

22nd Nov. 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Albert David, Superintendent for the respondents present.

2. Respondents No.3 to 5 are neither necessary nor proper party, therefore, their names are deleted from the panel of respondents. Office is directed to make necessary entries accordingly.

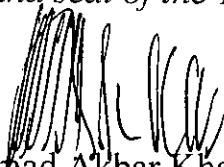
3. Minutes of the Departmental Promotion Committee held on 10.02.2021 have been produced, wherein, the appellant alongwith others, were recommended by the DPC for promotion to the post of Assistant (BPS-16) **on regular basis**, where-after, the notification of promotion was also accordingly issued on 04.03.2021, which also said that the appellant and others were promoted to the post of Assistant (BPS-16) **on regular basis** but vide impugned order dated 10.03.2022, passed a year after the issuance of the promotion notification, the regular promotion, of the appellant and others, was treated as promotion on **Acting Charge Basis**. When confronted with the situation, the learned DDA was fair enough to say that vide reply in Para-06, the stance of the department was that in the minutes of DPC held on 10.02.2021, it was mistakenly mentioned that the promotion was **on regular basis**, which was later on rectified through issuance of corrigendum order dated 10.03.2022 treating the promotion to be on **Actig Charge Basis**. The learned DDA also informed that this corrigendum was made without holding any DPC for the purpose. Therefore, we hold that the corrigendum of 10.03.2022,

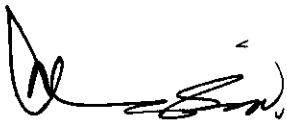


has no legs to stand upon, not only because there was no DPC held for the purpose, but also because much water has passed after issuance of the promotion notification and the appellant as well as others had created valuable rights in them in the year after their promotion when the impugned corrigendum was issued. Therefore, the regular promotion could not be rescinded without holding of any DPC or even on the principle of *locus poenitentiae* because the promotion had not only taken place but had been acted upon.

4. Now, the only grievance of the appellant is his claim of seniority. The private respondents have not been served as yet, therefore, it is directed that the appellant shall deposit the expenses of TCS, within three days, so that they could be served. To come up for arguments on 18.01.2024 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

5. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 22nd day of 2023.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman
Camp Court, D.I.Khan