

*observation that in case the judgment of this Court is reviewed, the appellants will have to resurrect these appeals by making an appropriate application. Order accordingly."*

8. This Tribunal has already settled the issue, agitated in these appeals, vide the above judgment, which was, a regard, upheld by the Supreme Court of Pakistan, against which, appeals were decided vide the above order dated 01.07.2021 with the observation that in case the judgment of the Supreme Court of Pakistan in Civil Appeal No.135-P of 2013 dated 24.02.2016 was reviewed on acceptance of review petition No.302/2016, which is still pending, as stated by the learned Assistant Advocate General, the appellants of those appeals would have a chance to resurrect those by making appropriate application.

9. In view of the above, these appeals are disposed of accordingly. Copy of this judgment be placed on file of connected appeal. Costs shall follow the event. Consign.

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



**KALIM ARSHAD KHAN**  
Chairman



**RASHIDA BANO**  
Member (Judicial)

No.864/2022 and Appeal No.951/2022) challenging both the 2022 seniority list and the 2018 seniority list, as well as the promotion orders that were based on the 2018 list.

6. The seniority list, last in line (of the appellant and his colleagues) was prepared and issued on 14.02.2022, wherein, the appellant was allegedly relegated in his seniority. The said list has been prepared on a decision of the Tribunal given in Service Appeal No.1326/2017 and other on 06.04.2018. The said appeal was decided in the following manner:

*"As a sequel to above discussion, the impugned seniority list is set aside. The respondent-department is directed to prepare revised seniority list in accordance with the judgment of Larger bench of Supreme Court of Pakistan dated 24.02.2016 and in the light of Section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2009. The present appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room."*

7. The judgment of the Tribunal was challenged in Civil Appeal Nos: 1168 to 1171 of 2019 which was decided on 01.07.2021 in the following manner, by the Supreme Court of Pakistan:

*"Learned counsel for the appellants states that the impugned judgment is based upon the judgment of this Court dated 24.02.2016, passed in Civil Appeal No.135-P of 2013, in respect of which Review Petition No.302 of 2016 has been filed and is pending adjudication before this Court. He further, states that the appeals may be disposed of with the*



private respondents, controverted the same by supporting the impugned order(s).

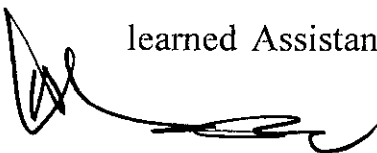
5. The appellant's case involves multiple legal proceedings concerning the regularization and seniority of his services as a Water Management Officer (BPS-17). Initially appointed on a project basis, the appellant challenged the non-regularization of his services and secured a favorable order from the Peshawar High Court in 2009, which led to the regularization of his employment. However, following this, disputes arose regarding his seniority, starting with the omission of his name from a seniority list issued in 2016. The appellant filed a writ petition, which led to the rectification of the seniority list in 2017, placing him at Serial No.11. Subsequently, the seniority list was challenged by other employees, and the Tribunal set aside the 2017 seniority list in 2018. This decision was appealed by the appellant before the Supreme Court, which allowed him the opportunity to file a review petition. Despite the ongoing review petition, a tentative seniority list was issued in 2018, followed by a final seniority list later that year, which excluded the appellant's name. As a result, several other employees were promoted based on the 2018 seniority list, prompting the appellant to file departmental appeals. Further grievances related to the seniority list dated 14.02.2022, where the appellant's position was placed at Serial No.33, also remained unresolved despite representations and efforts to have the seniority adjusted in accordance with previous court rulings. In light of these ongoing issues, the appellant filed the present appeals (Appeal

15.11.2021, whereby the appellant was placed at Serial No.33 against which the appellant made representation on 18.11.2021; that in response to his representation, respondent No.4 disposed of the same with direction to prepare seniority list in accordance with the judgment of the Supreme Court's dated 24.02.2016 as well as the Khyber Pakhtunkhwa Regularization Act, 2009; that besides the mentioned efforts as well as filing departmental appeal on 16.02.2022, the appellant's grievance remained unaddressed, hence, the appellant filed these appeals, in which the Appeal No.864/2022 is against the seniority dated 14.02.2022 while the Appeal No.951/2022 is against the seniority list dated 29.08.2018 as well as promotion orders dated 01.10.2018 and 04.01.2019.

2. On receipt of the appeals and their admission to full hearing, the respondents were summoned. Official respondents and private respondents No. 6, 8, 9, 12, 13, 15, 17 to 22 & 32 put appearance and contested the appeal by filing written reply, raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellants. While the remaining private respondents were placed ex-parte.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for official respondents and learned counsel for private respondents No. 6, 8, 9, 12, 13, 15, 17 to 22 & 32.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General, assisted by learned counsel for



admitted their mistake before the Hon'ble Peshawar High Court and rectified the seniority on 02.03.2017, whereby, the appellant was placed at Serial No.11 out of 33 employees; that the said seniority list was challenged before this Tribunal by filing appeals by some officials; that the seniority list dated 02.03.2017 was set aside on 06.04.2018 by the Tribunal; that the said order was assailed by the appellant before the august Supreme Court of Pakistan through Civil Petition No.1173/2019, which was decided through judgment dated 01.07.2021 with the observations that review petition was pending adjudication before the Supreme Court and the appellant would have chance to resurrect those appeals by making an appropriate application; that upon the order dated 06.04.2018, the official respondents processed seniority list, against which the appellant filed application that a review petition in this issue was sub-judice before the Supreme Court of Pakistan; that a tentative seniority list was issued on 30.04.2018, which was also objected by the appellant; that final seniority list dated 29.08.2018 was issued, wherein name of the appellant was excluded and on the basis of that seniority list, private respondents No.38 to 45 were granted promotion vide orders dated 01.10.2018 and 04.01.2019; that against the seniority list dated 29.08.2018, he filed departmental appeal on 11.09.2018 but the same was not responded, therefore, he filed Service Appeal No.951/2022; that, the issue involved in Appeal No.864/2022 was that the appellant has challenged the seniority list dated 14.02.2022 wherein, he has allegedly been deprived of his alleged right place in seniority; that on

45. **Moin Ud Din** District Officer On Farm Water Management District  
Dir Lower.....(**Respondents**)

Present:

Mr. Amanullah Marwat, Advocate.....For the appellants  
Mr. Naseer Ud Din Shah, Assistant Advocate General..For official respondent  
Syed Noman Ali Bukhari, Advocate.....For private respondents No.6, 8, 9, 12,  
13, 15, 17 to 22 & 32

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**APPEALS UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974**

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**CONSOLIDATED JUDGMENT**

**KALIM ARSHAD KHAN, CHAIRMAN:** Brief facts of the cases, as per averments of the appeals, are that appellant was initially appointed as Water Management Officer (BPS-17) on project basis; that after getting relief from the Hon'ble Peshawar High Court through Writ Petition No.29/2009 vide order dated 21.01.2009, his services were ordered to be regularized; that the official respondents filed Review Petition No.68/2009 in the Hon'ble Peshawar High Court which was dismissed, where-after, they filed CPLA against the order dated 01.12.2009 passed in Review Petition No.68/2009, which was also dismissed vide order dated 01.03.2011 by the Supreme Court of Pakistan; that vide Notification dated 07.06.2011, the services of the appellant were regularized w.e.f 24.11.2004 and the appellant was placed at Serial No.26 of the seniority list; that another seniority list was issued on 02.09.2016, wherein, name of the appellant, alongwith others, was missing; that for insertion of his name, he preferred Writ Petition No.902-B of 2016 alongwith COC No.117-B of 2017, before the Hon'ble Peshawar High Court, Bannu Bench; that the respondents



20. **Qaish Ahmad** Water Management Officer, On Farm Water Management, District Swabi.
21. **Rafiq Ur Rehman** Water Management Officer, On Farm Water Management, District Dir Upper.
22. **Aftab Ahmad** Water Management Officer, On Farm Water Management, District D.I.Khan.
23. **Nisar Ahmad** Component Leader, Gomal Zam Dam District D.I.Khan.
24. **Muhammad Nadeem** District Officer, On Farm Water Management, District South Waziristan.
25. **Muhammad Shoaib** Water Management Officer, On Farm Water Management, District Abbottabad.
26. **Ihsanullah**, Water Management Officer, On Farm Water Management, District Kurram.
27. **Faisal Younas Khan**, District Officer, On Farm Water Management, District Batagram.
28. **Javed Akhtar** Water Management Officer, On Farm Water Management, District Torghar.
29. **Amjad Ali** Water Management Officer, On Farm Water Management, District Malakand.
30. **Attaullah**, Water Management Officer, On Farm Water Management, District Swat.
31. **Khan Daraz** Water Management Officer, On Farm Water Management, District Mardan.
32. **Shaheen Iqbal** Water Management Officer, On Farm Water Management, District Peshawar.
33. **Qazi Shifa Ur Rehman** Assistant Director Planning Office of Director General On Farm Water Management, District Peshawar.
34. **Fazle Sattar** Water Management Officer, On Farm Water Management, District Dir Upper.
35. **Tahir Khan, District Director** On Farm Water Management, District Shangla.
36. **Muhammad Shahid Nawaz**, Water Management Officer, On Farm Water Management, District Tank.
37. **Ms. Asma Ahmad**, Water Management Officer, On Farm Water Management, District Peshawar.
38. **Qayum Khan** District Officer, On Farm Water Management, District Bannu.
39. **Muhammad Karimullah**, District Officer, On Farm Water Management District Bajaur.
40. **Amir Rabbani** District Officer, On Farm Water Management, District Tor Ghar.
41. **Shahid Mehmood**, District Officer On Farm Water Management District Abbottabad.
42. **Abdullah Khan** District Officer On Farm Water Management District Malakand.
43. **Farman Ullah** District Officer On Farm Water Management District Kohat.
44. **Rafiq Ahmad Ghuncha** District Officer On Farm Water Management District Lakki Marwat.



45. **Moin Ud Din** District Officer On Farm Water Management District Dir Lower.....(**Respondents**)

**Service Appeal No.951/2022**

Date of presentation of Appeal.....23.06.2022  
Date of Hearing.....04.11.2024  
Date of Decision.....04.11.2024

**Wakil Khan** S/O Rustam Khan, District Officer, On Farm Water Management, District Mohmand.....(**Appellant**)

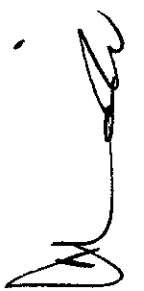
Versus

1. **Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Law**, Civil Secretariat Peshawar.
4. **Secretary Agriculture, Livestock & Cooperative Department**, Khyber Pakhtunkhwa, Peshawar.
5. **Director General** On Farm Water Management, Government of Khyber Pakhtunkhwa, Peshawar.
6. **Zahid Khaliq** Water Management Officer, On Farm Water Management, District Charsadda.
7. **Ameer Hussain**, Water Management Officer, On Farm Water Management, District Swat.
8. **Said Muhammad**, Water Management Officer, On Farm Water Management, District Nowshera.
9. **Wajid Ali** Deputy Director Field Operations Directorate of On Farm Water Management, District Peshawar.
10. **Muhammad Idrees**, District Officer On Farm Water Management, District Peshawar.
11. **Munir Ahmad** Monitoring & Evaluation Officer, Gomal Zam Dam D.I.Khan.
12. **Wasceem Ullah** Water Management Officer, On Farm Water Management, District Bannu.
13. **Atta Ul Haq** Water Management Officer, On Farm Water Management, District Nowshera.
14. **Muhammad Farooq** Water Management officer, Office of Director PIO PHLCEP Project, District Swabi.
15. **Saeed Shah**, Water Management Officer, On Farm Water Management, District Mardan.
16. **Mujeeb Ur Rehman** Water Management Officer, On Farm Water Management, District Tank.
17. **Aman Khan** Water Management Officer, On Farm Water Management, District Buner.
18. **Ghulam Bilal** Water Management Officer, On Farm Water Management, District D.I.Khan.
19. **Muhammad Tufail** Water Management Officer, On Farm Water Management, District Karak.





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41. **Shahid Mehmood**, District Officer On Farm Water Management District Abbottabad.
42. **Abdullah Khan** District Officer On Farm Water Management District Malakand.
43. **Farman Ullah** District Officer On Farm Water Management District Kohat.
44. **Rafiq Ahmad Ghuncha** District Officer On Farm Water Management District Lakki Marwat.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

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

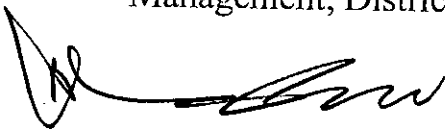
***Service Appeal No.864/2022***

Date of presentation of Appeal.....26.05.2022  
Date of Hearing.....04.11.2024  
Date of Decision.....04.11.2024

**Wakil Khan S/O Rustam Khan, District Officer, On Farm Water Management, District Mohmand.....(Appellant)**

Versus



1. **Chief Secretary**, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Law**, Civil Secretariat Peshawar.
4. **Secretary Agriculture, Livestock & Cooperative Department**, Khyber Pakhtunkhwa, Peshawar.
5. **Director General** On Farm Water Management, Government of Khyber Pakhtunkhwa, Peshawar.
6. **Zahid Khaliq** Water Management Officer, On Farm Water Management, District Charsadda.
7. **Ameer Hussain**, Water Management Officer, On Farm Water Management, District Swat.
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10. **Muhammad Idrees**, District Officer On Farm Water Management, District Peshawar.
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16. **Mujeeb Ur Rehman** Water Management Officer, On Farm Water Management, District Tank.
17. **Aman Khan** Water Management Officer, On Farm Water Management, District Buner.
18. **Ghulam Bilal** Water Management Officer, On Farm Water Management, District D.I.Khan.
19. **Muhammad Tufail** Water Management Officer, On Farm Water Management, District Karak.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.864/2022

Wakil Khan versus Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	<b>Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary</b>
<p>Order-17 4<sup>th</sup> November, 2024.</p>	<p><b><u>Kalim Arshad Khan, Chairman</u></b></p> <p>Present:</p> <ol style="list-style-type: none"><li>1. Mr. Amanullah Marwat, Advocate, on behalf of appellant.</li><li>2. Mr. Naseer Ud Din Shah, Assistant Advocate General, on behalf of official respondents.</li><li>3. Syed Noman Ali Bukhari, Advocate, on behalf of private respondents No.6, 8, 9, 12, 13, 15, 17 to 22 &amp; 32.</li><li>4. Vide our consolidated judgment of today, placed on file, the appeal in hand is disposed in terms mentioned in the judgment. Costs shall follow the event. Copy of the judgment be placed on file of connected appeal. Consign.</li><li>5. <i>Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 4<sup>th</sup> day of November, 2024</i></li></ol> <p style="text-align: center;"> (Rashida Bano) Member (J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Mutazem Shah*</i></p>

**MEMO OF COSTS**  
**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No.864/2022**

Date of presentation of Appeal                      25.06.2022  
Date of hearing    04.11.2024  
Date of Decision    04.11.2024

**Wakil Khan S/O Rustam Khan, District Officer, On Farm Water Management, District Mohmand.....(Appellant)**

**Versus**

1. **Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.**
2. **Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Khyber Pakhtunkhwa, Peshawar.**

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


**PRESENT**

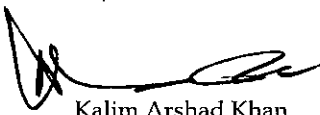
1. Mr. Amanullah Marwat, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General, for official respondents
3. Syed Noman Ali Bukhari, Advocate, on behalf of private respondents No. 6, 8, 9, 12, 13, 15, 17 to 22 & 32

<b>Appellants</b>	<b>Amount</b>	<b>Respondent</b>	<b>Amount</b>
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
<b>Total</b>	<b>Rs. 100/-</b>	<b>Total</b>	<b>Rs. Nil</b>

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 4<sup>th</sup> day of November, 2024.

  
Rashida Bano  
Member (Judicial)

  
Kalim Arshad Khan  
Chairman