

Petition U/S 12(2) CPC, 1908 in Service Appeal No.3936/2020 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 petitioner 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. Petitioner's case in brief, as per averments of appeal, is that on 18.07.2024 this Tribunal in Service Appeal No.3936/2020 passed a consolidated judgment, allowing the appeals of the appellants; that the said judgment has been claimed by the petitioner that the appellants of those appeals have fraudulently obtained the judgment dated 18.07.2024, therefore, he has approached this Tribunal through the instant 12(2) petition.

3. The only ground agitated, in this petition, by the petitioner, is to get the judgment of this Tribunal, dated 18.07.2024, set aside, is that the petitioner was not made party in the Appeal No.3936/2020 & others, decided on 18.07.2024.

4. We have perused the judgment vide which the appeals were accepted with the direction to department to determine seniority of the appellants like employees of other Houses and include their names in the seniority list of Class-IV employees.

5. The above sentence in the judgment has not affected anybody as the above judgment, especially the paragraph has not granted the appellants of the said appeal any seniority, rather the department was directed to

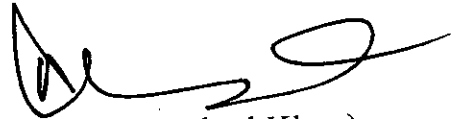
44

determine seniority, which has to be determined in accordance with law and rules, therefore, we see no force in this petition which is dismissed with costs. Consign.

6. *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\*