


2

FORM OF ORDER SHEET

Court of _____

Appeal No. 2467 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/11/2024	<p style="text-align: center;">The appeal of Mr. Haroon Younas received today by registered post through Sardar Muhammad Azeem Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 27.11 .2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR
CHECK LIST**

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Sardar Muhammad Azeem Advocate</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities./documentations as required in the above table, have been fulfilled.

Name:- **Sardar Muhammad Azeem**

Signature:- _____

Dated:- _____

13/11/24

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, Paktukhwa
SERVICE TRIBUNAL PESHAWAR, Service Tribunal**

Disty No. _____

Appeal No. 2467 of 2024 _____

Haroon Younas

...APPELLANT

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Irrigation Department,
Peshawar and others

...RESPONDENTS

APPEAL

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4.	Copy of order No.1236-2-6 dated 02.07.2024	"C"	-11-
5.	Copy of departmental appeal and postal receipt	"D"	12 to 13
6.	Vakalat Nama	--	14

Haroon
...APPELLANT

Through Counsel:

Dated: - 13/11 /2024

(SARDAR MUHAMMAD AZEEM)
Advocate High Court Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17984

Appeal No. 2467 of 2024-15/11/24

Haroon Younas S/o Muhammad Younas, Patwari Irrigation Department
 Section Khanpur Division Haripur R/o Mohallah Railway Station Tehsil
 Havelian District Haripur.

...APPELLANT

V E R S U S

- 1) Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Peshawar.
- 2) Chief Engineer (North) Irrigation Department, Khyber Pakhtunkhwa Irrigation Department, Peshawar.
- 3) Superintending Engineer Hazara Irrigation Circle Abbottabad.
- 4) Executive Engineer, Irrigation Division Haripur.
- 5) Abdul Waheed Vernacular Clerk, Irrigation Division Haripur.

...RESPONDENTS

Filed to-day

15/11/24 M.

=====

APPEAL UNDER SECTION 4 OF KHYBER
 PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
 AGAINST THE ORDER NO.1236/2-E DATED
 02.07.2024 IN WHICH THE RESPONDENTS
 ILLEGALLY PROMOTED THE PRIVATE

RESPONDENT NO.5 TO THE POST OF
VERNACULAR CLERK AGAINST THE LAW,
RULES AND SENIORITY AND DEPRIVED THE
APPELLANT OF HIS LAWFUL RIGHT OF
PROMOTION.

PRAYER:

**ON ACCEPTANCE OF INSTANT
APPEAL, ORDER NO.1236/2-E DATED
02.07.2024 THE PROMOTION OF PRIVATE
RESPONDENT NO.5 SHOULD BE SET-ASIDE
AND THE RESPONDENT MAY BE DIRECTED TO
CONSIDER THE PROMOTION OF THE
APPELLANT AGAINST THE POST OF
VERNACULAR CLERK W.E.F 02.07.2024 WITH
ALL BACK BENEFITS. AND ANY OTHER RELIEF
WHICH THIS HON'BLE TRIBUNAL DEEM FIT AND
PROPER MAY ALSO BE GRANTED IN THE
INTEREST OF JUSTICE.**

Respectfully Sheweth

Brief Facts of the case are as under:

1. That the appellant was appointed as Patwari in
Irrigation Department on 08.05.2013.

2. That the appellant after appointment in the department continuously performed his duty to the satisfaction of his superior and there is no complaint against him.
3. That the respondents department, issued seniority list of the patwari in the year 2022 in which the name of appellant at serial No.9 while the name of the private respondent No.5 in serial No.10 in the said seniority list, and appellant was senior from the private respondent. **(Copy of seniority list is annexed as Annexure "A")**
4. That the respondent No.3 vide letter No.1128-2-E dated 25.05.2024 asked to respondent No.4 to submit service book ACR report and other record of the appellant, for promotion against the post of vernacular clerk. **(Copy of letter is annexed as Annexure "B")**
5. That the respondent No.5 who was junior to the appellant is promoted by the respondents against the post of vernacular clerk vide order No.1236-2-6 dated 02.07.2024 against the law,

rules and principle of seniority and appellant who is fit for promotion in all respect was deprive from his lawful right of promotion. **(Copy of order No.1236-2-6 dated 02.07.2024 is annexed as Annexure "C")**

6. That the appellant being aggrieved from the order of promotion in favour of respondent No.5 filed departmental appeal before respondent No.2 on 19.07.2024 but no response has been given by the respondent up till now and statutory period is completed. **(Copy of departmental appeal and postal receipt is annexed as Annexure "D")**

Hence this appeal inter-alia, on the following grounds:

GROUND:-

- a. That the respondent issued the promotion order in favour of respondent No.5 in violation of law, rules and principle of seniority thus not sustainable and liable to be set-aside.

- b. That the appellant completely fit for promotion against the post of vernacular clerk but respondents maliciously, wrongfully deprived him of his lawful right to promotion.
- c. That the respondents not treated the appellant in accordance with law, equity and fair thus the act and order of the respondents as illegal and against the principle of natural justice hence not sustainable under the law.
- d. That the respondents issued promotion order in favour of respondent No.5 against the law and merit for the purpose of awarding him.
- e. That the act and order of promotion of respondent is against Article 4 & 25 of the Constitution, therefore order not sustainable in the eyes of law.
- f. That the other points shall be urged at the time of arguments with the prior permission of this Hon'ble tribunal.

- g. That, the instant Service Appeal is well within time.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Appeal, order No.1236/2-E dated 02.07.2024 the promotion of private respondent No.5 should be set-aside and the respondent may be directed to consider the promotion of the appellant against the post of vernacular clerk w.e.f 02.07.2024 with all back benefits. And any other relief which this Hon'ble Tribunal deem fit and proper may also be granted in the interest of justice.

Haron

...APPELLANT

Through Counsel:

Muhammad Azeem

(SARDAR MUHAMMAD AZEEM)
Advocate High Court Abbottabad

Dated:- 13/11/2024

VERIFICATION:-

Verified that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honorable Tribunal Court,

Haron

Dated:- 13/11/2024

...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL PESHAWAR.

Appeal No. _____ of 2024

Haroon Younas

...APPELLANT

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa Irrigation Department,
Peshawar and others

...RESPONDENTS

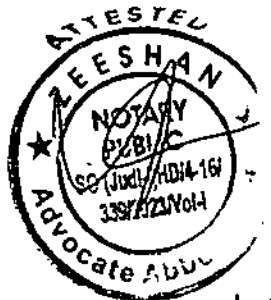
APPEAL

AFFIDAVIT

I, Haroon Younas S/o Muhammad Younas, Patwari Irrigation Department Section Khanpur Division Haripur R/o Mohallah Railway Station Tehsil Havelian District Haripur, *Appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal Court.

Dated:- 18/11 /2024

Haroon
DEPONENT



18/11/2024

Sardar Muhammad
Azeem Advocate
High Court Abbottabad

Attested

S#	Name of official	Date of Birth/Domicile	Date of last Govt. Entry in to service	Date of Regular Appointment / Promotion to present Post/PP		Method of Appointment to the present post	Place of Posting	Remarks
				Date	EPG			
1	Muhammad Nisar	13/04/1984	01/07/1991	01/07/1991	00	By initial recruitment	Mr. District	9
2	Nawaz Khan	07/05/1972	05/04/2004	05/04/2004	00	By initial recruitment		
3	Khalid Mahmood	21/10/1958	16/11/2007	16/11/2007	00	By initial recruitment		
4	Ghulam Farooq	15/02/1975	17/11/2007	17/11/2007	00	By initial recruitment		
5	Babar Khan	08/08/1979	01/03/2010	01/03/2010	00	By initial recruitment		
6	Muhammad Qasir	02/04/1983	02/12/2010	02/12/2010	00	By initial recruitment		
7	Kashif Khan	08/02/1989	01/04/2011	01/04/2011	00	By initial recruitment		
8	Haron Younas	05/04/1984	08/05/2013	08/05/2013	00	By initial recruitment		
9	Abdul Wahed	02/04/1985	02/07/2014	02/07/2014	00	By initial recruitment		
10	Riyasat Khan	18/05/1988	02/07/2014	02/07/2014	00	By initial recruitment		
11	Nadeem Ahmad	08/09/1981	17/02/2016	17/02/2016	00	By initial recruitment		
12	Imdad Ahmad	14/08/1983	02/03/2018	02/03/2018	00	By initial recruitment		
13	Akbar Nawaz	10/03/1989	08/08/2010	01/07/2018	00	By promotion		
14	Raja Muhammad Bilal	22/09/1985	28/10/2022	28/10/2022	00	By initial recruitment		
15	Azhar Mahmood	25/04/1987	31/10/2022	31/10/2022	00	By initial recruitment		

In Pursuance of section 8 of the Khyber Pakhtunkhwa Civil Services Act 1973, the final seniority list of employees of the Circle of Hazara Irrigation Circle Abbottabad as stood on 31/12/2022 is hereby notified as under:

SUPERINTENDING ENGINEER HAZARA IRRIGATION CIRCLE ABBOTABAD

FINAL SENIORITY LIST OF PATWARI

Annex 'A', ⑧

8

9

S#	Name of official	Date of Birth/Domicile	Date of 1st Entry in to Govt: service	Date of Regular Appointment / Promotion to present Post/BPS		Method of Recruitment/ Appointment to the present post	Present Place of Posting	Remarks
				Date	BPS			
1	2	3	4	5	6	7	8	9
16	Rashid Jamil	24/04/1982 Mansehra	03/11/2022	03/11/2022	09	By initial recruitment	...CO...	

No. 165/ISE/IRR/ATD/23/5-E

Dated the 12/04/2023

Superintending Engineer
Hazara Irrigation Circle Abbottabad

Copy forwarded to the: -

- 1 Chief Engineer (North) Irrigation Department Khyber Pukhtunkhwa Peshawar for information, please.
- 2 Superintending Engineer swabi Irrigation Circle Swabi.
- 3 Executive Engineer, Haripur Irrigation Division, Haripur.
- 4 Executive Engineer, Mansehra Irrigation Division, Mansehra

attested
Sardar Muhammad
Azeem Advocate
High Court Abbottabad

Superintending Engineer
Hazara Irrigation Circle Abbottabad



(B) (13)
OFFICE OF THE SUPERINTENDING ENGINEER
HAZARA IRRIGATION CIRCLE ABBOTTABAD
Email: sehazara.irr@gmail.com Ph:# 0992-403767

No. 1128 12-E,
To,

Dated Abbottabad the, 20/05/2024

The Executive Engineer's:-

- 1) Haripur Irrigation Division, Haripur
- 2) Mansehra Irrigation Division, Mansehra.

Subject:-

PROMOTION TO THE RANK OF HEAD VERNACULAR / VERNACULAR CLERK.

Ref:

This office letter No.213/2-E, dated 09/05/2023.

Deputy Collector HIC Atd: letter No.470/2-E, dated 08/09/2023.

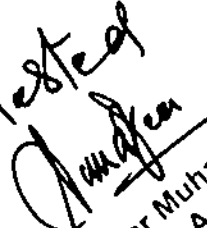
Kindly refer to the subject noted above, you are once again directed to furnish the ACRs, Service Books, Demand No Demand, Enquiry/No Enquiry Certificates and Synopsis forms in respect of the following officials (Revenue Cadre) upto 24/05/2024 for further proceeding, into the subject matter. :

S#	Name and designation	Office to which attached
1	Muhammad Rukhsar, VC	Haripur Irrigation Division, Haripur
2	Muhammad Farooq, VC	--do--
3	Niaz Ahmed, VC	--do--
4	Nawaz Khan, Patwari	--do--
5	Khalid Mehmood, Patwari	--do--
6	Ghulam Farooq, Patwari	--do--
7	Babar Khan, Patwari	--do--
8	Muhammad Qaiser, Patwari	--do--
9	Kashif Khan, Patwari	--do--
10	Haroon Younas, Patwari	--do--


SUPERINTENDING ENGINEER

Copy to the Deputy Collector's Irrigation Division, Haripur / Mansehra for Information & further necessary action, please.


SUPERINTENDING ENGINEER

attested

Sardar Muhammad
Azeem Advocate
High Court Abbottabad



(C) (11)

OFFICE OF THE SUPERINTENDING ENGINEER
HAZARA IRRIGATION CIRCLE ABBOTTABAD
Email: sehazara.irr@gmail.com Phone No. 0992-403767.

No. 1236 12-E

Dated A.Abad the, 02/07/2024.

NOTIFICATION

Consequent upon the recommendation of Departmental Promotion Committee (DPC) meeting held on 02/07/2024, the following Patwaries (BPS-09) born on the Cadre Strength of Hazara Irrigation Circle, Abbottabad are hereby promoted on regular basis to the rank of Vernacular Clerks (BPS-10) with immediate effect.

S#	Name and Designation	Remarks
1	Mr. Nawaz Khan, V.C	On regular basis
2	Mr. Khalid Mehmood, V.C	On regular basis
3	Mr. Babar Khan, V.C	On regular basis
4	Mr. Muhammad Qaiser, V.C	On regular basis
5	Mr. Kashif Khan, V.C	On regular basis
6	Mr. Abdul Waheed, V.C	On regular basis

The officials on promotion will remain on probation for a period of one year, extendable for further one year in terms of Section-6 (2) of Government of Khyber Pakhtunkhwa, Civil Servant Act 1973 read with Section-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rule-1989.

Consequent upon their promotion on regular basis as Vernacular Clerks (BPS-10) they are allowed to actualize their promotion as noted against each, with immediate effect.

S#	Name & Designation	Remarks
1	Mr. Nawaz Khan, V.C	Against the vacant post in Irrigation Division Haripur.
2	Mr. Khalid Mehmood, V.C	-do-
3	Mr. Babar Khan, V.C	-do-
4	Mr. Muhammad Qaiser, V.C	Against the vacant post in Irrigation Division Mansehra.
5	Mr. Kashif Khan, V.C	Against the vacant post in Hazara Irrigation Circle office.
6	Mr. Abdul Waheed, V.C	Against the vacant post in Irrigation Division Haripur.

attested
Azeem
Sardar Muhammad
Azeem Advocate
High Court Abbottabad

Superintending Engineer

CC.

1. The Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa, Peshawar.
 2. The Section Officer (Establishment) O/O the Secretary to Govt: of Khyber Pakhtunkhwa, Irrigation Department, Peshawar.
 3. The Executive Engineers, Irrigation Division Haripur / Mansehra.
 4. The District Accounts Officers, Haripur/ Mansehra.
 5. The Officials concerned.
- For information & necessary action

SuperIntending Engineer

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AZEEM ADVOCATES
High Court Appointed
SARFAT HUSSAINI

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Weight [Handwritten] Kilo Grams

Insurance fee Rs. [Handwritten] Ps. [Handwritten] (in words)
Name and address of sender [Handwritten]



