

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 appellant 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 with the directions to the Authorities to associate the appellant with the proceedings and for the purpose if a committee is necessary to be constituted, the Authority may consider that.

Consign.

4. In light of the above, this appeal is also disposed of in the terms of consolidated order dated 08.05.2023 passed in Service Appeal No. 1382/2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

05.06.2023



(Fareeha Paul)
Member (Executive)



(Salah-ud-Din)
Member (Judicial)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 3298/2021

Date of institution 17.02.2021

Said Ali Khan, AT (BPS-15), GHS Shoorshing, District Dir Lower.

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 02 others.

ORDER

05.06.2023

Mr. Noor Muhammad Khattak, Advocate for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. At the very outset, learned counsel for the appellant as well as learned Assistant Advocate General stated at the bar that similar nature appeals have been disposed of by this Tribunal vide consolidated order dated 08.05.2023 passed in Service Appeal No. 1382/2019, therefore, the appeal in hand may also be disposed of in the said terms.

3. Relevant para of order dated 08.05.2023 passed in Service Appeal No. 1382/2019 is reproduced as below:-

During the course of arguments consensus is pwas developed that for considering the contention of the appellant that 50% quota of promotes was not exhausted whereas learned Assistant Advocate General 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 Writ Petition No. 355/2011 and the said quota had already been exhausted. Both of them while fairly assisting the