



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.1470/2022

Muhammad Razzaq 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>
Order-16 14 <sup>th</sup> November, 2024.	<p><b><u>Kalim Arshad Khan, Chairman</u></b></p> <p>Present:</p> <ol style="list-style-type: none"><li>1. Mr. Noor Muhammad Khattak, Advocate, on behalf of appellant.</li><li>2. Mr. Muhammad Jan, District Attorney, on behalf of official respondents.</li><li>3. Vide our detailed judgment of today, placed on file, we see no merits in this appeal and the same is dismissed with costs. Consign.</li><li>4. <i>Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14<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><small>*Mutazem Shah*</small></p>

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

**Service Appeal No.1470/2022**

Date of presentation of Appeal      29.09.2022  
Date of hearing                              14.11.2024  
Date of Decision                              14.11.2024

**Muhammad Razzaq**, Clinical Technician Pathology (BPS-12), at District Health Office, Mardan.

.....(*Appellant*)

Versus

1. **The Secretary Health**, Khyber Pakhtunkhwa, Peshawar.
2. **The Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.

*Respondents*)

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


**PRESENT**

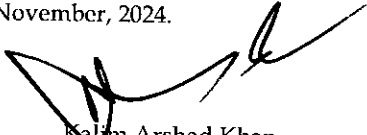
1. Mr. Noor Muhammad Khattak, Advocate, for the Appellant
2. Mr. Muhammad Jan, District Attorney, for official respondents

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
<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 14<sup>th</sup> day of November, 2024.

  
Rashida Bano  
Member (Judicial)

  
Kalim Arshad Khan  
Chairman

5. The issue involved in this appeal is regarding promotion of the private respondents on the basis of final seniority list. But there is nothing placed on file which could show that objections were made upon the tentative seniority list. In the provisional seniority list, the appellant is listed at Serial No.93, while the private respondents are placed above the appellant. The appellant claim that he was senior to the private respondents, and their promotion was wrongly made, without considering the appellant allegedly being senior to them. Although, the learned counsel for appellant says that he had challenged the provisional seniority list by filing objections but no such objections are placed on file.

6. Besides, there is no seniority list placed on file. The one provisional seniority list shows the appellant junior to private respondents, therefore, if at all the said seniority list is considered as finalize, the appellant could not be considered being junior to the private respondents. The appellant has first to get his seniority corrected and then agitated for promotion.

7. In view of the above discussion, we see no merits in this appeal and the same is dismissed with costs. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14<sup>th</sup> day of November, 2024.*



**KALIM ARSHAD KHAN**  
Chairman




**RASHIDA BANO**  
Member (Judicial)

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**JUDGMENT**

**KALIM ARSHAD KHAN, CHAIRMAN:** Brief facts of the case, as per averments of the appeal, are that appellant was appointed as Blood Bank Technician (BPS-09) vide order dated 28.10.2006; that vide Notification dated 11.08.2022, the post of appellant was upgraded from BPS-09 to BPS-12, as Clinical Technician; that in the meanwhile, the appellant got the degree in BS Honors in Paramedical Science from the University of Peshawar; that on the basis of alleged disputed seniority list, the impugned Notification dated 31.05.2022 was issued, whereby, private respondents, allegedly juniors to the appellant, were promoted to the post of Clinical Technologist Pathology (BPS-17) while the appellant, being senior-most, was not promoted; that feeling aggrieved, he filed departmental appeal, but the same was rejected vide appellate order dated 29.08.2022, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Official respondents 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 appellant.

 3. We have heard learned counsel for the appellant and learned District Attorney for official respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District controverted the same by supporting the impugned order(s).

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

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

*Service Appeal No.1470/2022*

Date of presentation of Appeal.....29.09.2022  
Date of Hearing.....14.11.2024  
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**Muhammad Razzaq**, Clinical Technician Pathology (BPS-12), at District Health Office, Mardan.

.....(*Appellant*)

Versus

1. **The Secretary Health**, Khyber Pakhtunkhwa, Peshawar.
2. **The Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.
3. **The District Health Officer**, District Mardan.
4. **Mr. Hidayat Ullah**, Technologist Bannu Medical Bannu.
5. **Mr. Anwar Ul Haq**, Technologist King Abdullah Teaching Hospital Mansehra.
6. **Mr. Dilawar Khan**, Technologist DHQ Hospital, Timergara, Dir Lower.
7. **Mr. Fida Muhammad**, Technologist DHO Shangla.
8. **Mr. Ihsanul Haq** Technologist DHQ Hospital Dir Lower.
9. **Mr. Israr Ullah**, Technologist, Bannu Medical College, Bannu.
10. **Mr. Zahid Ud Din**, Technologist, O/O DHO Dir Lower.

.....(*Respondents*)

Present:

Mr. Noor Muhammad Khattak, Advocate.....For the appellant

Mr. Muhammad Jan, District Attorney.....For official respondents

Private respondents have been placed ex-parte on 06.09.2023

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**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 31.05.2022 WHEREBY THE APPELLANT HAS BEEN IGNORED FROM PROMOTION TO THE POST OF CLINICAL TECHNOLOGIST PATHOLOGY BPS-17 WHILE PRIVATE RESPONDENTS BEING JUNIOR TO APPELLANT HAS BEEN PROMOTED AND AGAINST THE APPELLATE ORDER DATED 29.08.2022 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD GROUNDS.**