

Service Appeal No.9996/2020 titled “Muhammad Saif Ur Rehman Vs. The Government of Khyber Pakhtunkhwa, and others”

ORDER

13th Sep. 2024

Kalim Arshad Khan, Chairman: Through this single order this appeal and all the following connected appeals are being decided as all are against the same impugned order dated 03.07.2017. Appeal Nos:9997/2020, 9998/2020, 9999/2020, 10000/2020 and Service Appeal No. 10001/2020.

2. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney for the respondents present.

3. Brief facts of the cases, as per grounds and memo of appeals, are that appellants were serving as Primary School Teachers in the Education Department; that on different dates, they got promoted to the post of Senior Primary School Teacher (BPS-14); that vide impugned order dated 03.07.2017, they were again downgraded to BPS-12; that the same order was challenged before the Hon’ble Peshawar High Court, Peshawar and the Hon’ble Peshawar High Court vide its judgment dated 12.06.2019, directed the respondents to reconsider the appellants for promotions; that in compliance of the directions of the Peshawar High Court, they were promoted on different dates with immediate effect and not from the back date i.e. their dates of earlier promotions; that feeling aggrieved against the impugned order dated 03.07.2017, they filed departmental



appeals but the same were not responded, hence, the instant service appeals.

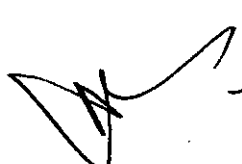
4. Arguments heard. Record perused.

5. Learned counsel for the appellants referred to the judgment of the Hon'ble Peshawar High Court, Peshawar passed in Writ Petition No.456-P/2017 decided on 12.06.2019 in the following manner:

"Without discussing the merits of the case, this case is sent to the respondents with direction to reconsider the petitioners in light of notification dated 11.07.2012."

6. It is more than clear that the prayer made in the writ petition and in these appeals are the same. The Hon'ble Peshawar High Court has decided the writ petition by issuing direction to the respondents to reconsider the petitioners in the light of Notification dated 11.07.2012, which relief appears to us to be granted and under Rule-23 of the Khyber Pakhtunkhwa Service Tribunal, Rules, 1974 the same relief cannot again be agitated. Relevant rule is reproduced as under:

"23. No entertainment of appeal in certain cases.---No Tribunal shall entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a Court or a Tribunal of competent jurisdiction."

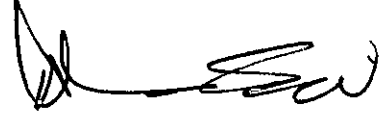

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7. These appeals are thus hit by Rule-23 of the Rules ibid, therefore, the same are dismissed with costs. Copy of this order be placed on files of connected service appeals. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 13th day of September, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah