

24.07.2023

Learned counsel for the appellant present. Mr. Amjid Ali, Section Officer (Litigation) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents produced copy of minutes of the meeting of Departmental Promotion Committee held on 30.05.2023 regarding implementation of the judgment under execution. The decision of Departmental Promotion Committee has been recorded in para-6 of the minutes, which is reproduced as below:-

*“After threadbare discussion it was decided that as the subject case is actually related with regularization as SS (BS-17) not promotion and the competent forum for regularization of service of the employees is Provincial Assembly which does not exist at the moment. The issue needs to be placed before the Government, whenever it was elected in future. Furthermore, the Litigation Wing of Elementary & Secondary Education Department is directed to approach Honorable Supreme Court for early hearing in CPLA in the subject case pending before Apex Court.”*

Vide judgment under execution, the appeal of the appellant was allowed as prayed for. The prayer made by the appellant in his appeal was as below:-

*“That on acceptance of this appeal the respondent may kindly be directed to consider the appellant for promotion to the post of Subject Specialist (BPS-17) w.e.f. 2009 i.e the date when the adhoc/contract S.S (BPS-17) have been regularized with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.”*

When learned Assistant Advocate General was asked as to whether the decision taken by the Departmental Promotion Committee in its meeting held on 30.05.2023 is in consonance with the prayer made by the petitioner in his appeal, he candidly conceded that the decision of the Departmental Promotion Committee is not in consonance with the relief

granted in the judgment under execution. He stated that he will consult the respondents for implementation of the judgment in letter and spirit and that the implementation report will be produced on the next date. Adjourned. To come up for implementation report on 27.09.2023 before the S.B at Camp Court Abbottabad. Parcha Peshi given to the parties.



(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

*\*Naeem Amin\**