


25th Oct. 2023

1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Mr. Muhammad Zaka Khan, SDO for the respondents present.
2. Superintending Engineer in this matter is the competent authority to promote the appellant, whose reply and the replies of the respondents No.1 & 2 are not on the file, while the reply of respondent No.4 i.e. XEN C&W, Abbottabad expresses no objection on acceptance of this appeal. A list shown to be a seniority list, which is undated but attested by the SDO Sub Division, Abbottabad, has been produced in response to the order dated 16.06.2022 and service rules have been produced by the SDO, who had also produced copy of letter of the Finance Department dated 17.03.2021, declaring some 28 posts, including the post of Supervisor, as dying cadre posts.
3. In view of the above situation, we deem it appropriate to direct respondents No.1 to 3 to file reply in writing within 15 days, at the Principal Seat, Peshawar. The learned District Attorney as well as the representative of the respondent, present before the court, are directed to comply with the above direction, positively. The learned District Attorney also produced copy of Service Appeal No.915/2016, saying that earlier pthe appeal of the appellant on the same subject matter was returned to the appellant for its presentation before the proper forum, for want of jurisdiction of the Tribunal.
4. Adjourned to 13.12.2023 for hearing before D.B at Camp Court, Abbottabad. P.P given to the parties.


(Fareeha Paut)
Member (E)


(Kalim Arshad Khan)
Chairman