

Execution Petition No.149/2024 titled "Muhammad Munir
Vs. Government of Khyber Pakhtunkhwa"

ORDER

7th June. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the petitioner present. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. This is an application for implementation of judgment of the Tribunal passed in Service Appeal No.3397/2021 dated 05.10.2023. The order was passed in the following terms:

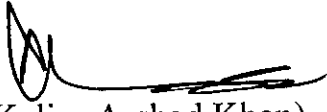
"Learned counsel for the appellant says that his prayer was only to the extent that the appellant should be considered for promotion. He said that the appellant would be satisfied if a direction is given to the respondents that the appellant be considered for promotion in the next Departmental Promotion Committee when that is held. Although seeking promotion is not a right, yet we observe that the civil servants have every right to be considered for promotion, if they are otherwise, eligible and senior, in accordance with the relevant rules and law. Disposed of accordingly. Consign."

The prayer made in the appeal was for direction to the respondents to consider the appellant/petitioner for promotion to the post of Superintendent while the order passed by the Tribunal was direction of consideration of the appellant/petitioner for promotion in the next DPC when that was held. The department has filed written reply, wherein, it was stated there were five sanctioned posts of Office Superintendent (BPS-17) which were already filled, while the appellant/petitioner was at Serial No.5 of the seniority list and may be promotion on his turn on the basis of rules.



3. This being so, the execution application is misconceived and is dismissed. Consign.

4. *Pronounced in open Court at Peshawar given under my hand and seal of the Tribunal on this 7th days of June, 2024.*


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *