


21.11.2023 1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondent present.


2. Arguments on objection petition heard for correction of date of promotion w.e.f 13.01.2017 instead of 10.05.2016 mentioned in judgment dated 27.07.2021 delivered in service appeal bearing No. 446/18 filed by petitioner on the ground that although name of the petitioner was reflected in working paper for consideration before PSB on 10.05.2016, however, case of the petitioner was deferred due to seniority position and not going through training mandatory for promotion. Perusal of judgment reveals that, at the time of submitting reply by petitioner has mentioned in their reply as well as in arguments that promotion case of the petitioner was deferred for the reason that he had not undergone training mandatory for promotion which is also evident from minutes of PSB held on 10.05.2016 annexed with reply filed by petitioner. This Tribunal has held in judgement dated 27.07.2021 that nomination for training is the prerogative of authority and civil servant cannot compel department for nomination, therefore, to defer case of promotion of a civil servant for not going through mandatory training cannot be hurdle in way of his promotion when he was not sent by the authority despite being in line having regard to his seniority. This Tribunal after evaluating each and every aspect including objections raised by the objectors now in clear cut manner directed the respondent to consider petitioner for proforma promotion from 10.05.2016. This court being executing will have to execute/implement order of the Tribunal in its true letter and spirit and cannot go beyond it, therefore, objection petition is hereby dismissed. Respondents are directed <sup>to do</sup> implement judgement of this Tribunal in its true letter and spirit and submit proper implementation report on 12.12.2023 before S.B. P.P given to the parties.

  
Rashida Bano  
Member (J)

16<sup>th</sup> Oct, 2023

1. Clerk to counsel for the petitioner. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


2. Implementation report not submitted. Learned Deputy District Attorney seeks time to contact the respondents for submission of implementation report. Granted. To come up for implementation report on 10.11.2023 before S.B. P.P given to the parties.

  
(Muhammad Akbar Khan)  
Member (I.)

10<sup>th</sup> Nov, 2023

1. None for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. To come up on 21.11.2023 before S.B. P.P given to the parties.

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah\*

SCANNED  
BY PCT  
Peshawar