

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
AURANGZEB KHATTAK ... MEMBER (Judicial)

Service Appeal No.6619/2021

Date of presentation of appeal07.06.2021
Dates of Hearing.....23.07.2024
Date of Decision.....23.07.2024

Muhammad Raza Badshah S/O Sahib Ul Haq R/o Wazir Colony, Patang Chowk, Ring Road Peshawar.....(***Appellant***)

Versus

1. **Inspector General of Police**, Khyber Pakhtunkhwa Peshawar.
 2. **Chief Capital Polic**, Police Officer, Peshawar.
 3. **Sikandara Shah** CP No. P/280 Campus university Peshawar
 4. **Jan Muhammad** CP No. P/281 Circle Officer Anti-Corruption District Swabi.
 5. **Khurshid Khan** CP No. P/283 District Charsadda.
 6. **Zahoor Ur Rehman** CP No. P/285 DSB (CCP) Peshawar.
 7. **Muhammad Raghif** CP No.P/294 NAB (CCP) Peshawar
-(***Respondents***)


Present:

Mr. Javed Iqbal Gulbela, Advocate.....For appellant.

Mr. Muhammad Jan, District Attorney.....For official respondents.

Mr. Muhammad Asif Yousafzai, Advocate.....For private respondents.

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED SENIORITY FOR GIVING RETROSPECTIVE EFFECT TO THE PROMOTION ORDERS AS WELL AS RECTIFICATION AND MODIFICATION OF SENIORITY LIST.
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JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts gathered from the memo and grounds of appeal are that the appellant was initially appointed as constable on 15.12.1988 and was further promoted to the rank of officiating Assistant Sub-Inspector vide notification dated 16.06.2008; that the appellant alongwith his other colleagues were confirmed in the rank of ASIs and were placed in list "E" vide notification dated 27.09.2011; that private respondent No. 3 was promoted to the post of Sub-Inspector on 01.10.2014 while the appellant was promoted to the post of Sub-Inspector on 13.07.2015; that the appellant was further promoted to the post of Inspector on 27.08.2018 with effect from 19.10.2017 while the private respondents were promoted to the post of Inspector on 10.04.2016 with effect from 05.11.2016; that the respondents department was issued impugned seniority list of Inspector and Sub Inspector on list "F", wherein the appellant was placed at serial No. 368 while the private respondents who were juniors to the appellant were placed at serial No. 220,221,223,225,233; that feeling aggrieved, the appellant filed departmental appeal which was not responded, hence, the instant service appeals.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and

factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, learned District Attorney for official respondents and learned counsel for private respondents.

4. Through this appeal, the appellant has made the following prayer:

"It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned promotion order No. 13180/EC-I, dated 13.07.2015, whereby the appellant was promoted as S.I with immediate effect may graciously be modified to the extent of the appellant with retrospective effect, instead of immediate effect be given to the promotion orders and thus seniority of the appellant be given anti-dated effect, likewise and thus the appellant be restored his position in the seniority list and be placed ahead of his juniors i.e. private respondents, with all back benefits.

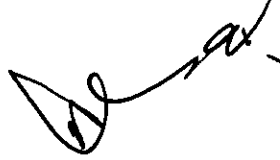
It is further prayed that the impugned office order No. 722/E-II dated 27.08.2018, whereby the appellant was promoted as Inspector w.e.f 19.10.2017, may graciously be modified to the extent of appellant with retrospective effect from the date when their juniors/colleagues were promoted and thus seniority of the appellant be given anti-dated effect, likewise, thus the appellant be restored to his position in the seniority list and be placed ahead of his juniors with all back benefits".

5. On 01.10.2014, his name was missing from the list of Sub-Inspectors while he filed an application without putting any date but that was forwarded to the Capital City Police Officer on 26.02.2021, which shows that against the first order from which he could be aggrieved passed on 01.10.2014, he filed departmental appeal on 26.02.2021 which



is hopelessly barred by time, therefore, this appeal is dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 23rd day of July, 2024.*



KALIM ARSHAD KHAN
Chairman




AURANGZEB KHATTAK
Member (Judicial)

Adnan Shah, PA

ORDER

23rd July, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for official respondents and counsel for private respondents present.
2. Vide our detailed judgement of today placed on file, this appeal is dismissed. Costs shall follow the event. Consign.
3. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 23rd day of July, 2024.


(Aurangzeb Khattak)
Member(Judicial


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A