



07.03.2023

Appellant present in person. Umair Azam learned
Additional Advocate General for respondents present.

Former requested for adjournment on the ground
that his counsel is busy before Hon'ble Peshawar High
Court, Mingora Bench (Dar-Ul-Qaza) Swat. Last chance is
given. File to come for arguments on 05.04.2023 before
D.B at camp court, Swat. P.P given to the parties.

SCANNED
AT
PESHAWAR


(Fareeha Paul)
Member (I)
Camp Court Swat


(Rozina Rehman)
Member (J)
Camp Court Swat

05th April, 2023

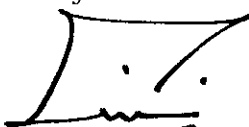
1. Appellant alongwith his counsel present. Mr. Muhammad
Jan, District Attorney alongwith Mr. Ali Rehman, Inspector
(Legal) for the respondents present.


2. Learned counsel for the appellant and learned District
Attorney for the respondents have been heard. The learned
counsel for the appellant submitted that though the appellant was
promoted on the basis of DPC held on 19.01.2022 vide
Notification dated 27.01.2022, yet remaining part of the relief
prayed in the appeal was not granted rather the promotion was
made with immediate effect. The learned counsel for the
appellant referred to page-41 of the appeal, which is said to be
the impugned order dated 08.10.2019, which shows that the case
of the appellant for promotion was considered in the DPC
meeting held on 05.07.2013 but he was deferred due to
incomplete ACRs for the period from 11.07.2008 to 31.12.2008,
2009, 2010, 2011 and 2012. Again his case was discussed in the



meeting of the DPC held on 02.07.2015 and was once again deferred from promotion because of incomplete ACRs for the period from 01.01.2011 to 30.07.2011, 14.04.2012 to 31.12.2012, 01.01.2013 to 31.12.2013 and 01.01.2014 to 31.12.2014, however, it was stated in the letter/impugned order that a DPC meeting, regarding promotion of Junior Clerks to the rank of Senior Clerks, will be held shortly wherein the name of the appellant appeared at serial No. 42 of the seniority list of Junior Clerk to be considered for promotion. Therefore, both the learned counsel for the appellant as well as the District Attorney agreed that as the appellant has been promoted, therefore, regarding rest of the relief the matter may be remitted to the Authority for decision in accordance with the relevant law and rules because there was no decision made on the departmental representation and only the matter of promotion of the appellant was deferred twice as is evident from the letter dated 08.10.2019. Order accordingly, the Authority concerned shall decide the matter within 60 days of the receipt of this order. The date of receipt of the order shall be communicated to the Registrar of this court. Similarly the decision taken shall also be communicated to the appellant as well as the Registrar of this Tribunal. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 05th day of April, 2023.*


(Salah-ud-Din)
Member (J)
Camp Court Swat


(Kalim Arshad Khan)
Chairman
Camp Court Swat