



**ORDER**

15<sup>th</sup> May, 2022

**MR. KALIM ARSHAD KHAN, CHAIRMAN:** Appellant in

person present. Mr. Muhammad Jan, District Attorney for official respondents and Mr. Muhammad Zafar Afridi, Senior Public Prosecutor, private respondent No.13 in person present.

2. The prayer made in this appeal is squarely this”


*“It is therefore, humbly prayed that on acceptance of this Service Appeal, Promotion Notification No. SO (Pros)/HD/2-3/2022(BS-18 to BS-19) dated 11.01.2022 and posting and transfer Notification No. SO (PROS)/HD/2-3/POST & Trans/2022 dated 31.01.2022 may kindly be set aside being void ab-initio, against the law and policy to the extent of private respondents till the completion of their length of service not before promotion of their seniors as provided in the rules concerned and official respondents may kindly be directed to act as per rules and policy on the subject strictly according to law”*

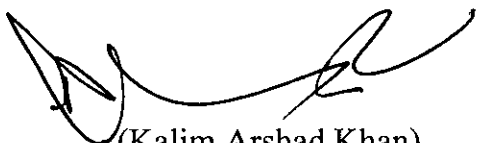
3. When confronted with the situation that none of the private respondents were yet regularly promoted to the next higher grade then how apprehensive relief could be given to the appellant, the private respondents might be promoted before the length of service making the appellant eligible for promotion is completed, he was fair and frank enough to say that there was a judgment of the august Supreme Court of Pakistan in an earlier and almost the similar matter between the appellant and other alike officers. The august Supreme Court of Pakistan while allowing CPs 5940, 6111, 680-P to 683-P of 2021 on 15.12.2022 had set aside the judgment of this Tribunal (whereby the acting charge promotion of the juniors to the appellant was set aside), therefore, the instant appeal might not maintain, however, he submits that, he had filed a Review Petition against

judgment of the august Supreme Court of Pakistan in the above CPs which may likely to be fixed soon and in case decision of the august Supreme Court of Pakistan comes in his favour his contention in this appeal might be granted. Such submission of the appellant also seems presumptive.

4. Be that as it may the question before this Tribunal in this appeal is, as afore-stated, that the private respondents alleged to be juniors to the appellant might not be further promoted on regular basis to BS-19. It is observed that as no regular promotion of any of the juniors to the appellant has been so far been made, therefore, it would be premature at present and would amount to grant apprehensive relief, which would not be appropriate and just. As and when any regular promotion of the juniors to the appellant made and the appellant is not considered, he would be at liberty to challenge that in accordance with the law. Disposed of as above. Consign.

5. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 15<sup>th</sup> day of May, 2023.*

  
(Fareeha Paul)  
Member(Executive)  
Camp Court D.I.Khan

  
(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

\*Adnan Shah, P.A\*