

Service Appeal No.5611/2021 titled "Dr. Tamanna Gul Vs. the
Government of Khyber Pakhtunkhwa"

ORDER

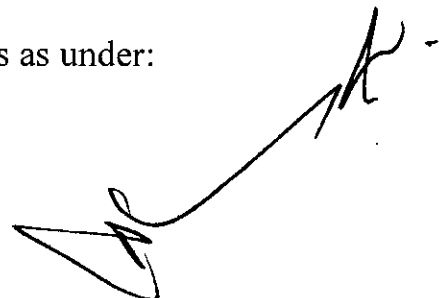
11th Sept. 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Heard.

2. Appellant's case in brief, as per record of the appeal, are that she was appointed as Medical Officer (BPS-17) on 26.11.1995; that her services were regularized on 01.07.2001; that allegedly, no seniority list was prepared by the respondents, although, ACRs were sent by the DHO concerned; that other colleagues of the appellant were granted promotions but the appellant was not; that the appellant filed applications for provision of promotion notifications of her colleagues but the same were not provided to her, therefore, for promotion to the next higher grades, she approached this Tribunal through the instant appeal.

3. Arguments heard. Record perused.

4. Main claim of the appellant is that she has been appointed in the year 1995 and her colleagues were granted promotions but she was not promoted alongwith them. However, there is no order of promotion impugned by the appellant before the appellate authority or before this Tribunal.

5. Besides, Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 also bars the appeal as there is no original or appellate order. The said Section is as under:



16th May, 2024

1. Learned counsel for the appellant and Mr. Umair Azam, Additional Advocate General for the respondents present.

2. Respondents have submitted an application for release of salaries attached on 14.09.2023 as well as record pertaining to the instant appeal. Application is accepted and salaries of the respondents, attached vide order dated 14.09.2023, stand released.

To come up for arguments on 28.06.2024 before D.B. P.P given to the parties.



(Rashida Bano)
Member (J)

**Muzam Shah **



(Kalim Arshad Khan)
Chairman

28th June, 2024

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

2. The appeal in hand was partially heard by a bench comprising one of us Mrs. Rashida Bano, Member Judicial and Fareeha Paul, learned Member (Executive), therefore, the same may be fixed before the concerned bench on 11.09.2024. P.P given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Rashida Bano)
Member (J)

SCANNED
KPT
Peshawar

“4. Any civil servant aggrieved by any final order, whether original or appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [or within six months of the establishment of the appropriate Tribunal, whichever is later], prefer an appeal to the Tribunal having jurisdiction in the matter”

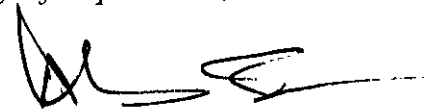
6. Even there is no specific order of any date challenged before any forum, what to talk about original or appellate order, and the appellant has failed to provide a specific order of promotion that she is challenging. Furthermore, Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, as discussed above, requires an appeal to be made against a final order, whether original or appellate, made by a departmental authority. Since no such order has been identified or challenged by the appellant, the appeal becomes ill founded.

7. Therefore, this Tribunal hereby dismisses the appeal. Consign.

8. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 11th day of September, 2024.



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

*Mutazem Shah *