

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
RASHIDA BANO ... **MEMBER(Judicial)**

Service Appeal No.1662/2022

Date of presentation of Appeal.....07.11.2022

Date of Hearing.....05.11.2024

Date of Decision.....05.11.2024



Muhammad Jalib Sikandar, Assistant Professor (BPS-18)
Government College of Management Science, Peshawar....(**Appellant**)

Versus

1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa** Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. **The Director General**, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.
4. **Mr. Asif Ali**, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.
5. **Mr. Salah Ud Din** Assistant Professor Government College of Management Sciences, Talash, Chitral.
6. **Mr. Farid Ullah**, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.
7. **Mr. Altaf Hussain** Assistant Professor Government College of Management Sciences, Ghallania.
8. **Mr. Ikram Ullah**, Assistant Professor Government College of Management Sciences, Lakki Marwat.
9. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Ghallania.
10. **Mr. Sartaj Aziz**, Assistant Professor Government College of Management Sciences, Charsadda.
11. **Mr. Raheem Dad Khan**, Assistant Professor Government College of Management Sciences, Buner.
12. **Mr. Waqar Ahmad**, Assistant Professor Government College of Management Sciences, Shabqadar.
13. **Mr. Abdul Qadoos**, Assistant Professor Government College of Management Sciences, Bajaur.
14. **Mr. Kashif Amin**, Assistant Professor Government College of Commerce, Peshawar-II.
15. **Mr. Jaffar Ali Khan**, Assistant Professor Government College of Management Sciences, Miranshah.
16. **Mr. Khial Bahadur**, Assistant Professor Government College of Commerce, Peshawar-II.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


17. **Shafi Ur Rehman**, Assistant Professor Government College of Commerce, Bannu-II.
18. **Mr. Muhammad Fayyaz Afridi**, Assistant Professor Government College of Management Sciences, Jamrud.
19. **Mr. Noor Hassan**, Assistant Professor Government College of Management Sciences, Bannu.
20. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Talash.
21. **Mr. Syed Hussain Ali Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
22. **Mr. Muhammad Ayub**, Assistant Professor Government College of Management Sciences, Bajaur.
23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(**Respondents**)

Service Appeal No.1663/2022

Date of presentation of Appeal.....07.11.2022

Date of Hearing.....05.11.2024

Date of Decision.....05.11.2024

 **Noor Ul Wahab**, Assistant Professor (BPS-18) Government College of Commerce, Ring Road, Peshawar-II.....(**Appellant**)

Versus


1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa** Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. **The Director General**, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.
4. **Mr. Asif Ali**, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.
5. **Mr. Salah Ud Din** Assistant Professor Government College of Management Sciences, Talash, Chitral.
6. **Mr. Farid Ullah**, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.
7. **Mr. Altaf Hussain** Assistant Professor Government College of Management Sciences, Ghallania.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Nazeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kulim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

8. **Mr. Ikram Ullah**, Assistant Professor Government College of Management Sciences, Lakki Marwat.
9. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Ghallania.
10. **Mr. Sartaj Aziz**, Assistant Professor Government College of Management Sciences, Charsadda.
11. **Mr. Raheem Dad Khan**, Assistant Professor Government College of Management Sciences, Buner.
12. **Mr. Waqar Ahmad**, Assistant Professor Government College of Management Sciences, Shabqadar.
13. **Mr. Abdul Qadoos**, Assistant Professor Government College of Management Sciences, Bajaur.
14. **Mr. Kashif Amin**, Assistant Professor Government College of Commerce, Peshawar-II.
15. **Mr. Jaffar Ali Khan**, Assistant Professor Government College of Management Sciences, Miranshah.
16. **Mr. Khial Bahadur**, Assistant Professor Government College of Commerce, Peshawar-II.
17. **Shafi Ur Rehman**, Assistant Professor Government College of Commerce, Bannu-II.
18. **Mr. Muhammad Fayyaz Afridi**, Assistant Professor Government College of Management Sciences, Jamrud.
19. **Mr. Noor Hassan**, Assistant Professor Government College of Management Sciences, Bannu.
20. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Talash.
21. **Mr. Syed Hussain Ali Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
22. **Mr. Muhammad Ayub**, Assistant Professor Government College of Management Sciences, Bajaur.
23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(*Respondents*)

Service Appeal No.1664/2022

Date of presentation of Appeal.....07.11.2022
Date of Hearing.....05.11.2024
Date of Decision.....05.11.2024



Muhammad Naeem Jan, Assistant Professor (BPS-18) Government College of Management Science, Haripur.....(*Appellant*)

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No..1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others". Service Appeal No.1664/2022 titled "Muhammad Nazeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others". Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No 1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Versus

1. **The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
2. **The Secretary to Government of Khyber Pakhtunkhwa Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
3. **The Director General, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.**
4. **Mr. Asif Ali, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.**
5. **Mr. Salah Ud Din Assistant Professor Government College of Management Sciences, Talash, Chitral.**
6. **Mr. Farid Ullah, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.**
7. **Mr. Altaf Hussain Assistant Professor Government College of Management Sciences, Ghallania.**
8. **Mr. Ikram Ullah, Assistant Professor Government College of Management Sciences, Lakki Marwat.**
9. **Mr. Muhammad Iqbal, Assistant Professor Government College of Management Sciences, Ghallania.**
10. **Mr. Sartaj Aziz, Assistant Professor Government College of Management Sciences, Charsadda.**
11. **Mr. Raheem Dad Khan, Assistant Professor Government College of Management Sciences, Buner.**
12. **Mr. Waqar Ahmad, Assistant Professor Government College of Management Sciences, Shabqadar.**
13. **Mr. Abdul Qadoos, Assistant Professor Government College of Management Sciences, Bajaur.**
14. **Mr. Kashif Amin, Assistant Professor Government College of Commerce, Peshawar-II.**
15. **Mr. Jaffar Ali Khan, Assistant Professor Government College of Management Sciences, Miranshah.**
16. **Mr. Khial Bahadur, Assistant Professor Government College of Commerce, Peshawar-II.**
17. **Shafi Ur Rehman, Assistant Professor Government College of Commerce, Bannu-II.**
18. **Mr. Muhammad Fayyaz Afridi, Assistant Professor Government College of Management Sciences, Jamrud.**
19. **Mr. Noor Hassan, Assistant Professor Government College of Management Sciences, Bannu.**
20. **Mr. Muhammad Iqbal, Assistant Professor Government College of Management Sciences, Talash.**
21. **Mr. Syed Hussain Ali Shah, Assistant Professor Government College of Management Sciences, Parachinar.**
22. **Mr. Muhammad Ayub, Assistant Professor Government College of Management Sciences, Bajaur.**

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(**Respondents**)

Service Appeal No.1665/2022

Date of presentation of Appeal.....07.11.2022
Date of Hearing.....05.11.2024
Date of Decision.....05.11.2024



Wahid Gul, Assistant Professor (BPS-18) Government College of Management Science, Ghallanai.....(**Appellant**)

Versus


1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa** Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. **The Director General**, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.
4. **Mr. Asif Ali**, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.
5. **Mr. Salah Ud Din** Assistant Professor Government College of Management Sciences, Talash, Chitral.
6. **Mr. Farid Ullah**, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.
7. **Mr. Altaf Hussain** Assistant Professor Government College of Management Sciences, Ghallania.
8. **Mr. Ikram Ullah**, Assistant Professor Government College of Management Sciences, Lakki Marwat.
9. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Ghallania.
10. **Mr. Sartaj Aziz**, Assistant Professor Government College of Management Sciences, Charsadda.
11. **Mr. Raheem Dad Khan**, Assistant Professor Government College of Management Sciences, Buner.
12. **Mr. Waqar Ahmad**, Assistant Professor Government College of Management Sciences, Shabqadar.
13. **Mr. Abdul Qadoos**, Assistant Professor Government College of Management Sciences, Bajaur.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

14. **Mr. Kashif Amin**, Assistant Professor Government College of Commerce, Peshawar-II.
15. **Mr. Jaffar Ali Khan**, Assistant Professor Government College of Management Sciences, Miranshah.
16. **Mr. Khial Bahadur**, Assistant Professor Government College of Commerce, Peshawar-II.
17. **Shafi Ur Rehman**, Assistant Professor Government College of Commerce, Bannu-II.
18. **Mr. Muhammad Fayyaz Afridi**, Assistant Professor Government College of Management Sciences, Jamrud.
19. **Mr. Noor Hassan**, Assistant Professor Government College of Management Sciences, Bannu.
20. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Talash.
21. **Mr. Syed Hussain Ali Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
22. **Mr. Muhammad Ayub**, Assistant Professor Government College of Management Sciences, Bajaur.
23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(**Respondents**)

Service Appeal No.1666/2022

Date of presentation of Appeal.....07.11.2022
Date of Hearing.....05.11.2024
Date of Decision.....05.11.2024

 **Hafiz Ajmal Saeed**, Assistant Professor (BPS-18) Government College of Management Science, Chitral.....(**Appellant**)

Versus

1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa** Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. **The Director General**, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.
4. **Mr. Asif Ali**, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

5. **Mr. Salah Ud Din** Assistant Professor Government College of Management Sciences, Talash, Chitral.
6. **Mr. Farid Ullah**, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.
7. **Mr. Altaf Hussain** Assistant Professor Government College of Management Sciences, Ghallania.
8. **Mr. Ikram Ullah**, Assistant Professor Government College of Management Sciences, Lakki Marwat.
9. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Ghallania.
10. **Mr. Sartaj Aziz**, Assistant Professor Government College of Management Sciences, Charsadda.
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13. **Mr. Abdul Qadoos**, Assistant Professor Government College of Management Sciences, Bajaur.
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16. **Mr. Khial Bahadur**, Assistant Professor Government College of Commerce, Peshawar-II.
17. **Shafi Ur Rehman**, Assistant Professor Government College of Commerce, Bannu-II.
18. **Mr. Muhammad Fayyaz Afridi**, Assistant Professor Government College of Management Sciences, Jamrud.
19. **Mr. Noor Hassan**, Assistant Professor Government College of Management Sciences, Bannu.
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23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(*Respondents*)

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Date of presentation of Appeal.....07.11.2022

Date of Hearing.....05.11.2024

Date of Decision.....05.11.2024

Shamsa Afridi, Assistant Professor (BPS-18) Government College of Management Science (W), Arbab Road, Peshawar....(**Appellant**)

Versus

1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa** Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. **The Director General**, Commerce Education & Management Sciences Directorate of Commerce Education Khyber Pakhtunkhwa, Peshawar.
4. **Mr. Asif Ali**, Assistant Professor Government College of Management Sciences, Parachinar, District Kurram.
5. **Mr. Salah Ud Din** Assistant Professor Government College of Management Sciences, Talash, Chitral.
6. **Mr. Farid Ullah**, Assistant Professor Government College of Management Sciences, Dera Ismail Khan.
7. **Mr. Altaf Hussain** Assistant Professor Government College of Management Sciences, Ghallania.
8. **Mr. Ikram Ullah**, Assistant Professor Government College of Management Sciences, Lakki Marwat.
9. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Ghallania.
10. **Mr. Sartaj Aziz**, Assistant Professor Government College of Management Sciences, Charsadda.
11. **Mr. Raheem Dad Khan**, Assistant Professor Government College of Management Sciences, Buner.
12. **Mr. Waqar Ahmad**, Assistant Professor Government College of Management Sciences, Shabqadar.
13. **Mr. Abdul Qadoos**, Assistant Professor Government College of Management Sciences, Bajaur.
14. **Mr. Kashif Amin**, Assistant Professor Government College of Commerce, Peshawar-II.
15. **Mr. Jaffar Ali Khan**, Assistant Professor Government College of Management Sciences, Miranshah.
16. **Mr. Khial Bahadur**, Assistant Professor Government College of Commerce, Peshawar-II.
17. **Shafi Ur Rehman**, Assistant Professor Government College of Commerce, Bannu-II.
18. **Mr. Muhammad Fayyaz Afridi**, Assistant Professor Government College of Management Sciences, Jamrud.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Haqiz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

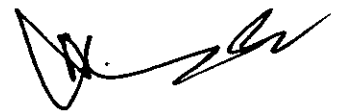
19. **Mr. Noor Hassan**, Assistant Professor Government College of Management Sciences, Bannu.
20. **Mr. Muhammad Iqbal**, Assistant Professor Government College of Management Sciences, Talash.
21. **Mr. Syed Hussain Ali Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
22. **Mr. Muhammad Ayub**, Assistant Professor Government College of Management Sciences, Bajaur.
23. **Mr. Sangeen Khan**, Assistant Professor Government College of Management Sciences, Thana Malakand.
24. **Mr. Shahan Zeb**, Assistant Professor Government College of Management Sciences, Bajaur.
25. **Syed Athar Shah**, Assistant Professor Government College of Management Sciences, Parachinar.
26. **Mr. Abdul Aziz**, Assistant Professor Government College of Management Sciences, Bajaur.....(**Respondents**)

Present:

Mr. Taimur Ali Khan, Advocate.....For the appellants
Mr. Asif Masood Ali Shah, Deputy District Attorney.. For official respondents
Mr. Akhunzada Ahmad Saeed, Advocate.....For private respondents

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 27.06.2022, STOOD ON 31.12.2021, WHEREIN THE APPELLANTS WERE WRONGLY PLACED BELOW THE PRIVATE RESPONDENTS FROM 4 TO 26 AND WAS SHOWN JUNIORS TO THEM IN UTTER VIOLATION OF RULES & APEX COURT JUDGMENT AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

CONSOLIDATED JUDGMENT



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

Service Appeal No.1662/2022 titled "Julih Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Abbas Ahmad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Iqbal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

02. Appellants' cases in brief, as per averments of appeals are that upon their selection against different teaching posts of BPS-17 advertised by the Khyber Pakhtunkhwa Public Service Commission through Advertisement No.02/2011, they were appointed accordingly; that as per the merit list of the commission, seniority list was issued; that the private respondents, in the light of the decision of the Hon'ble Peshawar High Court, Peshawar passed in Writ Petition No.1289-P of 2010, were regularized with immediate effect, vide Notification dated 31.12.2012, and for giving effect from 01.01.2009 to their regularization, they approached this Tribunal, however, the said relief was denied to them; that the respondent department issued tentative seniority list on which the appellants filed objections, but without removing their objections, seniority list, dated 27.06.2022, as stood on 31.12.2021 was made wherein, the private respondents, allegedly junior to the appellants, were placed senior to them; that feeling aggrieved, they filed departmental appeals on 05.07.2022, but the same were not responded, hence, the instant service appeals.

03. On receipt of the appeals and their admission to full hearing, the respondents were summoned who put appearance and contested the appeals by filing replies. The defense setup was a total denial of the claim of the appellants.

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Naeem Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1666/2022 titled "Hafiz Iqbal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

04. We have heard learned counsel for the appellants, learned counsel for private respondents and learned Deputy District Attorney for official respondents.

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

06. In brief, the appellants' cases, as outlined in their appeals, involve a dispute regarding their seniority and the regularization of their positions. The appellants were appointed to teaching posts in BPS-17 as per the merit list of the Khyber Pakhtunkhwa Public Service Commission and were subsequently placed on a seniority list. However, the private respondents, who were also appointed through the same commission, were regularized with retrospective effect from January 1, 2009, as per a decision by the Hon'ble Peshawar High Court in Writ Petition No. 1289-P of 2010, and a subsequent notification dated December 31, 2012. The appellants contend that, despite raising objections to the respondent department's tentative seniority list, their concerns were not addressed, and a final seniority list dated June 27, 2022, was issued, which placed the private respondents—

Service Appeal No.1662/2022 titled "Jalib Sikandar versus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No.1663/2022 titled "Noorul Wahab ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No.1664/2022 titled "Muhammad Nazam Jan ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others", Service Appeal No 1665/2022 titled "Wahid Gul ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" Service Appeal No 1666/2022 titled "Habz Ajmal Saeed ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" and Service Appeal No.1667/2022 titled "Shamsa Afridi ersus The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others" declared on 05.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

allegedly junior to the appellants—above them in seniority.

The appellants filed departmental appeals on July 5, 2022, but these appeals remained un-responded, prompting them to file the present service appeals before this Tribunal.

07. The main issue involved in theses is that the appellants were senior to the private respondents. The appellants had been appointed on different dates in the year 2013 when the private respondents had already been regularized vide Notification dated 31.12.2012. So how the appellants could be placed senior to the private respondents, is a question which has an answer as big NO.

08. In view of the above, we see no merits in these appeals and dismissed the same with costs. Copy of this judgment be placed on file of connected case. Consign.

09. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 5th day of November, 2024.*



KALIM ARSHAD KHAN
Chairman



RASHIDA BANO
Member (Judicial)


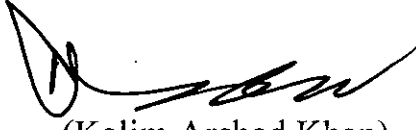
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.1662 of 2022

Muhammad Jalib Sikandar

versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
Order-12 5 th November, 2024.	<p><u>Kalim Arshad Khan, Chairman</u></p> <p>Present:</p> <ol style="list-style-type: none">1. Mr. Taimur Ali Khan, Advocate, on behalf of appellant.2. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents.3. Mr. Akhunzada Ahmad Saeed, Advocate, on behalf of private respondents.4. Vide our consolidated judgment of today, placed on file, we see no merits in this appeal and dismissed the same with costs. Consign.5. <i>Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 5th day of Nov, 2024</i> <p style="text-align: center;"> (Rashida Bano) Member (J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><small>*Mutazem Shah*</small></p>

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1462/2022

Date of presentation of Appeal 07.11.2022
Date of hearing 05.11.2024
Date of Decision 05.11.2024

Muhammad Jalib Sikandar, Assistant Professor (BPS-18) Government College of Management Science, Peshawar....(*Appellant*)

Versus

1. **The Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. **The Secretary to Government of Khyber Pakhtunkhwa**, Higher Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
.....(*Respondents*)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.

PRESENT

1. Mr. Taimur Ali Khan, Advocate, for the Appellant
2. Mr. Asif Masood Ali Shah, Deputy District Attorney on behalf official respondents
3. Akhunzada Ahmad Saeed, Advocate, on behalf of private respondents

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs. 100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	Rs. 100/-	Total	Rs. Nil

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 5th day of November, 2024.


Rashida Bano
Member (Judicial)


Kalim Arshad Khan
Chairman