

Service Appeal No.734/2023 titled "Awais Khan Khattak Vs. Director Higher Education Khyber Pakhtunkhwa, Peshawar, and others".

**ORDER**

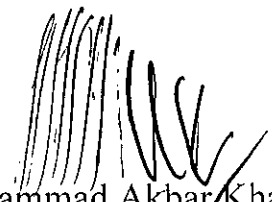
12<sup>th</sup> Sept. 2023 **Mr. Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Sohrab Khan, Lecturer for the respondents present.


2. It is the prayer of the appellant that despite availability of the post in BPS-04 i.e. Lab Attendant lying vacant and advertised vide advertisement "Annexure-F", the appellant was not dealt with in accordance with provisions of Rule-10, especially, the proviso thereto reproduced below:

*'Provided also that appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale'*

to which the representative of the respondents has submitted that let the matter be sent back to the department for consideration of the request of the appellant in accordance with the rule referred to above. Disposed of accordingly. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 12<sup>th</sup> day of September, 2023.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman