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REGISTERED  
No. C.P. 273-P TO 274-P/2023 - SCJ  
**SUPREME COURT OF PAKISTAN**

Islamabad, dated 11-12-2023

From The Registrar,  
Supreme Court of Pakistan,  
Islamabad.

To The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 10062

Dated 22-12-2023

Subject: **CIVIL PETITION 273-P TO 274-P/2023**

Secretary Climate Change, Forestry, Environment & Wildlife Department,  
Khyber Pakhtunkhwa, Peshawar and others

(in C.P.273-P/2023)

(in C.P.274-P/2023)

Versus

Asghar Khan

(in C.P.273-P/2023)

Umar Khan

(in C.P.274-P/2023)

On appeal from the Order/Judgment of the Khyber Pakhtunkhwa  
Service Tribunal, Peshawar dated 06/02/2023 in Appeal-15579/2020 and  
Appeal-15877/2020


Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment  
of this Court dated 15/11/2023 dismissing the above cited cases in the terms stated  
therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure  
immediately.

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

124/23

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Ijaz ul Ahsan  
Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Muhammad Ali Mazhar

**Civil Petitions No.273-P and 274-P of 2023**

Against the judgment dated 06.02.2023 passed by K.P.K. Service Tribunal, Peshawar in Appeals No.15579 and 15877/2020

Secretary Climate Change, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa, Peshawar and others

...Petitioners

**Versus**

Asghar Khan  
Umar Khan

(in CP 273-P/23)  
(in CP 274-P/23)  
...Respondents

For the Petitioners:

Mr. Sultan Mazhar Sher/<sup>Khan</sup> Addl. AG KPK  
a/w Ayaz Ali Shah, DFO Lower Kohistan  
M. Anwar Khan, SDFO  
Peshawar District.

For the Respondents:

N.R.

Date of Hearing:

15.11.2023

**ORDER**

**Ijaz ul Ahsan, J.** Leave to appeal is sought against the judgment dated 06.02.2023, passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar ('the Service Tribunal') in Appeals No.15579 and 15877/2020. Through the impugned judgment, service appeals filed by the respondents were allowed.

2. Learned Additional Advocate General Khyber Pakhtunkhwa submits that although the respondents have been promoted and granted the requisite grade, they are claiming promotion from the date when their juniors were promoted. He maintains that according to the policy document in this regard, promotion can only be granted with immediate effect. We are afraid that the said principle would not be applicable in the facts and circumstances of the present case. It appears that show cause notices were issued to the respondents and subsequently they were punished by way of compulsory retirement. The respondents challenged such retirement before the Service

ATTESTED

Court Associate  
Supreme Court of Pakistan  
Islamabad

Tribunal, which was set aside and the matter was sent back for *de novo* inquiry. In the *de novo* inquiry, the respondents were visited with the penalty of stoppage of two annual increments and leave on half pay. The said order was again challenged by the respondents before the Service Tribunal, which was again set aside. Consequently, the record of the respondents was cleared and they were, therefore, entitled under the law to be promoted as if no proceedings had been pending against them when their promotion was deferred. The Service Tribunal was, therefore, correct in coming to the conclusion that the respondents were entitled to be promoted from the date when their colleagues/juniors were promoted.

3. On hearing learned Additional Advocate General and going through the record, we find no jurisdictional error in the impugned judgment of the Tribunal that may furnish basis for granting leave to appeal in the matter. Even otherwise, no substantial question of law of public importance under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, has been raised in these petitions. Consequently, these petition are dismissed and leave to appeal is declined.

sd/-  
sd/-  
sd/-

Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad.

*"Not approved for reporting"*

