

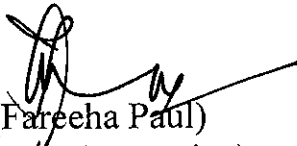
*Tribunal submitted that it would be appropriate that the department should make proper calculation of the number of posts, in the light of the above judgment coupled with the eligibility of appellant and to ascertain the quota accordingly. Order accordingly. Such exercise should be undertaken within 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.*

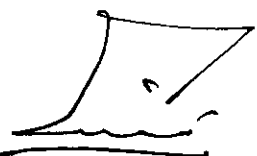
*Consign.*

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)

\*Naeem Amin\*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 3300/2021

Date of institution ..... 17.02.2021

Rahim Khan, DM (BPS-15), GMS Shagai Asbanr, 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*