

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

AMENDED MEMO OF APPEAL

IN

Service Appeal No. 1696/2024

Mr. Adil GulAppellant

V E R S U S

**Government of KPK through Secretary Local
Government Department, Khyber Pakhtun Khawa
Civil Secretariat, Peshawar & Others.**

..... Respondents

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**Muhammad Anwar
Khan (Pashton
Ghari)**

Date: 31/10/2024

Advocate High
Court, Peshawar

Cell: 0333-9262374

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

AMENDED MEMO OF APPEAL

IN

Service Appeal No. 1696/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17451

Dated 31-10-24

Mr. Adil Gul S/o Rehman Gul,

Naib Qasid (BPS-03), Local Government And Rural
Development Department Head Quarter City, District
Peshawar.

REF. Q. THE **Appellant**

ALAM **VERSUS**

1. Government of KPK through Secretary Local
Government Department, Khyber Pakhtun Khawa
Civil Secretariat, Peshawar.
2. Director General Local Government & Rural
Development Department Phase 5 Hayatabad-Khyber
Pakhtun Khawa Peshawar.
3. Assistant Director (Sr) Local Government & Rural
Development Head quarter City, Bacha Khan
Chowk District Peshawar.
4. Muhammad Amjid Ali s/o Shakeel Muhammad Niab
Qasid of Village/Neighborhood councils of the Tehsil
Head Quarter City district Peshawar.
5. Atta Ullah s/o Aleem Khan Niab
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8. Faqir Hussian s/o Musharaf Niab Qasid
of Village/Neighborhood councils of the Tehsil

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Head Quarter City district Peshawar.

9. Jehan Zeb s/o Fazal-Ur-Rehman Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

10. Fazlullah s/o Imdadullah Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

11. Saif Ullah s/o Hayat Gul Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

12. Fazal Dad s/o Sami Ullah Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

13. Wahid Ullah s/o Hakim Ullah Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

14. Azhar Ali Shad s/o Shad Muhammad Khan Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.

12.1 Respondents

Appeal under section 4 of the

13. Khyber / Pakhtun Khawa Service

Tribunal Act, 1974, against office

Order No. ADLG-P(1-3)/Establishment

14. seniority/NQ/2023/5732-36:-

dated 14-06-2024 In Pursuance of

section-8 of the Khyber

Pakhtun Khwa Civil Servant Act

1973. Final seniority list of Naib

Khyber

Tribunal

Act, 1974

Order No. ADLG-P(1-3)/Establishment

seniority/NQ/2023/5732-36:-

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Qasid (BPS-03 to BPS-05), Village Councils/Neighborhood Councils Local Govt & Rural Development Department Tehsil Head Quarter City, Peshawar As it stood on 14-06-2024 Issued by office of the assistant director senior local government & rural Development Department head quarter city Peshawar. Where the name of the appellant is not included in the final seniority list for the promotion from Naib Qasid To Junior Village Secretary (PBS-09) of village Council/Neighborhood Council local Government & rural development Tehsil Head quarter city Peshawar. The unqualified candidates having fake certificate of DIT/CIT have been included in the seniority list of dated 14-06-2024 but surprising the name of appellant has not been included in the first 11 candidates for promotion in seniority list of 14-06-2024. Not to include the name of appellant for promotion from Naib

been

been

been

been

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Qasid to Junior Village Secrety (PBS-09) are illegal unlawful in effective. The seniority list date 14-06-2024 has been issued by respondent No. 3 in excess of lawful authority and is based on malafide, Discrimination against fundamental right.

Qasid

Prayer in Appeal

On Acceptance of the instant appeal, the impugned order dated 14-06-2024 of Respondent No. 3 may be set aside, the name of appellant be included for promotion to Junior Village Secrety (PBS-09) Respondents be restrained not to finalized seniority list unless the name of appellant has been included in the first 11 candidates due for promotion and such other relief as this Honorable Tribunal May deem fit in the circumstance of the case may also be granted.

Respectfully Sheweth:

Brief facts giving raise of the instant appeal are as under:-

1. That the appellant being the permanent Government Employee of Local Government & Rural Development Department Tehsil Head Quarter City Peshawar. (Copy of Salary Pay Roll is Attached as

Annexure "A")

2. That the name of appellant in final seniority list is at serial No 98 Adil Gul S/o Rehman Gul for promotion to Junior Village Secrety (PBS-09). **(The copy of seniority list is attached as Annexure B)**.
3. That the qualification required for promotion from Naib Qasid to Junior Village Secrety is matric with valid Diplome of DIT in information Technology or CIT certificate in Information Technology). The appellant having M.A & also Having Valid DIT. **(Copy of DIT & M.A are attached as Annexure C & D).**
4. That the seniority list issued by Respondent No.3 ^{at the} The appellant name is at serial No 98 and after finalizing the name of candidate for promotion only 11 candidates were considered as eligible but out of eleven only two candidate have valid diploma of DIT or certificate of CIT rest 9 of them having fake certificates but they are selected for promotion as Junior Village Secretary, where as DIT & CIT must be Verified by technical Board. **(Copy of letter is attached as Annexure E).**
5. That the appellant being aggrieved submitted representation to respondents for redressal of his grievances regarding his seniority/promotion as per ^{wing} _{promotion}

final seniority list dated 14-06-2024 issued by respondent No. 3 vid letter No-ADLG-P(1-3) establishment/seniority/NQ/2023/5732-36 is still exist. But the representation has not been entertained and the name of appellant has not been included in seniority list 14-6-2024 for promotion as Junior Village Secretary. **(copy of representation is attached as Annexure F).**

6. That being aggrieved and dis-satisfied with impugned order date 14-6-2024 of respondent No. 3 the appellant having no other alternative remedy seeks indulgence of this Honorable Tribunal, inter alia on the following Grounds.

GROUND S:

- A. That the impugned seniority list dated 14-06-2024 is illegal, unlawful, arbitrary, perverse and as such with out lawful authority, hence not maintainable in the eye of law.
- B. That the impugned seniority list deprived the appellant of his legal right of availing promotion from BPS-03 to BPS-09 Junior Village Secretary.
- C. That the impugned seniority list/promotion circulated vide Order No. ADLG-P(1-3) /Establishment/seniority/NQ/2023/5732-36 dated 14-06-2024 In Pursuance of section-8 of
- B. That the appellant is entitled to promotion from BPS-03 to BPS-09 Junior Village Secretary.

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the Khyber Pakhtunkhwa Civil Servant Act 1973. Final seniority list of Naib Qasid (BPS-03 to BPS-05), Village Councils/Neighborhood Councils Local Govt & Rural Development Department Tehsil Head Quarter City, Peshawar As it stood on 14-06-2024 Issued by office of the assistant director senior local government & rural Development Department head quarter city Peshawar cannot be termed as authentic, legal and valid.

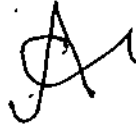
- D. That the impugned seniority list of dated 14-06-2024 is against the spirit of policy and instruction necessary for promotion from Naib Qasids to Junior Village Secretary.
- E. That the seniority list dated 14-06-2024 in which the name of appellant is not included for Promotion, is based on malafide and is therefore illegal, unjust, perverse, and against the natural justice.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the seniority list dated 14-6-2024 of respondent No.3 may kindly be set-aside and appellant name be legal and justice.

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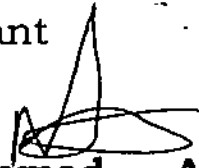
included for promotion from Naib Qasid to junior village Secretary.

Any other relief of which this Honorable Tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.



Appellant

Through



**Muhammad Anwar
Khan(Pashton Ghari)**

Date: 31/10/2024

Advocate High
Court, Peshawar

Date: __/__/20__

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

AMENDED MEMO OF APPEAL

IN

Service Appeal No.1696/2024

Mr. Adil Gul **Appellant**

VERSUS

BEFORE THE Government of KPK through Secretary Local Government Department, Khyber Pakhtun Khawa **AME** Civil Secretariat, Peshawar & others.

..... **Respondents**

Service Appeal No. **AFFIDAVIT**

I, Mr. Adil Gul, S/o Rehman Gul, Naib Qasid (BPS-03), Local Government And Rural Development Department Head Quarter City, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

I, Mr. Adil Gul, S/o Rehman Gul, Naib Qasid (BPS-03), Local Government And Rural Development Department Head Quarter City, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



A
DEPONENT

37-10-24

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IN

Service Appeal No.1696/2024

Mr. Adil Gul **Appellant**

V E R S U S

Government of KPK through Secretary Local
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Secretariat, Peshawar & others.

..... Respondents
BEFORE THE ADDRESSES OF PARTIES

APPELLANT

Mr. Adil Gul S/o Rehman Gul,
Naib Qasid (BPS-03), Local Government And Rural
Development Department Head Quarter City, District
Peshawar.

RESPONDENTS

1. Government of KPK through Secretary Local
Government Department, Khyber Pakhtun Khawa
Civil Secretariat, Peshawar.

APPELLANT

2. Director General Local Government & Rural
Development Department Phase 5 Hayatabad
Khyber Pakhtun Khawa Peshawar.

3. Assistant Director (Sr) Local Government & Rural
Development Head quarter City, Bacha Khan
Chowk District Peshawar.

RESPONDENTS

4. Muhammad Amjid Ali s/o Shakeel Muhammad Niab
Qasid of Village/Neighborhood councils of the Tehsil
Head Quarter City district Peshawar.

5. Atta Ullah s/o Aleem Khan Niab
Qasid of Village/Neighborhood councils of the Tehsil
Head Quarter City district Peshawar.

6. Assistant Director
Development Department
Chowk District Peshawar.

7. Muhammad Ali,

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6. Habibur Rehman s/o Shaistan Khan Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.
7. Saif Ullah Durrain s/o Kifyat Ullah Durrain Niab Qasid of Village/Neighborhood councils of the Tehsil Head Quarter City district Peshawar.
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Muhammad Anwar Khan (Pashton Ghari)

Advocate High Court, Peshawar

Date: 30/10/2024