ORDER

13 Sept. 2023 **Kalim Arshad Khan, Chairman:** Appellant alongwith his counsel present. Mr. Fazal Shah Mohmand, Additional Advocate General Dr. Sohail Khan, Research Officer for the respondents present.

2. Learned counsel for the appellant has referred to Paragraph-11 of the reply on facts, filed by the respondents, wherein, the relief to the extent of withholding of promotion was otherwise granted by the department and in this respect, a document is also placed on file as "Annexure-G" alongwith the reply of respondents. Therefore, part of the relief, sought by the appellant to the extent of setting aside the punishment of withholding of promotion, has otherwise been granted to the appellant, rendering this appeal fruitless to that extent while as regards withholding of two increments for two years, that period has been elapsed and the learned AAG stated that the benefits withdrawn for those two years would be restored to the appellant. When confronted with this situation, learned counsel for the appellant stated that the said benefits have been restored but the appellant was aggrieved only by not granting him pro-forma/antedated promotion because in the meantime, a junior to him (Abdul Rashid) was promoted on 12.02.2021 and the appellant has also submitted an appeal to the department. A copy of the same is produced by him today. The appellant has used the word "deferment" in the departmental appeal, which, in the absence of minutes of Departmental Promotion Committee, shows that appellant was deferred In case a civil servant is deferred because of some hurdle or some

technicality or for want of production of some documents and later on. the said hurdle is removed, the appellant has to regain his seniority etc. under the law and rules in vogue. When confronted with the situation, learned counsel for the appellant does not press this appeal and says that he would get copy of the minutes of the DPC meeting. The representative of the respondents present in the Court, namely Dr. Sohail Khan, Research Officer, assures that he would provide copy of the minutes of the DPC to the appellant. Learned counsel for the appellant submits that after going through the minutes of DPC meeting, if the appellant was found deferred by the DPC, he would adopt legal course for getting remedy for the appellant. Disposed of in the above manner. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 5th day of September, 2023.*

(Muhammad Akbar Khan)
Member (E)
Camp Court, Swat

(Kalim Arshad Khan)
Chairman
Camp Court, Swat

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