


1<sup>st</sup> Apr. 2024.

1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Shaukat Ali Superintendent for the respondents present.

2. Junior to counsel for the appellant requested for adjournment as senior counsel was not available today. Being an old case of the year 2016, adjourned on payment of cost of Rs.3000/- to be paid by the appellant. To come up for arguments on 05.04.2024 before D.B. P.P given to the parties.

  
(Rashida Bano)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

Service Appeal No.442/2016 titled "Dilawar Shah Vs. Government of Khyber Pakhtunkhwa"

ORDER

5<sup>th</sup> Apr. 2024

**Kalim Arshad Khan, Chairman.** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Masih Ullah, Assistant Director (Establishment) Social Welfare Department present.

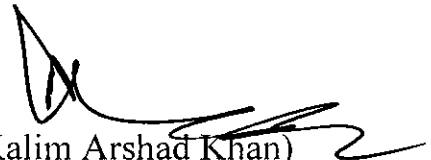
2. This is an appeal through which the appellant prays that under the rules notified on 13.11.2008, the post of Principal (BPS-17) was to be filled in by promotion on the basis of seniority-cum-fitness from amongst the junior teachers of BPS-16 with three years service and Senior Oral Master (BPS-15) with five years service as such. The appellant claims that he was eligible and senior most, therefore, he might be considered for promotion. The representative of respondents when asked, informed the Tribunal that the post of Principal was lying vacant but because of 18<sup>th</sup> Constitutional Amendment and consequent

devolution, certain employees were transferred to the Social Welfare Department and because of delay in amending the service rules to bring all the employees under the rules, the post of Principal could not be so far filled by promotion, however, he stated that the post was still vacant. A consensus was developed that let the department initiate the process of promotion and all the eligible candidates, including the appellant, if he is also found otherwise eligible, would be placed before the Departmental Promotion Committee under the existing rules for their consideration for promotion. Confronted with the situation, the learned counsel for the appellant is satisfied. Disposed of accordingly. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 5<sup>th</sup> day of April, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman