

24.11.2023

1. Learned counsel for the appellant present and argued that service of the appellant was regularized vide notification dated 21.03.2018 in accordance with Sub Section 2 of Section 4 Khyber Pakhtunkhwa Employee of Elementary and Secondary Education Department (Appointed & Regularization of Services) Act, 2017. In accordance with condition No 9 of regularization of service of the appellant, seniority of the appellant as well as respondent will have to be fixed on the basis of older in age but respondents violated this rule and issued impugned seniority list dated 31.12.2022, wherein younger in age to the appellant were placed senior to him. Appellant filed departmental appeal, which was not decided within statutory period, hence the instant service appeal. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 08.12.2023 before S.B. P.P given to learned counsel for the appellant.

2. Appellant filed an application for restraining the respondents not to issue promotion order on the basis of impugned seniority list. Notice of the same be issued to the respondents. In the meanwhile, status quo be maintained till the date fixed.


(Rashida Bano)
Member (J)

FORM OF ORDER SHEET

Court of _____

Appeal No. 2401 /2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 16/11/2023 | <p>The appeal presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>24-11-23</u>. Parcha Peshai is given to the counsel for the appellant.</p> |

RECORDED
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PESHAWAR

By the order of Chairman

REGISTRAR