

Service Appeal No.7302/2021 titled "Hamayun Zia Khanzada versus Government of Khyber Pakhtunkhwa"

ORDER

4<sup>th</sup> Oct. 2024 **Kalim Arshad Khan, Chairman:** Mr. Noor Muhammad

Advocate, learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Amjad Ali, Section Officer for official respondents present. Mr. Muhammad Asif Yousafzai, Advocate for private respondents present.

2. Appellant's case in brief, as per averments of appeal, is that he was serving as Naib Qasid in the Civil Secretariat Peshawar since 14.07.2011 and private respondents No.6 to 38 were serving in different rest houses of under the supervision of the Government of Khyber Pakhtunkhwa; that in the year 2016, the private respondents were absorbed in the seniority list while appellant's name was already existed in the Secretariat Group Class-IVs; that in the year 2017, those household staff was brought at the top of seniority list and were given promotion on acting charge basis, as Junior Clerk (BPS-11); that in the year 2019, appellant was again placed below the private respondents due to bifurcation between the Daftaris and Matriculate Class-IVs; that vide order dated 30.05.2019 junior matriculate Class-IV colleagues were promoted and the appellant was not; that feeling aggrieved, he filed objection over the tentative seniority list whereby household staff was included; that in the final seniority list

dated 26.05.2021, the household staff, PBMC and other junior colleagues (private respondents) were brought on top of seniority list, i.e. above the name of appellant and on the basis of that list, private respondents were granted promotions, therefore, he filed the instant service appeal.

3. Arguments heard. Record perused.

4. The appellant has been serving as Naib Qasid in the Civil Secretariat Peshawar since 14.07.2011, while private respondents No. 6 to 38 worked in various government rest houses as household staff. Despite his longstanding service, the appellant's position in the seniority list has allegedly been undermined, particularly when, in 2016, the private respondents were absorbed into the seniority list ahead of him. Subsequent promotions in 2017 and 2019 further marginalized the appellant, as he was consistently placed below the household staff due to administrative bifurcations and adjustments in the seniority rankings. The issuance of the final seniority list on 26.05.2021, which favored the private respondents and facilitated their promotions, prompted the appellant to file this service appeal.

5. Final list annexed by the appellant himself with the appeal as "Annexure-D" is on 18.05.2017 in which too, his seniority position was according to the claim of the appellant, relegated. Not challenging of the seniority list issued before the impugned seniority list is acquiescence on the part of

  
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appellant which amounts to acceptance of the seniority position in the earlier (unchallenged) seniority lists.

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

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 4<sup>th</sup> day of October, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*