

24th July, 2023

1. Mr. Syed Abdul Haq, Advocate present and submitted Wakalatnama on behalf of the appellant which is placed on file.

2. Learned counsel for the appellant argued that appellant and private respondents No. 5 & 6 were appointed on same date i.e 07.11.2016 and in accordance with Rule 17 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989), (Amended 2009) older in age to be placed senior and appellant is older in age than private respondents 5 & 6, therefore, he must be placed senior to respondent No. 5 & 6 but respondent No. 5 & 6 was placed at serial No. 4 & 5 in the seniority list issued on 31.03.2023 which is against rules. He further argued that appellant filed departmental appeal on 05.04.2023, which was dismissed on 26.04.2023. Feeling aggrieved, he filed instant appeal on 18.05.2023 under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. 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 at camp court, Abbottabad. P.P given to the appellant.

3. Alongwith the appeal there is an application for suspension of operation of impugned seniority list of Forest Guards. Notice of this application be issued to the respondents.


(Rashida Bano)
Member (J)