

**Service Appeal No. 897/2024**  
**Titled "Irfanullah-vs-Secretary Education, Kyber**  
**Pakhtunkhwa, Peshawar and others"**

**ORDER**

3<sup>rd</sup> Sept, 2024

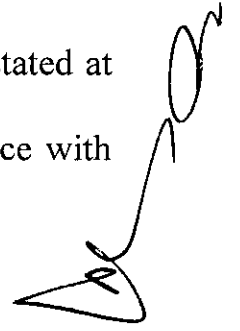
**KALIM ARSHAD KHAN, CHAIRMAN**: Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Syed Alamzeb Shah, ADEO for the respondents present.

02. There are 73 cases filed in the Tribunal. The instant appeal is ripe for arguments fixed before the Tribunal and other cases i.e. appeal No. 1157/2024, 1158/2024, 1159/2024, 1160/2024, 1161/2024, 1162/2024, 1163/2024, 1164/2024, 1165/2024, 1166/2024, 1167/2024, 1168/2024, 1169/2024, 1170/2024, 1171/2024, 1172/2024, 1173/2024, 1174/2024, 1175/2024, 1176/2024, 1177/2024, 1178/2024, 1179/2024, 1180/2024, 1181/2024, 1182/2024, 1183/2024, 1184/2024, 1185/2024, 1186/2024, 1187/2024, 1188/2024, 1189/2024, 1190/2024, 1191/2024, 1290/2024, 1291/2024, 1292/2024, 1293/2024, 1294/2024, 1295/2024, 1296/2024, 1297/2024, 1298/2024, 1299/2024, 1300/2024, 1301/2024, 1302/2024, 1303/2024, 1304/2024, 1305/2024, 1306/2024, 1307/2024, 1308/2024, 1309/2024, 1310/2024, 1311/2024, 1312/2024, 1313/2024, 1314/2024, 1315/2024, 1316/2024, 1317/2024, 1318/2024, 1319/2024, 1320/2024, 1321/82024, 1322/2024, 1323/2024, 1324/2024, 1325/2024, 1326/2024 and 1327/2024 are fixed for tomorrow in the preliminary hearing. Those cases are also

accelerated and are being decided alongwith this appeal today. The representative of the respondents namely Syed Alamzeb Shah, ADEO has produced copy of seniority list while learned Additional Advocate General preferred to paragraph-4 of the reply which is reproduced as under:

“Para-4 of the facts is incorrect, as per notification of worthy Director (E&SE) Department Khyber Pakhtunkhwa Peshawar directed all the DEOs vide order No. 4230-31/AD (Lit:II) dated 13.08.2024 stated that determination of seniority is intimated that seniority of the teacher who have been regularized under the Act, 2017 be determined in light of Section-4 (2) of the Act ibid in view of their continuous service from the date of appointment and if continuous service of two or more teacher is the same, the employee older in age shall rank senior to younger to younger on please. Moreover, it is pertinent to mention that the seniority of the appellant has been addressed in the aforementioned notification. The appellant has caused delays for both this honorable Tribunal and the department. Consequently, the appellants name has been included into the seniority list and will be consider for promotion based on seniority-cum-fitness in the forthcoming (DPC) proceedings. For the purposes of record and reference, the Notification attached to this documents as Annexure ‘A’ and the Seniority list is attached to this documents as Annexure ‘B’, which shall be deemed to be an integral part of this document.”

03. When confronted with the above situation, learned counsel for the appellant says that during pendency of these appeals, grievances of the appellants have been redressed i.e of seniority, however, the representative of the respondents has also stated at the bar that the appellants will be promoted in accordance with

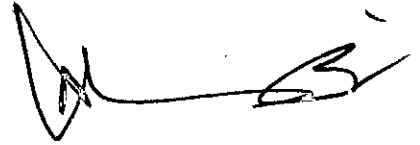


law and rules and in accordance with their seniority. Disposed of accordingly. Costs shall follow the event. Consign.

04. Pronounced in open court at camp court Swat and given under our hand and seal of the Tribunal on this 3<sup>rd</sup> day of September, 2024.



(Rashida Bano)  
Member(Judicial)  
Camp Court Swat



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

\*Adnan Shah, P.A.\*