



23rd April, 2024

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Ashraf Ali, Superintendent, Deputy Commissioner, Kohistan for the respondents present.

2. The matter was argued at quite length when it was pointed out that the departmental appeal was not filed to the appellate authority rather authority next higher to the appellate authority i.e. to the Senior Member Board of Revenue, Peshawar, who had also issued two letters asking the Deputy Commissioner, Kohistan Upper to reinstate the appellant from the date of his removal from service. The Deputy Commissioner, Kohistan Upper in turn vide letter dated 28.03.2023, informed the Senior Member Board of Revenue, Peshawar that the appellant ought to have filed departmental appeal to the appellate authority (Commissioner Hazara) to whom he has not rather to the Senior Member Board of Revenue, Peshawar, who is not the appellate authority of the appellant.

3. In view of the above situation, what would be the effect of the order/letters of the Senior Member Board of Revenue asking the Deputy Commissioner, Kohistan Upper to reinstate the appellant when he himself was not the appellate authority, similarly, in case the appeal was not filed to the appellate authority what would be the fate of this appeal. To address such a situation, the learned counsel for the appellant sought some time to assist the Tribunal. Granted. To come up for arguments on 16.05.2024 before D.B at principal seat Peshawar on the request of learned counsel for the appellant. P.P given to the parties.


(M. Akbar Khan)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad