


24.01.2024

Learned counsel for the appellant present. Mr. Syed Asif Masood learned Deputy District Attorney alongwith Mr. Mobashir Ahmad, Assistant for the respondents present.

Learned counsel for the appellant argued that notification dated 06.06.2023 is against the law and rules wherein respondent department made compulsory to get promotion to the next scale and also to actualize it failing which departmental action shall be taken against the employees, who does not avail promotion under Khyber Pakhtunkhwa (E&D) Rules, 2011. He further argued that earlier in accordance with Section 7(5) there was condition of not promoting for next four years employees who does not want to avail his/her promotion for the first time and if employee decline to avail benefits of promotion for the second time, he stand suspended for such promotion. This sub section 5 was deleted vide notification dated 06.08.2020 issued by the competent authority i.e Chief Minister but now again in the grab of qualification regarding deletion of rule 7(5). Respondent intend to initiate departmental proceeding against the employees who do not want avail their promotion. He further argued that competent authority is the Chief Minister and now Section Officer Policy to issue notification dated 06.06.2023. 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. Respondents be summoned thorough TCS, the expenses of which be deposit by the appellant within 3 days. To come up for written reply on 07.02.2024 before S.B at principal seat Peshawar. P.P given to learned counsel for the appellant.

Alongwith the appeal there is an application for suspension of operation of impugned notification dated 06.06.2023 and promotion order dated 29.08.2023 to the extent of appellant. Notice of this application be issued to the respondents. In the meanwhile, operation of notification be suspended till the date fixed.


(Rashida Bano)
Member (J)

Camp Court, Abbottabad