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3rd November, 2022.

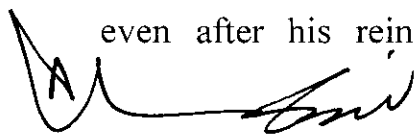
1. Learned Counsel for the Petitioner and learned Additional Advocate General alongwith Mr. Ishaq Gul, DSP (Legal) for the Respondents present and have been heard.
2. This is an application seeking implementation of the Judgment passed by this Tribunal on 01.03.2018.
3. It is contended in the application that appeal No.510/2016, filed by the Petitioner, was decided in his favour but that was not being implemented by the respondents.
4. The respondents were put on notice, who on putting appearance, produced order bearing endorsement No.19680/SRC dated 04.11.2019, whereby, in pursuance of the judgment dated 01.03.2018, passed by this Tribunal, the Petitioner was granted the relief along with back benefits.
5. On the previous date the learned counsel for the Petitioner admitted that in compliance with the judgment of the Tribunal, the Petitioner was, though, granted relief but he had also sought promotion and seniority, to be placed along with his batch mates/colleagues at his due place.
6. Today the learned counsel for the petitioner reiterated the above submissions and said that the complete compliance of the judgment would be when the petitioner was also given



promotion and seniority and was placed along with his contemporaries. To consider the submissions of the learned counsel for the petitioner, we have to refer to the relief granted in the judgment. The appeal of the petitioner was allowed in the following manner:-

“This Tribunal, therefore, accepts the appeal of the appellant and hold the appellant entitled for the back benefits and it is also ordered that the appellant should not be deprived any right of promotion etc including his training/completion of course for promotion etc if there is no other hindrance except his dismissal.”

7. The relief granting portion of the Judgment is quite clear. It never meant that the petitioner should be promoted and then placed amongst his batchmates without the requisite training/completion of course for promotion etc. It is not denied that during the period the petitioner remained dismissed, the other colleague(s) completed the requisite course(s) and was/were thus promoted to the next/higher rank(s)/grade(s), while due to dismissal of the petitioner he could neither get the requisite training nor could he be promoted. The representative of the respondents informed the Tribunal that the courses and trainings were, at times, optional and required proper application to be submitted by the aspirant while the petitioner, even after his reinstatement and despite invitation by the


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department for making applications, had not availed such opportunity. He added that the petitioner might apply and join any of the forthcoming training courses necessary under the rules for promotion and after his success he would be promoted and definitely placed along with those with whom ought to be.

8. This being so, this petition has no merits and is dismissed. However, the respondents shall provide fair opportunity to the petitioner for completion of the training courses to get his entire due but in accordance with law and rules. Consign.

9. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of November, 2022.*



(Kalim Arshad Khan)
Chairman