

Ph: 9220581
Fax:9220406

REGISTERED
No. C.A. 502/2023 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 31.8, 2023.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

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

Subject: CIVIL APPEAL NO. 502 OF 2023.
OUT OF
CIVIL PETITION NO. 2331 OF 2019.
Kashif Rehman.

Versus

Director Elementary and Secondary Education Department,
Peshawar and others.

On appeal from the Judgment/Order of the K.P.K., Service
Tribunal, Peshawar dated 25.03.2019, in S.A. No. 894 of 2014.

Dear Sir,


I am directed to forward herewith a certified copy of the
Order/Judgment of this Court dated **05.05.2023**, converting into appeal
the above cited civil petition, allowing and remanding 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

84/23

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MRS. JUSTICE AYESHA A. MALIK
MR. JUSTICE ATHAR MINALLAH

C.P.2331/2019

(Against the judgment dated 25.03.2019
passed by the KPK Service Tribunal, Camp
Court, DI Khan in Service Appeal
No.894/2014)

Kashif Rehman ...Petitioner(s)

Versus

Director Elementary & Secondary Education ...Respondent(s)
Department, Peshawar & others

For the Petitioner(s) : Mr. Muhammad Anwar Awan, ASC

For the Respondent(s) : Mian Shafqat Jan, Addl. AG KPK



Date of Hearing : 05.05.2023

ORDER

UMAR ATA BANDIAL, CJ: Our order dated
04.08.2022 passed in this petition summarises the dispute raised
therein. It is reproduced below:

"The learned counsel for the petitioner submits that the petitioner was promoted to the post of Sr. PET in BS-16 on 27.05.2013. During the time when his service appeal was pending adjudication, the petitioner was again promoted to the post of D.P.E in BS-16. The memorandum dated 18.04.2014 by the Directorate of Elementary & Secondary Education, KP addressed to the District Accounts Officer, D.I. Khan acknowledges that the petitioner's colleague had been promoted as DPE in BS-16 in the year 2006. The petitioner's case was deferred for want of ACR's and not on account of any fault on his part. The petitioner has therefore claimed in the service appeal that he should be granted promotion with effect from 2006. That aspect of the case has not been examined by the learned Tribunal in the

ATTESTED

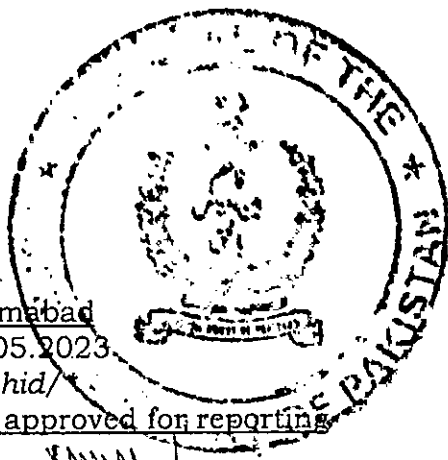


Court Associate
Supreme Court of Pakistan
Islamabad

impugned judgment dated 25.03.2019. Submits that the service appeal of the petitioner has been disposed of on wrong premises."

2. In view of the afore-noted contention of the learned counsel for the petitioner, we asked for the response of the learned Addl. Advocate General, KPK, who acknowledges that the merits of the case have not been dealt with by the impugned order dated 25.03.2019 passed by KPK Service Tribunal ("Tribunal"). In the circumstances, we consider that to be fair and appropriate, the matter be remanded to the learned Tribunal to examine the questions raised by the petitioner. The parties shall be at liberty to file further documents in aid of their respect pleas.

3. Accordingly by consent, this petition is allowed and converted into appeal and the matter is remanded to the Tribunal.

Handwritten signatures and initials, including "NGT" and "Sah".



Islamabad
05.05.2023
Rashid/
Not approved for reporting

Handwritten signature and date: 23/5/23

Certified to be True Copy

Handwritten signature

**Court Associate
Supreme Court of Pakistan
Islamabad**