

25.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant has been deprived of his due rights of promotion to BS-20 on the ground of an existing vacancy occurred due to the retirement of one Fazal Mabood on 24.04.2020. The appellant was at serial No. 1 of the seniority list of officers in BS-19, as it stood on 01.01.2020 and notified on 02.11.2020. However, despite the fact, an officer appearing at serial Nor. 4 of the said seniority list was promoted to BS-20 vide notification dated 18.06.2021 and the appellant was given additional charge in BS-20 on 11.02.2021. The appellant requested for promotion to BS-20 through departmental appeal dated 25.02.2021 which was regretted on the ground that the appellant had retired on 31.03.2021, vide correspondence dated 12.04.2021. Moreover, learned counsel relied on judgement of the Service Tribunal in service appeal No. 731/2015 dated 25.10.2017 and Supreme Court judgement dated 08.06.2021 in civil appeal No. 40/2021 and requested for proforma promotion in BS-20 w.e.f 24.04.2020 in respect of the appellant being his accrued right.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 14.07.2022 before S.B.

(Mian Muhammad)  
Member(E)

Rs-700/-  
Appellant Deposited  
Security & Process Fee

M. J. I. I.  
25/4/22

14.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Noman Khalil, Assistant for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 15.09.2022 before S.B.

SCANNED  
K. ST  
Peshawar

(MIAN MUHAMMAD)  
MEMBER (E)

15<sup>th</sup> Sept. 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt. Addl: AG alongwith Mr. Muhammad Noman. Litigation Assistant for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Last opportunity granted. To come up for written reply/comments on 27.10.2022 before S.B.

(Kalim Arshad Khan)  
Chairman

7802/21

27<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. Advocate General alongwith Mr. Asif Khan, Superintendent for the respondents present.

Respondents have submitted written reply/comments, which are placed on file. To come up for rejoinder/arguments on 08.12.2022 before D.B.


  
(Fareeha Paul)  
Member(E)

08<sup>th</sup> Dec. 2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Asad Ud Din Asif Jah, Supdt for respondents present.

Appellant seeks adjournment because of non-availability of his counsel. It appears that the respondents No. 2 and 5 are unnecessary party, therefore, they are deleted from the panel of respondents. To come up for arguments on 413.03.2023 before the D.B. P.P is given to the parties.

  
(Fareeha Paul)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman