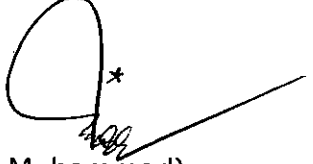


31.08.2022

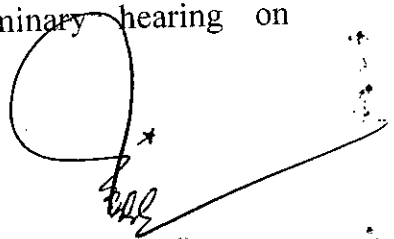
Mr. Arbab Saiful Kamal, Advocate for the appellant present. Arguments of the learned counsel for the appellant heard at the stage of preliminary hearing who contended that the appellant is basically aggrieved of the vires of the service rules framed by the respondent department and notified on 14.12.2021. At serial No. 5 of the said service rules the mode for filling the post of Secretary has been determined and reserved at the ratio of 65% by transfer from amongst the holders of the post of PMS Officers and 35% by promotion from Computer Operators (BS-16) with atleast 7 years service. Feeling aggrieved, the appellant submitted departmental appeal on 25.12.2021 followed by another representation dated 25.01.2022 and 17.02.2022 which were not responded by the departmental authority hence the instant service appeal was instituted in the Service Tribunal on 27.04.2022. When the point regarding the second/third departmental appeal was raised which is not admissible under the Khyber Pakhtunkhwa Civil Servants (Appeal Rules) 1986. Moreover, the delay of 02 days, was pointed out. Learned counsel for the appellant referred to various judgements of the Service Tribunal including a recent one in Service Appeal No. 1075/2019 titled Muhammad Rafiq Vs Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa Peshawar and others decided on 30.07.2021. At this stage, it deems appropriate to issue pre-admission notice to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 04.10.2022 before S.B.


(Mian Muhammad)
Member (E)

04.10.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG requested for time to contact the respondents for submission of written reply/comments. Last chance is given. To come up for reply/comments and preliminary hearing on 03.11.2022 before S.B.



(Mian Muhammad)
Member (E)

03.11.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 636/2022 titled "Dil Jan Vs. Home Department" on 11.11.2022 before S.B.



(Rozina Rehman)
Member (J)