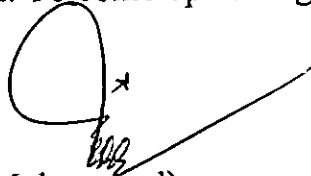


22.11.2022

Appellant in person present. Mr. Abdullah, ADEO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 10.01.2023 before the D.B.

SCANNED
KEBT
Peshawar



(Mian Muhammad)
Member (E)

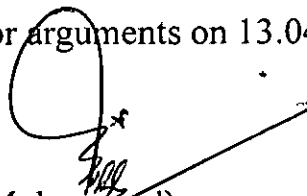


(Salah-Ud-Din)
Member (J)

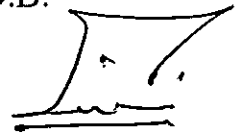
10.01.2023

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 13.04.2023 before the D.B.



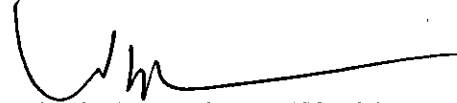
(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

31.01.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Rafiq ADEO for respondents present and submitted reply/comments, which are placed on file and copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments before the D.B on 26.05.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

26th May, 2022

Learned counsel for the appellant present. Mr. Asif Masood, DDA for respondents present.

Learned counsel for the appellant seeks time to argue the case on the next date. Last chance is given. To come up for arguments on 09.08.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 22-11-2022


Reader

M. Ijaz 4968/2021

22.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while addressing his arguments contended that the appellant was initially appointed as CT (BS-15) on adhoc basis vide appointment order dated 31.05.2014 whose services were regularized from the date of appointment on CT post vide notification endorsement dated 19.03.2018. The appellant, therefore, stood at serial No. 1 of the said notification. On completion of the required length of service (5 years) for promotion to the post of Senior CT (BS-16), the appellant moved a departmental appeal for promotion on 13.03.2020 which was accordingly forwarded to respondent No.3. During pendency of his departmental appeal the appellant also went in writ petition No. 1268-B/2020 dated 14.12.2020 to Peshawar High Court, Bannu Bench. The writ petition was however disposed of on 19.01.2021 with the direction to respondent No.3 "to honour and implement the directions issued by the worthy Director Elementary and Secondary Department Khyber Pakhtunkhwa, Peshawar vide letter No. 4368/F No. promotion CT to SCT Karak dated Peshawar the 12.06.2020 strictly in accordance with law". He further contended that the appellant is aggrieved of the impugned order dated 29.03.2021 when he was declared as ineligible for promotion from CT(BS-15) TO Senior CT(BS-16) whereas during pendency of his departmental appeal a notification promoting 47 CT(male) to the post of senior CT (BS-16) was issued on 28.02.2020. The date of regular appointments of the appellant, on regularization, is reckoned from 31.05.2014 i.e being his initial appointment as CT whereas those of the promoted CT is 16.05.2014, ^{also} stand junior to him. It was further contended that the appellant has been treated discriminatory and the requirements of Section-8, 9 of the Civil Servants Act, 1973 read with Rules-7 of the Khyber Pakhtunkhwa Government Servants(Appointment, Promotion and Transfer) Rules 1989 have not been fulfilled. The impugned order dated 29.03.2021 being violative of the fundamental rights of the appellant is liable to be set aside and due rights of the appellant for promotion to the post of senior CT (BS-16) be allowed from the date his erstwhile juniors were promoted.

Points raised need consideration. The appeal is provisionally admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 31.01.2022 before the D.B.

Appellant Deposited
Security & Process Fee

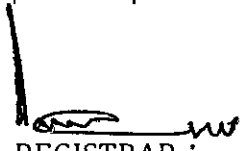
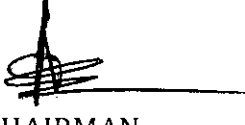

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4968 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2021	<p>The appeal of Muhammad Ijaz Khan resubmitted today by Mr. Noor Muhammad Khattak, Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	18.06.2021	<p>Counsel for the appellant present and requests for time to prepare the brief. Adjourned to 22.09.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>