

19<sup>th</sup> Dec, 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present. Preliminary arguments heard.

2. Learned counsel for the appellant argued that the appellant was serving as Office Assistant since 2009 and was eligible for promotion to the BS-16. Appellant was ignored by DPC consistently in the year 2015, 2017 and 2019 despite the fact appellant is senior most and is at the verge of retirement. That Respondent department malafidely did not promote the appellant who stood retired on 11.12.2022 which is against the law and rules on the subject, therefore, the appellant is entitled for proforma promotion after his retirement but he was again ignored in the last DPC meeting held on 23.12.2022. The appellant filed departmental appeal which was not decided within the stipulated period, hence the appeal in hand.

3. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee within ten days. Reply/comments on behalf of respondents have already been submitted through office on 08.12.2023. To come up for arguments on 16.02.2024 before D.B. P.P given to the parties.

  
(Rashida Bano)  
Member (J)

15<sup>th</sup> Oct. 2023

1. Junior to counsel for the petitioner present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Laiq Ahmad, Computer Operator (representative of respondent No.3) present.

2. Representative of respondent No.3 i.e. Director General Health Services Khyber Pakhtunkhwa said that Secretary Health was not signing the comments. Therefore, salary of respondent No.2 is attached in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908, till further order and he is directed to appear in person on the next date. The Accountant General Khyber Pakhtunkhwa shall submit report in writing that the salary of the respondent No.2 is actually attached. It has been noted in a number of cases, the representatives say that the Secretary was not signing the documents. Let the matter be brought in the notice of Chief Secretary and Secretary Establishment to look into it. To come up for reply/preliminary hearing on 19.12.2023 before S.B.

P.P given to the parties.



(Kalim Arshad Khan)  
Chairman

*\*Mutazem Shah\**