

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

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

*Service Appeal No.888/2023*

Date of presentation of appeal .....20.04.2023  
Dates of Hearing.....23.07.2024  
Date of Decision.....23.07.2024

**Faridoon Khan** s/o Shamshad Khan, Work Munshi (BPS-07), Highway Division, Communication and Works Department, Khyber Pakhtunkhwa Peshawar.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Peshawar.
2. **Secretary, Works and Services Department, Peshawar.**
3. **Chief Engineer (center), Works and Services Department, Peshawar.....(Respondents)**

Present:

Mr. Muhammad Zafar Khan Tahirkheli, Advocate.....For appellant.

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

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**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR GRANT OF PROMOTION TO THE POST OF SUB-ENGINEER (BPS-11) ON THE BASIS OF HIS QUALIFICATION AND 26 YEARS OF CONTINUOUS SERVICE IN BPS-07, WHEREIN HIS REPRESENTATION/DEPARTMENTAL APPEAL DATED 16.01.2023 WAS REFUSED.**  
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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 Work Munshi (BPS-05) vide notification dated 15.06.1995; that the post was later on upgraded to BPS-07 in the year 2015; that respondent

No.3 (Chief Engineer (Center)) vide office order dated 21.12.2008, allowed promotion to all Daftaries/Record Lifters/Naib Qasid/Chowkidars (having passed Secondary School Examination) to the post of Junior Clerk (BPS-11) in C&W department; that the appellant while serving as Work Munshi (BPS-07) having Diploma of Associate Engineer was ignored for the said benefit; that the appellant submit is representation followed by a writ petition No. 2456-P/2019 before the Peshawar High Court, Peshawar, which was disposed of vide order dated 02.12.2020, wherein the matter was remitted to the department with the direction to do the needful within 30 days strictly in accordance with the law; that despite clear direction of the court for grant of upgradation/promotion in BPS-11, the department only changed the appellant designation from Work Munshi (BPS-07) to Road Inspector (BPS-07) vide order dated 01.12.2021; that the appellant submitted departmental appeal dated 16.01.2023 requesting the authority that he should be considered for promotion to the post of Sub-Engineer (BPS-11) which was not decided within the stipulated statutory period of ninety days, 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 respondents.

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

"By accepting this appeal and directing the respondent department to consider the appellant for promotion to the post of Sub-Engineer (BPS-11) on the basis of his qualification and 26 years of continuous service in BPS-07".

5. The above prayer shows that the appellant is seeking promotion to the post of Sub-Engineer (BPS-11). Perusal of service rules of the C&W department reveals that Work Munshi has to be promoted to the post of Road Inspector against 50% promotion quota and the appellant was so promoted. Whereas for promotion to the post of Sub-Engineer, Work Munshis could not be promoted rather Road Inspectors with 7 years service as such and having three years Diploma of Associate Engineering in Civil Technology could be promoted. As the appellant has been promoted from the post of Work Munshi (BPS-07) to the post of Road Inspector (BPS-07) on 01.12.2021 as per rules and he has accepted that promotion without any objection, therefore, this appeal has no merits and is dismissed. Costs shall follow the event. Consign.

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



**KALIM ARSHAD KHAN**  
Chairman



**AURANGZEB KHATTAK**  
Member (Judicial)

\*Adnan Shah, PA\*


**ORDER**

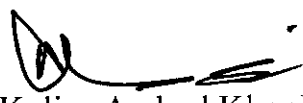
23<sup>rd</sup> July, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, this appeal has no merits and 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 23<sup>rd</sup> day of July, 2024.

  
(Aurangzeb Khattak)  
Member(Judicial

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A\*