



with the directions to the authorities to associate the appellants with the proceedings and for the purpose if a committee is necessary to be constituted, the authority may consider that. Consign.

4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 08th day of May, 2023.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Kaleem Ullah

through Secretary Education and others” Service Appeal No. 1693/2019 titled “Momin Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others”, Service Appeal No. 1694/2019 titled “Hameed Ullah Vs Government of Khyber Pakhtunkhwa through Secretary Education and others”, Service Appeal No. 1695/2019 titled “Mehmood Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” Service Appeal No. 64/2020 titled “Bahramand Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” Service Appeal No. 4830/2021 titled “Nisar Ahmad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” & Service Appeal No. 7556/2021 titled “Bacha Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others” are decided as all the same and can conveniently be decided together.

3. During the course of arguments consensus was developed that for considering the contention of the appellant that 50% quota of promotees was not exhausted whereas learned AAG while refuting the contention that in view of the Judgment of the Hon’ble Peshawar High Court, Peshawar in COC No.105-P/2018 in W.P no. 355/2011 and the said quota had already been exhausted. both of them while fairly assisting the Tribunal submitted that it would be appropriate that the department should make proper calculation of the number of posts, in the light of the above judgment coupled with the eligibility of appellants and to ascertain the quota accordingly. Order accordingly. Such exercise should be undertaken within a period of 90 days from the receipt of this order

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Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1305/2019 titled "Mizaj Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1306/2019 titled "Ismail Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1307/2019 titled "Amir Hatam Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1308/2019 titled "Fazal Rahim Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1309/2019 titled "Muhammad Feroz Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1383/2019 titled "Tahir Mulk Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1384/2019 titled "Kamran Ali Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1385/2019 titled "Khurshid Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1386/2019 titled "Mian Said Ali Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1387/2019 titled "Maslih Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1388/2019 titled "Aziz Ahmad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1691/2019 titled "Nisar Muhammad Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1692/2019 titled "Fazal Manan Vs Government of Khyber Pakhtunkhwa

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Service Appeal No. 1382/2019

Usman Ghani Vs Government of Khyber Pakhtunkhwa through
Secretary Education and others.

ORDER

08th May, 2023

KALIM ARSHAD KHAN, CHAIRMAN: Learned Counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General for the respondents present.

2. Through this single order this appeal and the connected Service Appeal No. 1230/2019 titled "Shamshad Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others". Service Appeal No. 1231/2019 titled "Akbar Zeb Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1232/2019 titled "Sher Ali Khan Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1233/2019 titled "Shah Nawaz Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1234/2019 titled "Ibni Amin Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1235/2019 titled "Muhammad Laiq Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1236/2019 titled "Misbah Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1237/2019 titled "Raham Karam Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1238/2019 titled "Salah Ud Din Vs Government of Khyber Pakhtunkhwa through Secretary Education and others", Service Appeal No. 1239/2019 titled "Naseer Hassan

**SCANNED
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Peshawar**

