

Service Appeals No.186/2015, 832/2015 and 1180/2015 titled "Qabil Shah Vs. Government of Khyber Pakhtunkhwa"

ORDER

17th May. 2024 **Kalim Arshad Khan, Chairman:** Through this single order this appeal and other three appeals filed by the appellant are being decided together as all are of similar nature.

2. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for official respondents present. Private respondents present through counsel.

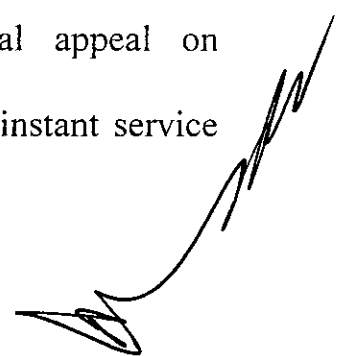
3. All the three cases have been filed by one appellant (Qabil Shah). Facts of the appeals are briefly as under:

Facts of Service Appeal No.186/2015:

That appellant was serving as Forester and was allegedly entitled for promotion to the post of Deputy Ranger against the quota reserved for promotion; that a vacancy was available for promotion against the said quota since 21.12.2010 but the appellant was not considered. Feeling aggrieved, he filed departmental appeal, but the same was not responded, hence the instant service appeal.

Facts of Service Appeal No.832/2015:

That appellant while serving as Forester, his name was enlisted at Serial No.1 in the previous seniority lists, while in the final seniority list dated 28.02.2015, his name was placed at Serial No.4. Feeling aggrieved, he filed departmental appeal on 25.03.2015, which was not responded, hence, the instant service appeal.



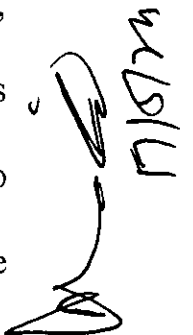
Facts of Service Appeal No.1180/2015:

That the appellant was allegedly entitled to promotion as Deputy Ranger from Forester, however, private respondent No.6 namely Syed Wahab Shah was promoted and the appellant was not. Feeling aggrieved, he filed departmental appeal on 25.06.2015 which was not responded, hence, the instant service appeal.

4. Arguments of learned counsel for the appellant, learned Additional Advocate General and learned counsel for private respondents heard. Record perused.

5. We have been informed that the appellant as well as private respondent, both have retired from service, therefore, seniority appeals have rendered fruitless as nothing has to be resolved in these two appeals.

6. As regards the promotion case, i.e. Service Appeal No.1180/2015, to the extent of promotion of the appellant in next higher grade i.e. to the post of Deputy Ranger, the result of that may also not affect the private respondent because of his retirement, but the appellant might get some financial benefits, in case there was a vacant post available at the time when the private respondent was promoted and the appellant was otherwise found eligible and entitled for promotion to that vacant post. Therefore, in the interest of justice, we dispose of the seniority appeals rendering those to be fruitless, directing the official respondents to consider antedation of promotion of the appellant from the date


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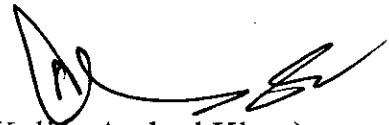
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the private respondent was promoted, provided there was a vacant post available at that time in promotion quota and, as aforesaid, the appellant was otherwise found eligible and entitled for promotion to the said vacant post of Deputy Ranger. Costs shall follow the event. Copy of this order be placed on files of all connected appeals. Consign.

4. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 17th day of May, 2024.*



(Rashida Bano)
Member (E)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

16th May. 2024

1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Imran, Superintendent for the respondents present.

2. File to come up alongwith connected Service Appeal No.1180/2015 filed by the appellant, on 17.05.2024 before D.B.

P.P given to the parties.



(Rashida Bano)
Member (J)

**Mutazem Shah **



(Kalim Arshad Khan)
Chairman


SA 186/2015

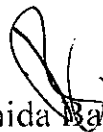
30.04.2024

Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Imran, Superintendent for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble Peshawar High Court today. Another opportunity is granted on enhancement of cost from Rs. 10000/- to Rs. 20000/-. To come up for cost of Rs. 20000/- and arguments on 16.05.2024 before the D.B. PP given to the parties.

SCANNED
KPST
Peshawar


(Farzha Paul)
Member(E)


(Rashida Bano)
Member (J)

Fazle Subhan, P.S