

Service Appeal No.1464/2022 titled "Muhammad Faisal Abbasi Vs. Government of Khyber Pakhtunkhwa"

ORDER

9<sup>th</sup> Sept. 2024

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present and heard.

2. Appellant's case in brief, as reflected from the memo and grounds of appeal, is that he was initially appointed as Subject Specialist (Economics) vide Notification dated 01.01.2018; that at the time of appointment, appellant was not qualified as B.Ed, therefore, he approached the respondents for issuance of NOC for acquiring B.Ed Degree; that the said NOC was issued vide Notification dated 20.06.2011 and soon after that notification, he qualified the B.Ed in the same year i.e. 2011; that the respondents were not including his name in the seniority list of Subject Specialists (BPS-17) and lastly, vide order dated 16.04.2015, colleagues of the appellant were promoted to the post of Senior Subject Specialists (BPS-18) while the appellant was not; that feeling aggrieved, he filed departmental appeal but the same was not responded, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. The point argued in this appeal is basically non-inclusion of the name of appellant in the seniority list and because of such non-inclusion, he could not get promotion made vide Notification dated 16.04.2015. When confronted with the situation, learned counsel for the appellant as well as representative of the respondents namely

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Rizwan Ahmad, Assistant Director both agreed to resolve this issue through negotiation/ADR (Alternate Dispute Resolution). The matter was negotiated with the help of the Court and it was unanimously resolved that name of the appellant will be included in the seniority list of Subject Specialist. After such inclusion of his name in the seniority list, he will be at liberty to challenge that, if he felt himself aggrieved therefrom.

5. Disposed of accordingly. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 9<sup>th</sup> day of September, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*