

instance. We deem it appropriate to remit the case back to the department to decide the departmental appeal of the appellant on the basis of record available with them. Disposed of accordingly. Consign.

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



**(Rashida Bano)**  
**Member (J)**



**(Muhammad Akbar Khan)**  
**Member (E)**

**Service Appeal No. 1892/2022 titled "Ghulam Zahir Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Khyber Pakhtunkhwa Peshawar and others"**

**ORDER**

12.10.2023

**MUHAMMAD AKBAR KHAN, MEMBER (E):-** Mr. Noor Muhammad Khattak, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. Perusal of record transpired that the appellant was initially appointed as Subject Specialist in the respondent department on 20.08.2003. He was promoted as Senior Subject Specialist BS-18 on 16.04.2015. Before his promotion he had applied for the post of Principal (BPS-18) advertised by the Khyber Pakhtunkhwa Public Service Commission. On the recommendation of Public Service Commission he was appointed as Principal (BS-18) vide Notification dated 24.10.2015. He joined the post of Principal and still serving as Principal. The prayer sought for in the appeal contain two distinct matters; i) retention of his lien on the post of Senior Subject Specialist BS-18; or ii) maintain intact his seniority from his initial date of appointment as Subject Specialist.

03. After arguing the matter at certain length, learned counsel for the appellant stated at the bar that the appellant has made departmental appeal to the respondents giving detail position of his case which has not been responded by the department within the stipulated period. He would be satisfied if the case is remitted back to the department for consideration and decision of the departmental authority in the first