

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN  
**RASHIDA BANO** ... MEMBER(Judicial)

***Service Appeal No.7948/2021***

Date of presentation of Appeal.....22.12.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024

**Mujeeb Ur Rehman**, Deputy Superintendent, (Retired), Central Prison, Peshawar.....(***Appellant***)

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Government of Khyber Pakhtunkhwa** through Secretary, Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
3. **Inspector General of Prisons**, Khyber Pakhtunkhwa, Peshawar.....(***Respondents***)

Present:

Mr. Fazal Shah Mohmand, Advocate.....For the appellant  
Mr. Naseer Ud Din Shah, Assistant Advocate General .....For respondents

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**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE LETTER DATED 12.11.2021, COMMUNICATED VIDE LETTER DATED 24.11.2021, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FOR PROMOTION AS SUPERINTENDENT DISTRICT PRISON, HAS BEEN REGRETTEED.**

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**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Facts of the case of the appellant, gathered from memorandum and grounds of appeal are that the appellant was initially appointed as Assistant Superintendent Prison on 01.06.1987 and was promoted to the rank of Deputy Superintendent

Prison (BPS-17) in February, 2016; that in the year 2021, eight posts of Superintendent District Jail (BPS-18) were vacant for which, working paper was prepared and panel of officers was prepared for consideration of promotion, wherein, name of appellant was placed at Serial No.7 of the eligible officers before the Provincial Selection Board; that after submission of his case, the process was allegedly delayed and in the meanwhile, the appellant got retired from service on 27.05.2021; that his name was deleted from the panel for consideration of promotion, vide letter dated 02.06.2021; that meeting of PSB was held and vide Notification dated 09.08.2021, alleged juniors to the appellant were promoted and the appellant was not; that feeling aggrieved, he filed departmental appeal on 02.09.2021 but the same was rejected on 12.11.2021, communicated to the appellant vide letter dated 24.11.2021, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, learned Assistant Advocate General for respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

5. In the case at hand, the appellant, who served as an Assistant Superintendent Prison since 1987 and was promoted to the post of Deputy Superintendent Prison in February 2016, experienced setback regarding his promotion to Superintendent District Jail. Despite being placed at Serial No. 7 on the eligibility panel for promotion, the process was allegedly delayed, culminating in his retirement on May 27, 2021. Following his retirement, his name was deleted from the promotion panel, and subsequently, junior officers were promoted in a meeting held by the Provincial Selection Board, as reflected in the Notification dated August 9, 2021. The appellant's appeal against this decision was rejected, leading him to file the current service appeal.


6. Although, working paper was prepared for his consideration before the PSB for promotion, however, no process had been shown by either side, whether because of any fault of the respondents, the PSB was not timely conducted. It is an admitted fact that promotions were made by the department after retirement of the appellant,

*Service Appeal No.7948/2021 titled "Mujeeb Ur Rehman versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others" declared on 03.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

therefore, in the given facts and circumstances of the case,  
appellant is not entitled to the relief claim by him.

7. In view of the above, instant service appeal is  
dismissed with costs. Consign.

8. *Pronounced in open Court at Peshawar and given  
under our hands and the seal of the Tribunal on this 3<sup>d</sup> day  
of October, 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**RASHIDA BANO**  
Member (Judicial)

\*Mutazem Shah\*

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**ORDER**

3<sup>rd</sup> Oct. 2024

1. Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Heard.
2. Vide our detailed judgment of today placed on file, instant service appeal is dismissed with costs. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3<sup>rd</sup> day of October, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*