

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT D.I.KHAN**

Service Appeal No. 1557/2019

Date of Institution ... 18.11.2019

Date of Decision... 20.03.2023

Habib-ur-Rehman S/O Juma Khan. R/O Village Goraki Machankhel Tehsil & District Tank. Ex-Kanungo/Kanungo in Revenue Department District Tank.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary Revenue & Estate Department Government of Khyber Pakhtunkhwa Peshawar and 05 others.

... (Respondents)

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MR. SHEIKH IFTIKHAR-UL-HAQ,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-** Precise facts as alleged by the

appellant in his appeal are that he was appointed as Patwari vide order dated 12.03.1986 and was then promoted as Kanungo on 27.08.2007;

that the appellant passed the examination of Naib Tehsildar in the year 2013 and was at the top of seniority list for promotion to the post of


Naib Tehsildar/District Kanungo in the year 2013 but due to some unavoidable circumstances, he was not promoted; that the appellant

was eligible for promotion but he was wrongly and illegally deprived

from the same; that during the course of his service, the appellant was

promoted as Naib Tehsildar/District Kanungo on 22.08.2016 and stood retired from service with effect from 30.09.2016 vide office order bearing No. 7149/BC dated 22.11.2016; that the appellant was wrongly and illegally deprived from promotion to the post of Naib Tehsildar/District Kanungo, therefore, he submitted departmental appeal on 03.07.2019, which was not responded within the statutory period of 90 days, hence the instant service appeal.

2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing of reply, wherein they refuted the assertion raised by the appellant in his appeal.



3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

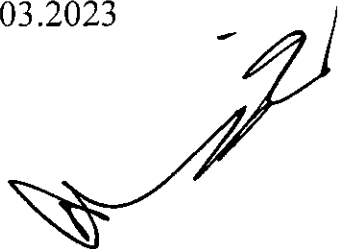
4. Arguments of learned counsel for the parties heard and record perused.

5. The appellant has though alleged that he was recommended for promotion to the post of Naib Tehsildar/District Kanungo against the vacant post in the year 2013, however the appellant has failed to substantiate his plea by producing any working paper or minutes of the DPC showing the inclusion of his name for promotion to the post of Naib Tehsildar/District Kanungo. The other plea of the appellant

that he was promoted to the post of Naib Tehsildar/District Kanungo in his own pay and scale vide order dated 26.08.2016 is also incorrect for the reason that vide said order, he was only handed over additional charge of the post of District Kanungo Tank and was not at all promoted to the said post. Vide letter dated 07.10.2016 addressed by Assistant Secretary (Establishment) to the Deputy Commissioner Tank, it was clarified that the appellant was granted additional charge of the post of District Kanungo on current charge basis and that he was not entitled to draw pay in BPS-14. Other material aspect of the case is that the appellant is though alleging that he was entitled for promotion to the post of Naib Tehsildar/District Kanungo in the year 2013, however he remained mum and agitated the matter of his promotion through filing of departmental appeal after considerable delay on 03.07.2019 i.e after a lapse of more than two years of his retirement.

6. In view of the above discussion, the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.03.2023



(KALIM ARSHAD KHAN)  
CHAIRMAN  
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN