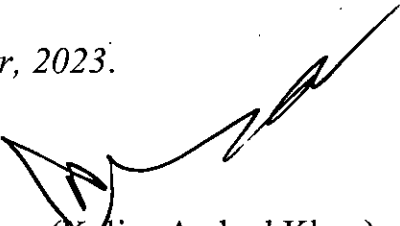


*crystal clear that appellant was appointed on the higher post by the authority to make appointment on that post and he was fully qualified in every respect to be appointed to that higher post. He discharged all the duties and responsibilities of the higher post independently, therefore, as per notification No.FD(PRC)1-1/2012 dated 17.08.2012, appellant is eligible for receipt of pay of higher grade.”*

3. The application is not only misleading, misconceived but also aimed at delaying the implementation which is totally different as the causes of action of the Service Appeal No.1084/2016 and Service Appeal No.723/2018 are entirely different. Therefore, the so called objection petition is dismissed with cost of Rs.10,000/- to be paid by the respondents. To come up on 27.11.2023 for submission of proper implementation report, before S.B at Camp Court, Abbottabad. P.P given to the parties.

4. *Pronounced in open Court at Abbottabad and given under my hand and seal of the Tribunal on this 23<sup>rd</sup> day of October, 2023.*

  
(Kalim Arshad Khan)  
Chairman

23<sup>rd</sup> Oct. 2023

1. Junior to counsel for the petitioner present. Asif Masood Ali Shah learned Deputy District Attorney alongwith M/S Amjad Ali, Section Officer and Toseef Ahmad, ADEO for the respondents present.

2. It appears that in order to delay implementation of the judgment delivered by the Tribunal on 17.03.2021, the respondents have submitted a petition showing the same to be a petition under section-47 of the Civil Procedure Code, 1908 on the grounds that an earlier appeal of the petitioner bearing No.1084/2016 was dismissed by the Tribunal and CPLA filed against the dismissal of judgment was also dismissed. Copy of judgment passed in Appeal No.1084/2016 has been annexed by the respondents alongwith so called objection petition. The grievance of the appellant in that appeal was for grant of additional charge allowance for performance of some additional duties, but the judgment, sought to be implemented through this implementation application delivered in Appeal NO.723/2018 is pertaining to a matter of promotion and the Tribunal granted the appeal in the following manner:

*"From the record, it is evident that appellant was serving in BPS-17 as Subject Specialist in Pakistan Studies. Upon approval of the competent authority he was directed to act and discharge duties as Incharge Principal against the vacant post of Principal (BPS-18) in the Government Higher Secondary School Kawai (Mansehra) w.e.f 17.05.2010 till further orders vide notification dated 17.05.2010. The appellant was promoted to the post of Vice Principal (BPS-18) on 01.12.2016, whereas, the post of Principal (BPS-19) is still vacant and he has been performing the duties as Principal against the vacant post of Principal (BPS-19) till today. From the record it becomes*