

30th Oct, 2023


1. Learned counsel for the petitioner present. Mr. Asad Ali Khan learned Assistant Advocate General alongwith Tariq Umar, DSP (Legal) for the respondents present.

2. Representative of respondents submitted implementation report duly notified in official gazette. Learned counsel for the petitioner argued that mentioning that seniority of petitioner will be consider at par with his colleagues who were appointed through same selection process. Perusal of service appeal bearing No. 12438/20 reveals that the prayer of the petitioner as under.

"On acceptance of instant appeal, impugned decision/order dated 20.05.2020 of Respondent No.3, may be set aside and seniority list "E" w.e.f the date of appointment i.e 10.02.2011, and in view whereof, his officiating promotion Notification dated 03.06.2016 to the rank of Sub-Inspector be revised, be given effect from the date of his eligibility and be confirmed, as sub-Inspector under 13.18 Police Rules, 1934, with all consequential benefits, so as to avoid discriminatory treatment and to secure the ends of justice".

Said prayer is accepted as prayed for vide judgment dated 30.11.2021 by this Tribunal. Petitioner specifically requested for consequential benefits from a specified date i.e 10.02.2011. Although respondent vide order dated 27.09.2023 brought appellant at list "E" w.e.f 10.02.2011 but same was reflected in the seniority list. It pertinent to mention here that earlier respondents produce order dated 12.12.2022 wherein petitioner was brought list "E" w.e.f 10.02.2011 but seniority list issued on 21.02.2023 produce by the respondents reveals that effect of order dated 12.12.2022 was not given in the seniority list, therefore, mentioning words about determination of seniority of the petitioner with his batch mates is not in accordance with true letter and spirit of judgment dated 30.11.2021. Implementation

in its true letter and spirit has given effect of enlistment from 10.02.2011 in his seniority list too, therefore, respondents are directed to incorporate date of enlistment of petitioner in list "E" i.e 10.02.2011 and not 08.05.2014 like his other colleagues. Respondents are directed to produce correct seniority list in light of judgment of this Tribunal. To come up for proper implementation report on 15.11.2023 before S.B. P.P given to the parties.


(Rashida Bano)
Member (J)