

ORDER


1st Nov. 2023

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present and heard.

2. This matter has a chequered history. Case of the appellant for promotion from BPS-17 to BPS-18 (Executive Engineer) was considered in the PSB held on 28.11.2002 but he was superseded. The supersession was challenged in appeal No.598/2003 and vide judgment of the Tribunal, case of the appellant remitted, which was again considered by the PSB held on 08.11.2004 but he was again superseded and then on 12.07.2005, he was again considered and deferred. Then he filed appeal No.1758/2009 and vide judgment dated 17.01.2020, which was decided in the following manner:

"This Tribunal partially accept the instant service appeal with direction to respondent No.6 to take up the case with respondent No.1 for appointment of a scrutiny committee at the level of respondent No.2 with comprising of Secretary Law, Secretary Finance and Secretary Establishment as respondent No.4 to consider the case of appellant for the purpose of pro-forma promotion in the light of the judgment of various judicial directions and in humanitarian grounds for making the recommendation to the PSB. Parties are left to bear their own costs. File be consigned to the record room."

3. The judgment dated 07.01.2020, required the respondents to constitute a scrutiny committee at the level of respondent NO.2 also comprising Secretary Law, Secretary Finance and Secretary



Establishment and to consider the case of the appellant for the purpose of pro-forma promotion in the light of judgment and on humanitarian grounds for making recommendation to the PSB. In compliance with judgment, scrutiny committee was constituted and on recommendation, the PSB considered the case of the petitioner and in further compliance of the judgment, the PSB also recommended promotion of the petitioner from the post of Assistant Engineer/SDO (BPS017) to the post of Executive Engineer (BPS-1) of C&W Department w.e.f 09.06.2010, one day before his retirement. The petitioner claims that he ought to have been promoted from the date he was first superseded but this claim was not granted in the judgment, sought to be implemented, rather the operative part of the judgment reproduced, hereinbefore, required constitution of the scrutiny committee and then consideration of promotion of the appellant by PSB, which has been done.

4. The above proceedings conducted by the respondents are in line with the terms of the judgment of the Tribunal. As a resultant consequence, this petition is filed. Consign.

5. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 1st day of November, 2023.*


(Kalim Arshad Khan)
Chairman

Mutazem Shah