


24th July, 2023

Learned counsel for the appellant present and argued that appellant was promoted from BPS-17 to BPS-18 on 31.05.2019 and she was senior to private respondent No. 5 because her name was mentioned at Sr. No. 15 and name of private respondent was at Sr. 16 of promotion notification. She was posted as DEO (Female) Upper Kohistan vide order dated 17.04.2020 and since then she was performing her duties. He further argued that private respondent No. 5 was promoted and she was ignored and deprived from promotion only on the ground that departmental inquiry was pending against her. He submitted that she challenged it before Hon'ble Peshawar High Court, Peshawar, wherein respondents were directed to consider the grievance of the petitioner in accordance with law, which was not considered. Order of Hon'ble Peshawar High, Court, Peshawar dated 31.05.2022 was not complied with, against which COC petition was filed which was decided by the order dated 16.03.2023 wherein it was held that respondents are not willing to pass any order in respect of grievance of petitioner, the same would be treated to have been declined and petitioner would be at liberty to choose her remedy available to her under the law. As a result of which appellant filed departmental appeal on 23.04.2022 which was not decided therefore, he filed instant appeal on 18.04.2023 under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. He also argued that mere pendency of departmental proceeding against appellant is no valid ground to deprive her from promotion. Points raised during the course of arguments needs consideration. Therefore, appeal in hand is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant. Adjourned. To come up for written reply/comments on 25.10.2023 before S.B. P.P given to learned counsel for the appellant.


(Rashida Bano)
Member (J)