtunkhwa Public Service Commission Regulations, 2003 would be violated because in such eventuality, the merit order could not be maintained. In this respect, one Muammad Irfan Ullah, private respondent No.3 has admittedly secured second position in the exam conducted for selection for the post of Lecturer, and was appointed in the recommendation made subsequent to the promotion order of the appellants, therefore, in view of Regulation No.35 of the Khyber Pakhtunkhwa Public Service Commission Regulations, 2003 and Section-8 of the Civil Servants Act, 1973 read with Rule-17(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Muhammad Irfan Ullah has to be placed at Serial No.2 alongwith batchmates, irrespective of the fact whether they were appointed at later stage than his batchmates than, who otherwise were low on merit list but appointed earlier than Muhammad Irfan Ullah. Almost



Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Farzeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

similar situation has been settled by the Supreme Court of Pakistan in a case reported in 2022 SCMR 1471 titled "Badshah Zameen Vs. Siraj Khan and others" wherein the Supreme Court of Pakistan, in the following manner:

"The first batch of the employees was recommended by the KPPSC on 15th September 2009, before the commencement of the Act, whereas, because of bulk of the candidates, the recommendations of rest of the candidates were made on different dates, after the commencement of the Act. The question before us is that rest of the candidates, who were recommended by the KPPSC for their appointments, after the commencement of the Act, would get the benefit of section 4 of the Act or otherwise? The relevant provisions of the Act are required to be read along with section 35(3)(a) and (b) of the Khyber Pakhtunkhwa Public Service Commission Regulations, 2003 (the Regulations), which are reproduced herein below:

35. RECOMMENDATIONS.

(1)

(2)

(3) (a) ***Where a large number of subjects/specialties are included in an advertisement, recommendations may not be pended till the finalization of the entire batch but instead zonal allocation be worked out subject-wise and recommendation conveyed to the Department without indicating to them the zonal allocation and the inter-se-seniority. In recommendations to the Department it shall be made clear that the inter-se-seniority of the recommendee is linked with other subjects and the overall merit position and zonal adjustment will be intimated on the completion of interviews in all subjects,***

(b) ***The combined merit list shall be against a particular advertisement where by the posts were advertised collectively but recommendations were***

Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Abdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

staggered due to interview schedule or any other reason."

8. In clause (a) of subsection (1) of section 35 of the Regulations, it has been clarified that where a large number of candidates apply for a large number of posts, the recommendations may not be pended till the finalization of the entire batch. In case the recommendation of any batch is made, in the first instance, following by recommending other batches of the candidates for their appointment, the inter se seniority shall be on the basis of their merits, determined by the KPPSC, without taking into account the dates of recommendations. The intention of the law-makers is very much clear that in case of more than one candidate, if the recommendation of the commission is withheld or delayed in respect of one or more candidates, for want of completion of the process or for any other reason, beyond the control of the candidates, the recommendations of the commission made subsequently on different dates, are to be considered to have been made by the commission on the dates, when first recommendation was made. Under such circumstances, the date of the recommendations of the first batch, sent to the competent authority for the appointment shall be considered as the date of recommendation for all.

9. Admittedly, the recommendation of the first batch amongst the appellants were made by the KPPSC to the competent authority on 15.09.2009, whereas the Act was promulgated on 24.10.2009, therefore, the recommendations of all the appellants shall be deemed to have been made to the competent authority prior to the commencement of the Act, irrespective of the subsequent recommendations and dates of their appointments. Hence, the services of those employees, which were regularized pursuant to the Act, shall rank junior to those candidates, whose recommendations were made by the KPPSC, prior to the commencement of the Act. The department while constructing the seniority list was right in placing the appellants senior to those who were regularized pursuant to the Act. The list has wrongly been reversed by the Tribunal, which amounts to mis interpretation of the relevant provisions of law, which

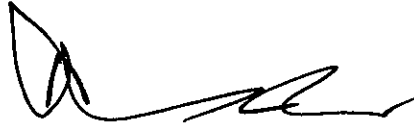
Service Appeal No.5219/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5220/2021 titled "Muhammad Parvez versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.5222/2021 titled "Noor Ul Haq versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and other", Service Appeal No.5223/2021 titled "Ahdul Nazer Shah versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6560/2021 titled "Rasul Gul versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6561/2021 titled "Tanzeel Ur Rehman versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others", Service Appeal No.6562/2021 titled "Dad Muhammad versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" and Service Appeal No.6563/2021 titled "Ajmal Khan versus Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education (IC&TE) Peshawar and others" declared on 02.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

is an illegality, on the basis whereof, the judgment impugned is not sustainable."

7. Deriving wisdom from the above judgment of the Supreme Court of Pakistan, we hold that the date of recommendation of the first batch of the recommendees by the Khyber Pakhtunkhwa Public Service Commission to the competent authority shall be deemed be the date of recommendation of the private respondents, also irrespective of the subsequent recommendations and different dates of their appointments.

8. Therefore, the department has rightly drawn the seniority list. Finding no merits in these appeals, these are dismissed with costs. Copy of this judgment be placed on files of the connected appeals. Consign.

9. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 2nd day of October, 2024.*



KALIM ARSHAD KHAN

Chairman



FAREEHA PAUL

Member (Executive)

Mutazem Shah




S.A #.5219/2021

ORDER

2nd Oct. 2024

1. Syed Noman Ali Bukhari, Advocate learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for official respondent No.1 present. Mr. Ali Gohar Durrani, Advocate for official respondent No.2 present. Private respondents No.3, 10 & 12 in person present. Heard.
2. Vide our consolidated judgment of today placed on file, finding no merit in this appeal, the same 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 2nd day of October, 2024.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah