

30.10.2023 1. Learned counsel for the appellant present and argued that appellant was appointed Qari vide order dated 24.02.2009 and placed at serial No. 1 of the appointment order of merit position. Later on Sultan Ahmad Shah who was at serial No. 5 of the merit was promoted as Senior Qari vide order dated 22.08.2014 by ignoring appellant being at top of merit list. Subsequently, appellant was promoted as Senior Qari vide order dated 18.11.2014. Seniority list of Senior Qari were issued in the year 2022 and appellant was shown junior to Ahmad Shah and Abdul Saboor which is violation of Rule 17 of (Appointment, Promotion and Transfer) Rules, 1989 and Section 8 of Civil Servants Act, 1973 because appellant will regain his inter-se-seniority with his batch mates in accordance with the above mentioned rule. Appellant filed departmental appeal on 24.05.2023, which was not respondent within statutory period of ninety days, hence instant service appeal. Learned counsel for the appellant further argued that that during pendency of departmental appeal respondents prepared working paper for promotion to BPS-16 wherein name of private respondent mentioned at serial No.1 by ignoring appellant. Points raised need consideration, therefore, appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 14.11.2023 before S.B. P.P given to learned counsel for the appellant.



2. Annexed with the appeal there is an application for restraining the respondents from issuing recommendation and promotion order of respondent No. 3. Notice of this application be issued to the respondents. In the meanwhile, respondents are restrained from promotion of respondent No. 3, till the disposal of instant appeal.


(Rashida Bano)
Member (J)

FORM OF ORDER SHEET

Court of _____

Appeal No. 1875/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2023	<p>The appeal of Mr. Muhammad Ibrahim presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20.09.2023. Parcha Peshi is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
20 th	Sept. 2023	<p>01. Junior of learned counsel for the appellant present and requested for adjournment as learned counsel for the appellant was busy before the Hon'ble Peshawar High Court today. Adjourned. To come up for preliminary hearing on 30.10.2023 before the S.B. Parcha Peshi given to junior of learned counsel for the appellant.</p> <p style="text-align: right;">  (FAREEHA PAUL) Member (E)</p>

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Fazle Subhan, P.S