


25.10.2023

Learned counsel for the appellant present and argued that appellant was performing his duties as SDO. The post of XEN/Deputy Director (BPS-19) became vacant. Rules were framed and issued by the respondent department on 24.08.2001 in accordance with which appellant is eligible for promotion to BPS-19. He further argued that one of colleague of the appellant Imtiaz challenged said rules in service appeal no. 7917/21 before this Tribunal wherein status quo was granted vide order dated 31.01.2022. During this period respondent department published retirement notification of the appellant upon attaining the age of super-annuation. Respondent seek names of official who were eligible for promotion and name of appellant was sent but due to status quo granted by the court and his retirement on attaining the age of super-aunation on 06.01.2023 he was not promoted. Now appellant seek proforma promotion on the ground that he was not promoted despite availability of vacancy and due to status quo order of this Tribunal and said appeal was dismissed with cost. Appellant filed departmental appeal on 18.07.2023 which was not responded to, hence instant service appeal. 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 05.12.2023 before S.B. P.P given to learned counsel for the appellant.


(RashidaBano)
Member (J)