

19.07.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General alongwith Mr. Safiullah, Focal Person for respondent No. 1 and Mr. Akram Khan, District Health Officer and Mr. Nayar Zaman, P.M.O for respondents No. 4 & 5 present.

2. Implementation report not submitted. Representative of the respondents requested for further time to submit implementation report. Absolute last chance is given with strict direction to the respondents to submit implementation report on the next date positively. To come up for implementation report on 07.08.2024 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

KABIRANULLAH

07.08.2024 1. Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney alongwith Shehbaz Khan, S.O, Dr. Ikram Khan and Dr. Nair Zaman, Litigation Officers for the respondents present.

2. Representative of respondents produced minutes of PSB held on 27.12.2023 in which case of the petitioner for notional promotion was placed before the PSB wherein the petitioner was deferred for want of PERs for the year 2018. Perusal of the judgment dated 09.05.2023, on the basis of which the instant execution petition is filed, reveals that this Tribunal clearly mentioned in paragraph No. 5 of the judgment that the petitioner's case be placed before the PSB without PERs for the year 2018,

because the delay was caused by the respondents, who took more than five months to conduct the PSB meeting and this delay could not be attributed to the petitioner. It was also held that the petitioner was eligible for promotion and vacant post was also available. The Tribunal ruled that the respondents were required to consider the petitioner in the meeting held on 19.04.2019 without submission of PER for the year 2018 by the petitioner. Consequently, the continued deferment of the petitioner again on the same issue non-availability of PER for the year 2018 is against the Tribunal's judgment. Therefore, the respondents are directed to place attested copy of the judgment before the PSB for re-consideration of notional promotion of the petitioner. To come up for implementation report on 23.08.2024 before S.B. P.P given to the parties.

3. The representative of respondent No. 5 submitted an application for the release of pay for respondent No. 5, arguing that the matter pertains to a notional promotion. The case will be prepared and submitted by the Director General of Health Services Khyber Pakhtunkhwa to the Secretary of the Health Department. The Secretary of Health will then present it to the PSB and respondent No. 5 has no involvement in the promotion case. Application is allowed and salary of respondent No. 5 attached vide order dated 23.05.2024 is hereby released.



(Rashida Bano)
Member (J)