

ORDER

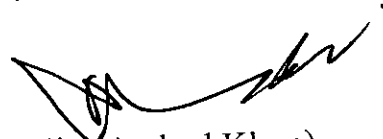
3<sup>rd</sup> Nov. 2023

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

2. Learned counsel for the appellant states that despite being senior to private respondent No.6, the appellant was deferred from promotion made vide order dated 17.02.2023 against which, he filed appeal on the same date. Learned counsel admits that against the impugned promotion order made on 17.02.2023, the appellant ought to have moved departmental representation before the appellate authority, who is Commissioner in this case but the appellant, inadvertently, has not done that. He requests that this service appeal may be converted into departmental representation and be sent to the Commissioner, Malakand Division, Swat, for decision in accordance with law.

3. In view of the request, the instant service appeal is treated as departmental representation and be sent to the Commissioner Malakand Division (Respondent No.4) for decision in accordance with law, within statutory period, where-after, if the appellant felt himself aggrieved, he may come to the Tribunal and in case he comes to the Tribunal and files fresh appeal, that would be decided on its own merits and subject to all legal objections etc. Consign.

4. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 3<sup>rd</sup> day of November, 2023.*

  
(Kalim Arshad Khan)  
Chairman