

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**SERVICE APPEAL NO. 703/2024**

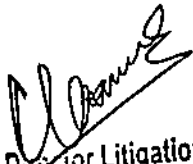
**WAQAR AHMAD ..... APPELLANT**

***VERSUS***

**SECRETARY INDUSTRIES, COMMERCE & TEC: EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA & OTHERS  
.....RESPONDENTS**

**INDEX**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Reply of Service Appeal No.703/2024		2-4
2.	Appointment Order dated 13-12-2023	(Annex-I)	5-6
3.	Arrival Report	(Annex-II)	7
4.	Affidavit		8
5.	Authority Letter		9

  
Assistant Director Litigation  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 703/2024

Mr. Waqar Ahmad, Junior Scale Stenographer (BPS-14),  
Govt: Printing Press, Peshawar.

..... Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16943

Dated 21-10-2024

**VERSUS**

1. The Secretary Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Industries and Commerce, Khyber Pakhtunkhwa, Peshawar.
3. The Controller, Govt: Printing Press & Stationary Department, Peshawar.
4. The Manager Govt: Printing Press & Stationary Department Peshawar.

..... Respondents

**JOINT PARA-WISE-COMMENTS ON BEHALF OF RESPONDENTS NO.1 to 4.**

Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS:**

- A. That the Appellant has no locus standi to file this instant Appeal.
- B. That the Appellant has no cause of action.
- C. That the Appellant has not come to this Honorable Court with clean hands.
- D. That the Appeal is bad for misjoinder of necessary parties.
- E. That the Appeal is based on malafide intention and it has been filed with ulterior motives to coerce and pressurize the respondents.
- F. That the Appellant is stopped by his own conduct from instituting this Appeal.
- G. That the instant Appeal is barred by law.

**ON FACTS.**

1. Pertaining to record.
2. Pertaining to record.
3. Correct.
4. No Comments/Pertaining to record.
5. No Comments/pertaining to record.
6. Correct.
7. Correct.
8. Correct.
9. Correct to the extent that the Court order dated 14.11.2023 has been implemented and due right was granted to the appellant by appointing him as Junior Scale Stenographer

(BPS-14) w.e. from 01.12.2023. The appointment order for the post of Junior Scale Stenographer (BPS-14) has been willingly accepted by the appellant without raising objection and submit arrival report for duty (Annex- I& II).

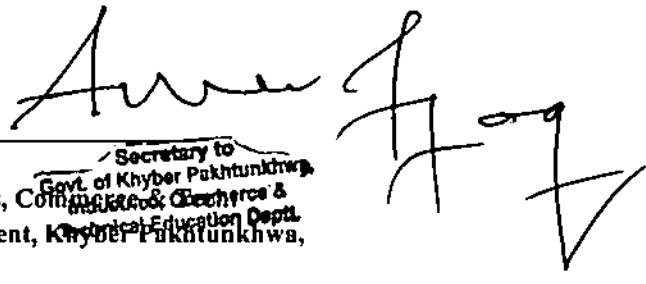
**GROUND.**


- A- Incorrect. The contention of the appellant that the action or inaction of the respondents by not granting seniority from 26.03.2021 is against the law, facts, norms of natural justice, and materials on record is respectfully denied. The respondents acted strictly in accordance with the Honorable Court's judgment dated 14.11.2023 and the recommendations of the Departmental Selection Committee, which did not include any direction to grant seniority from a retrospective date. The appellant was appointed as Junior Scale Stenographer (BPS-14) from 1.12.2023 without any back benefits, which was accepted by the appellant without objection. Therefore, the appellant's claim for seniority from 26.03.2021 is unjustified and without legal basis.
- B- Incorrect. The assertion that the appellant has not been treated in accordance with the law and rules, and that Article 4 and 25 of the Constitution of Pakistan have been violated, is unfounded.
- C- Incorrect. The claim that the respondents acted in an arbitrary and malafide manner by not granting seniority from 26.03.2021 is categorically denied. The High Court's judgment did not provide any directions to grant seniority from any prior date.
- D- Incorrect. The appellant's claim that the act of not granting seniority is against the principles of natural justice is denied, and the Court judgment did not include any instruction for backdated seniority. The appellant's acceptance of the appointment order without backdated benefits further reinforces that the respondents acted in compliance with the judgment.
- E- Incorrect. The assertion that the treatment meted out to the appellant was discriminatory and mala fide is denied and any claims of discrimination are baseless.
- F- Incorrect. It is denied that the appellant has been discriminated against by the action or inaction of the respondents. The fact that seniority has not been granted from the claimed date of 26.03.2021 is because no such direction was issued in the High Court's judgment, and the appointment was made from 1.12.2023 as per legal norms.
- G- Incorrect. The claim that the respondents' actions are against the spirit of the Peshawar High Court judgment is denied. The respondents have complied with the judgment in letter and spirit, and the appellant was appointed accordingly. The judgment did not provide any instructions regarding the granting of seniority from

26.03.2021 or any other date prior to the appointment. As such, the respondents acted lawfully and in accordance with the court's decision.


H- The respondents also seek permission to advance other grounds and proofs at the time of hearing


In light of the above submissions, it is respectfully prayed that the appeal filed by the appellant be dismissed, as the respondents have acted in compliance with the Peshawar High Court judgment and applicable laws. The appellant's claim for seniority from 26.03.2021 is not supported by the court's judgment or any legal provisions and may therefore be rejected.

Respondent No. 01   
 AMER AFAQ,  
 Secretary Industries, Commerce & Technical Education Deptt,  
 Education Department, Khyber Pakhtunkhwa,  
 Peshawar.

Respondent No. 02   
 IFTIKHAR ALAM,  
 Director General,  
 Industries and Commerce,  
 Khyber Pakhtunkhwa, Peshawar.

Director General  
 Directorate General of Industries  
 & Commerce  
 Khyber Pakhtunkhwa Peshawar.

Respondent No. 03   
 MUJAHID KHAN,  
 Controller Government Printing Press  
 & Stationery Department, Peshawar.  
 CONTROLLER  
 Stationery and Printing Deptt  
 Govt: of Khyber Pakhtunkhwa  
 Peshawar

Respondent No. 04   
 MAZHAR ALI,  
 Manager Government Printing Press  
 & Stationery Department, Peshawar.

MANAGER  
 Stationery and Printing Deptt:  
 Govt: of Khyber Pakhtunkhwa  
 Peshawar.



**Annex-I**  
**DIRECTORATE GENERAL,  
INDUSTRIES AND COMMERCE,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Registered

(5)

Printing Press Building, Shani Road, Peshawar

No. 11789-97 /1/98-DI-Admn:

Dated Peshawar the, 13/12/2023.

**ORDER**

In pursuance to the Honorable Peshawar High Court, Peshawar Judgement dated 14.11.2023 in the Writ Petition No. 2050-P/2022 titled Waqar Ahmad Versus Government of Khyber Pakhtunkhwa through Secretary Industries and upon the recommendations of the meeting of Departmental Selection Committee of the Directorate General of Industries and Commerce, Khyber Pakhtunkhwa held on 04.12.2023, the Competent Authority is pleased to appoint Mr. Waqar Ahmad S/o Mr. Ifikhar Ahmad, resident of Gulbahar No.4, Shinwari Town near Sir Syed School, House No.2, Peshawar, CNIC No.17301-2317300-3 as Junior Scale Stenographer-BPS-14 (22530-1740-74730) under the provisions contained in sub-section (2) of section-19 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973 (KPK Act No. XVIII of 1973) plus usual allowances as admissible under the Rules in the Directorate General of Industries & Commerce, Khyber Pakhtunkhwa against the vacant post of Junior Scale Stenographer (BPS-14) at Printing Press, Directorate General, Industries & Commerce, Khyber Pakhtunkhwa Hqtrs Office, Peshawar with effect from 01.12.2023 on the following terms and conditions that:-

1. He will be governed by the Khyber Pakhtunkhwa, Civil Servants Act, 1973 and all the Law, Rules & Regulations applicable to the Civil Servants and Rules made there-under by the Provincial Government from time to time.
2. He will, for all intents and purpose, be civil servant as per current rules and regulations.
3. He will initially, be on probation for a period of one year extendable for further period of one year. If his work during the period of probation is not found satisfactory, he will be terminated without assigning any reason.
4. He will be given minimum pay of the post in the Basic Pay Scale-14 (22530-1740-74730) per month with other allowances as may be admissible under the rules of the Provincial Government as per entitlement.
5. His service will be liable to termination on one month's notice from either side and in case of resignation at any time, one month's notice shall be necessary or in lieu thereof, one month's pay and allowances if any shall be forfeited to the Government.
6. He will be liable to serve anywhere in Khyber Pakhtunkhwa.
7. He will join duty at his own expenses.
8. His Inter Se-Seniority will be fixed from the date of regular appointment to the post.
9. He should report for duty to the undersigned within 30 days of the receipt of this order and produce original certificates in connection with his qualification, domicile and age etc. His appointment will be subject to verification of his degree / certificates. In case of non-joining the duty in the stipulated period of 30 days, the appointment order will be deemed cancelled.

**Director General, IC,  
Khyber Pakhtunkhwa, Peshawar.**

**Endst: No. & date even.**

Copy of the above is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director, Printing Press, Hqtrs Office, Peshawar.
3. PS to Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. The Accounts Officer (Printing Press), Hqtrs Office, Peshawar.
5. The Manger Printing Press, Hqtrs Office, Peshawar.
6. Mr. Waqar Ahmad Khan S/o Mr. Ifikhar Ahmad, resident of Gulbahar No.4, Shinwari Town near Sir Syed School, House No.2, Peshawar.  
Personal file of the official concerned.  
File 6/979 & 6/865-DI-Admn:

(Asif Zaman)  
Administrative Officer,  
Directorate General, Industries & Commerce,  
Khyber Pakhtunkhwa, Peshawar

**Assistant Director Litigation  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar**



**DIRECTORATE GENERAL,  
INDUSTRIES AND COMMERCE  
KHYBER PAKHTUNKHWA, PESHAWAR**  
Printing Press Building Shami Road, Peshawar.

*Annex-I*  
*(6)*

No. 11842-49 /133-DI-Admn:  
Dated Peshawar the, 13/12/2023.

**ORDER**

Consequent upon his appointment to the post of Junior Scale Stenographer (BPS-14) vide this Directorate General order No. 11789-97/1/98-DI-Admn: dated 13.12.2023, Mr. Waqar Ahmad, Junior Scale Stenographer (BPS-14) is hereby posted in the Printing Press, Hqtrs Office, Peshawar w.e. from 01.12.2023.

**Director General, IC,  
Khyber Pakhtunkhwa**

**Endst: No. & date even.**

Copy of the above is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director, Printing Press, Hqtrs Office, Peshawar.
3. PS to Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. PA to Director Administration, Hqtrs Office, Peshawar.
5. The Manger, Printing Press, Hqtrs Office, Peshawar
6. The official concerned.
7. Personal file of the official concerned.

*(Asif Zaman)*

**Administrative Officer  
Directorate General, Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar**

*(Signature)*  
**Assistant Director Litigation  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar**

To,


The Director General,  
Industries & Commerce,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - Arrival Report.


R/Sir,

In compliance of this Directorate General order No. 11789-97/1/98-DI-Admn: dated 13.12.2023 I Waqar Ahmad hereby submit my arrival report for duty as Junior Scale Stenographer (BPS-14) w.e. from 01.12.2023.

Yours Faithfully



Waqar Ahmad,  
Jr. Scale Steno (BPS-14)



Assistant Director Litigation  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

**SERVICE APPEAL NO. 703/2024**

**WAQAR AHMAD ..... APPELLANT**

***VERSUS***

**SECRETARY INDUSTRIES, COMMERCE & TEC: EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA & OTHERS  
.....RESPONDENTS**

BL/311  
P/311

**AFFIDAVIT**

I, Iftikhar Alam Director General (BPS-19), of Industries & Commerce, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying comments/ reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that in this Appeal the answering respondent have neither been placed Ex-Parte nor their defense has been struck off/cost.



*Iftikhar Alam*  
**DEPONENT**

**Iftikhar Alam**

**CNIC: 15602-2630609-9**

**CELL: 0333-4909853**

**DIRECTOR GENERAL**  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar

**21 OCT 2024**





**DIRECTORATE GENERAL OF INDUSTRIES AND COMMERCE KHYBER PAKHTUNKHWA, PESHAWAR.**  
Government Printing Press Building, Shami Road, Peshawar, (091) 9210234

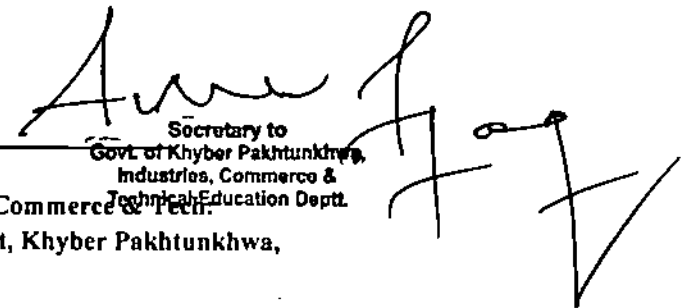
**AUTHORITY LETTER.**


Mr. Muhammad Mansoor, Assistant Director Litigation (BPS-17), H/Qtrs Office Peshawar is hereby authorized to defend Secretary Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar (Respondent No.01), Director General, Industries and Commerce, Khyber Pakhtunkhwa, Peshawar (Respondent No.02), Controller Government Printing Press & Stationery Department, Peshawar (Respondent No.03) and Manager Government Printing Press & Stationery Department, Peshawar (Respondent No.04) in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar and to submit any documents on behalf of the aforementioned respondents whenever required by the Honourable Court in Service Appeal No.703/2024 in the case titled as:


**WAQAR AHMAD**

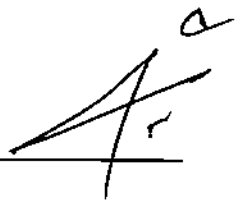
**VERSUS**

**SECRETARY INDUSTRIES, COMMERCE & TECHNICAL EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA & OTHERS.**

Respondent No. 01   
**AMER AFAQ,**  
Secretary Industries, Commerce & Technical Education Deptt.  
Education Department, Khyber Pakhtunkhwa, Peshawar.

Respondent No. 02   
**IFTIKHAR ALAM,**  
Director General,  
Industries and Commerce  
Directorate General of Industries & Commerce  
Khyber Pakhtunkhwa Peshawar,

Respondent No. 03   
**MUJAHID KHAN,**  
Controller Government Printing Press & Stationery Department, Peshawar.  
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Manager, Government Printing Press & Stationery Department, Peshawar.  
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Peshawar.