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REGISTERED
No. C.A. 465/2023 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 09-08, 2023.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

✓ The Registrar,
K.P.K., Service Tribunal,
Peshawar.

Subject: CIVIL APPEAL NO. 465 OF 2023.
OUT OF
CIVIL PETITION NO. 684-P OF 2021.

Government of Khyber Pakhtunkhwa , through Chief Secretary,
Peshawar and others.

Versus

Raja Imtiaz Ahmed.

On appeal from the Judgment/Order of the K.P.K., Service
Tribunal, Peshawar dated 23.09.2021 in Appeal No.1229/2018.

Dear Sir,

I am directed to forward herewith a certified copy of the
Order/Judgment of this Court dated **31.07.2023**, converting into appeal
the above cited civil petition and partly allowing the same, in the terms
stated therein, for information and necessary action.

I am also to invite your attention to the directions of the Court
contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its
enclosure immediately.

Encl: Order:

Yours faithfully



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

60127

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Muhammad Ali Mazhar

Ms. Justice Musarrat Hilali

Civil Petition No.684-P of 2021

Against the judgment dated 23.09.2021 passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Abbottabad in Service Appeal No.1229/2018.

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others

...Petitioners

Versus

Raja Imtiaz Ahmed

...Respondent

For the Petitioners:

Mr. Zahid Yousaf Qureshi, AOR
a/w Mr. Bilal Ahmad, Divisional Forest Officer Abbottabad

For the Respondent:

Mr. Rashid-ul-Haq Qazi, ASC

Date of Hearing:

31.07.2023

ORDER

Muhammad Ali Mazhar, J. The petitioners have challenged the impugned judgment dated 23.09.2021, passed by Khyber Pakhtunkhwa Service Tribunal, in Service Appeal No.1229/2018, whereby in paragraph No.5 of the impugned judgment, the appeal of the respondent was accepted and he was found entitled for notional promotion to BPS-19 with effect from 24.08.2015 with all consequential benefits.

2. Learned Advocate-on-Record appearing on behalf of Government of Khyber Pakhtunkhwa, argued that the learned Tribunal at the best could have forwarded the matter to the competent authority for consideration rather than passing a declaration in favour of the respondent for notional promotion. He further argued that it was the domain of the duly constituted committee by the competent authority to consider the case of notional promotion as per the prevalent Promotion Policy 2009.

3. Conversely, learned counsel for the respondent argued that the respondent was discriminated while considering him for notional

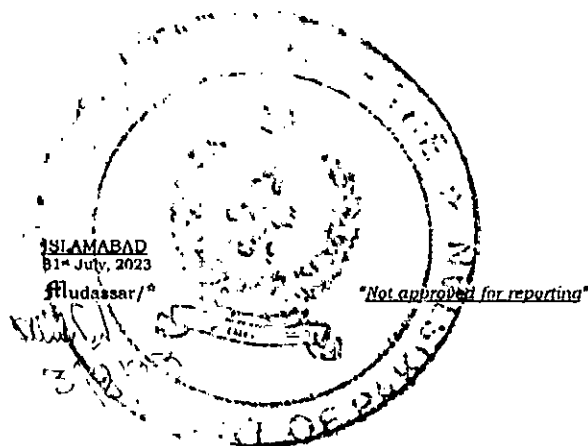
ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

promotion. He further argued three other employees placed in similar situation, namely, Naseem Hijazi, Pir Qaim Shah and Faiz-ul-Bari, were allowed proforma promotion from BPS-18 to BPS-19 after their retirement but such benefit was not accorded to the respondent.

4. After hearing learned counsel for the petitioners at some length and going through the available record, this petition is by consent converted into an appeal and partly allowed in the following terms:

- i) The case of the respondent shall be forwarded by the competent authority to the Provincial Selection Board (PSB) to consider his notional promotion from BPS-18 to BPS-19.
- ii) The notional promotion will be considered in accordance with the Promotion Policy 2009.
- iii) While considering the case for notional promotion of the respondent by the PSB as per aforesaid Policy, if the case of the respondent is found at par with the aforesaid three persons, who were allowed notional promotion from BPS-18 to BPS-19 after their retirement then due consideration for notional promotion will also be given to the respondent.
- iv) The judgment of the learned Tribunal is modified accordingly.



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Certified to be True Copy

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