

Service Appeal No. 1062/2022 titled "Nighat Jehan Vs. The Secretary, Education (E&SE), Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

ORDER

10th July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.


2. Brief facts gathered from the memo and grounds of appeal are that the appellant was appointed as Drawing Master vide order dated 26.06.1997 alongwith private respondents No. 4 and 5; that the appellant according to merit list was at serial No. 6 while private respondents No. 4 and 5 were at serial No. 15 and 11 respectively; that the respondent department has neither notified any tentative seniority list nor any final seniority list of Drawing Master till convening of Departmental Promotion Committee meeting for the purpose of impugned promotion of Drawing Master to the post of Senior Drawing Master; that the appellant and private respondents No.4 and 5 were promoted to the post of Senior Drawing Master (BPS-16) vide order dated 21.02.2012; that the respondent department was issued revised tentative seniority list, wherein private respondents No. 4 and 5 were placed senior to the appellant; that the appellant filed objection application on the revised tentative seniority list but the same was not decided; that thereafter the respondent department promoted private respondents No. 4 and 5 to the post of SST vide order dated 11.01.2021 and 11.01.2022; that being aggrieved of the same, the appellant filed departmental appeal which was not responded, hence the instant service appeal.

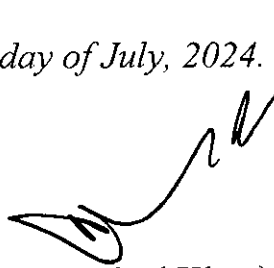


3. We have heard the arguments and record perused.

4. The matter in this appeal was considered and we saw that none of the parties have produced the final seniority list which is prayer 2 of the appellant in this appeal and that is that respondents be directed to notify fresh seniority list as per law, rules and policy, whereafter promotion was to be made in accordance therein. When the District Attorney was asked as to whether final seniority list was issued or available with the department, he expressed his ignorance but has however, not objected that if the appeal is disposed of with the direction to the respondents to handover final seniority list duly prepared in accordance with law and rules to the appellant within a period of thirty days to which learned counsel for the appellant also showed his willingness, therefore, while disposing of this appeal, we direct the respondents to issue final seniority list duly prepared and finalize in accordance with the law and rules. Copy of the same be handed over to the appellant within thirty days of receipt of this order. On issuance of final seniority list, any party if felt aggrieved may have recourse to legal remedies in accordance with law. Consign.

5. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 10th day of July, 2024.*


(Muhammad Akbar Khan)
Member(E)


(Kalim Arshad Khan)
Chairman