
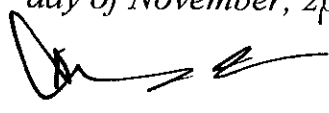


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.197/2022

Kifayat Ullah 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-15 6 th November, 2024.	<p><u>Kalim Arshad Khan, Chairman</u></p> <p>Present:</p> <ol style="list-style-type: none">1. Mr. Mir Zaman Khan Safi, Advocate, on behalf of appellant.2. Mr. Naseer Ud Din Shah, Assistant Advocate General, on behalf of official respondents.3. Vide our detailed judgment of today, placed on file, We, therefore, direct the competent authority to conduct proper inquiry, within 60 days of the receipt of the judgment, regarding the matter of genuineness or fakeness of the order, duly associating the appellant with the same and whether the appellant or anyone else has placed on record the fake order, in case it is proved that the order was fake. The department would be at liberty to take further course of action in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 as well as registration of criminal case, against the guilty one, if the promotion order found fake/bogus. Costs shall follow the event. Consign.4. <i>Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024</i> <p style="text-align: center;"> (Rashida Bano) Member (D)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p>

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.197/2022

Date of presentation of Appeal 30.01.2022
Date of hearing 06.11.2024
Date of Decision 06.11.2024

Kifayat Ullah, Junior Instructor, Civil, Government college of Technology, Nowshera.
.....(Appellant)

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industry Commerce and Technical Education Department, Peshawar.
2. **Chairman Khyber Pakhtunkhwa TEVTA**, Peshawar.
.....(Respondents)

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


PRESENT


1. Mr. Mir Zaman Khan Safi, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General, 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
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 6th day of November, 2024.


Rashida Bano
Member (Judicial)


Kalim Arshad Khan
Chairman

Service Appeal No.197/2022 titled "Kifayat Ulla versus Government of Khyber Pakhtunkhwa through Secretary Industry Commerce and Technical Education Department, Peshawar and others", decided on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar

duly associating the appellant with the same and whether the appellant or anyone else has placed on record the fake order, in case it is proved that the order was fake. The department would be at liberty to take further course of action in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 as well as registration of criminal case, against the guilty one, if the promotion order found fake/bogus. Costs shall follow the event.

Consign:-

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024.*



KALIM ARSHAD KHAN
Chairman



RASHIDA BANO
Member (Judicial)

Mutazem Shah

raising therein numerous legal and factual objections while the private respondents failed to do so, hence, they were placed ex-parte vide order dated 21.12.2012. The defense setup of official was a total denial of the claim of the appellant.

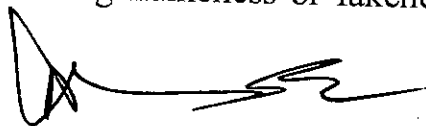
3. We have heard learned counsel for the appellant and learned Assistant Advocate General for official respondents.

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

5. The issue involved in this case is that on one hand, the appellant claims seniority from the back date i.e. 04.03.2017 while the respondents, on the other hand, have in their parawise comments, totally denied his promotion to the post of Junior Instructor. However, in Para-05 of the reply, the official respondents have termed the promotion order as on Acting Charge Basis and have stated that private respondents were senior to the appellant, therefore, he was placed junior to them.

6. By observing the case in hand, it is crucial to probe the matter as to whether the promotion order was genuine or fake and also to ascertain that the said order, if genuine, that his promotion was on acting charge basis or regular basis.

7. We, therefore, direct the competent authority to conduct proper inquiry, within 60 days of the receipt of this judgment, regarding the matter of genuineness or fakeness of the order,



Private respondents have been placed Ex-Parte on 21.12.2022

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR CORRECTION OF FINAL SENIORITY LIST OF JUNIOR INSTRUCTORS (BPS-15) DATED 27.09.2021 AGAINST WHICH THE APPELLANT FILED HIS DEPARTMENTAL APPEAL DATED 01.10.2021, WHICH IS NOT YET RESPONDED DESPITE THE LAPSE OF 90 DAYS STATUTORY PERIOD.

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case, as per averments of the appeal, are that appellant was serving as Junior Instructor (BPS-15) in the respondent department; that he was initially appointed as Junior Trade Instructor BPS-10 vide order dated 26.03.2008; that he was promoted to the post of Junior Instructor (BPS-14) vide office order dated 04.03.2013; that in the seniority list, circulated on 27.09.2021 of Junior Instructors the appellant was placed at Serial No.52 which wrongly contained his date of promotion as 04.12.2017, instead of 04.03.2017; that private respondents allegedly junior to him, were placed senior to him against which he filed departmental appeal on 01.10.2021, but the same was not responded, 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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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

Service Appeal No.197/2022

Date of presentation of Appeal.....31.01.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Kifayat Ullah, Junior Instructor, Civil, Government college of Technology, Nowshera.

.....(**Appellant**)

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Industry Commerce and Technical Education Department, Peshawar.
2. **Chairman** Khyber Pakhtunkhwa TEVTA, Peshawar.
3. **Board of Directors** Khyber Pakhtunkhwa TEVTA Peshawar thorough its Secretary.
4. **Managing Director** Khyber Pakhtunkhwa TEVTA, Peshawar.
5. **Sartaj Khan**, GPI Takhtbhai.
6. **Mansoor Khan**, GCT Tangi, Charsadda
7. **Muhammad Zahid**, GCT, Peshawar.
8. **Hazrat Kamal**, GCT, Tangi Charsadda.
9. **Ajmal Khan** GCT, Tangi, Charsadda.
10. **Rabnawaz Khan Khalil**, GPI Sardarghari.
11. **Abbas Khan**, GPI Mardan.
12. **Muhammad Arif Shah**, GCT Tangi.
13. **Muhammad Naeem**, GCT Swabi.
14. **Shakeel Afzal**, GPI Sardargarhi.
15. **Asmat Zaib**, GPI Bara.
16. **Imtiaz Ullah**, GPI Buner.
17. **Misbah Ullah**, GPI Takhtbhai.
18. **Nasir Khan**, GCT Peshawar.
19. **Kifayat Ullah**, GCT Swabi.
20. **Haider Khan**, GPI Nowshera.
21. **Tahir Ullah**, GTVC (B) Karak.
22. **Saleem Iqbal**, GTI Miranshah.
23. **Naseer Ud Din**, GPI Mansehra.
24. **Akbar Said**, GPI Batkhela.
25. **Muhammad Aslam** GCT D.I Khan.
26. **Shah Waqar Haider**, GCT Peshawar.
27. **Muhammad Khalid**, GCT Swabi

.....(**Respondents**)

Present:

Mr. Mir Zaman Safi, Advocate.....For the appellant

Mr. Naseer Ud Din Shah, Assistant Advocate General.....For official respondents