

**ORDER**

7<sup>th</sup> Nov, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for respondents present.

2. The appellant has prayed in this appeal for seeking seniority from the date of his first regular entry into S.S cadre dated 19.11.2007 and was thus entitled for consideration for promotion to BS-18 on regular basis w.e.f the date his juniors were promoted vide impugned notification dated 16.04.2015.

3. It is noted with great concern that none of the parties has placed on file the requisite documents enabling the Tribunal to reach an appropriate, just and fair decision of the case. The learned counsel for the appellant submits that the appellant has tried his best to get the requisite documents especially the final seniority list as well as copies of the minutes of the Provincial Selection Board as a result of which the impugned promotion notification was issued. On different dates the respondents were given clear directions to produce final seniority list but none from the department has bothered even to appear before the Tribunal. The attitude of the official respondents is highly deplorable. It is admitted at the bar, rather the documents placed on the file show and prove that the departmental appeal filed by the appellant has not so far been decided by the department. In the compelling circumstances stated above when the department is least bothered to even annex the documents required by the Tribunal or by the department to get a decision in its favour, the only way left for the Tribunal is to accept this appeal and direct the respondents to decide

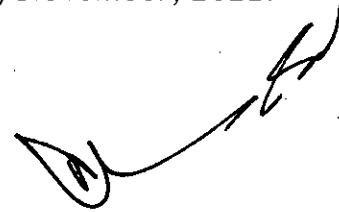
departmental appeal of the appellant within sixty days after receipt of this order under intimation to the Tribunal through its Registrar. The respondents shall also intimate the date of receipt of this order to the Registrar of this Tribunal.

4. Before parting with it is directed that copy of this order be sent to the Chief Secretary, Government of Khyber Pakhtunkhwa as well as Secretaries to the Government of Khyber Pakhtunkhwa Establishment Department and the Education Department for taking appropriate action against the officers not complying with the directions of the court for production of the documents in utter violation of the standing instructions of the government. The action so taken may also be intimated to the Tribunal. Disposed of in the above terms. Consign.

5. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 07<sup>th</sup> day of November, 2022.*



(Salah Ud Din)  
Member(J)



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat