

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 reconsideration 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)

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23.08.2024 01. Counsel for the petitioner present. Mr. Arshad Azam, Assistant AG alongwith Dr. Nayyar Zaman, Medical Officer, Safiullah, Focal Person and Yousaf Jamal, Assistant for the respondents present.

02. Respondents submitted objection petition, a copy whereof handed over to learned counsel for the petitioner. Original file be requisitioned. To come up for arguments on 11.09.2024 before the S.B. PP given to the parties.


(Fareeha Paul)
Member(E)

Fazle Subhan, P.S