

Service Appeal No.1964/2021 titled "Ihsan Ullah Vs. Government of Khyber
Pakhtunkhwa"

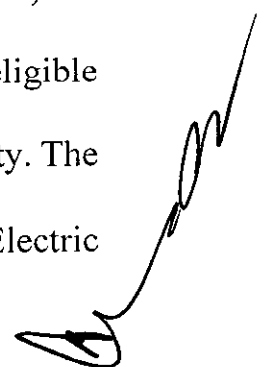
ORDER
3rd Oct. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. Appellant's case in brief, as per averments of appeal, is that he was appointed as an Assistant Electric Inspector (BPS-17) on March 28, 2009, through the Khyber Pakhtunkhwa Public Service Commission and currently serves as a Deputy Electric Inspector (BPS-18), performing duties diligently. In a seniority list issued on December 7, 2016, he was ranked second. Subsequently, the respondents amended rules to create a new position of Deputy Electric Inspector (Technologist) (BPS-18), leading to the promotion of his colleague, Mr. Mumtaz Khan, on October 3, 2018. The appellant, eligible for promotion under the amended rules since March 28, 2014, was promoted to Deputy Electric Inspector on May 25, 2018, but not retroactively to his eligible date. The appellant, aggrieved by this decision and the delay in responding to his departmental appeal, has filed the present appeal seeking redress.

3. Arguments heard. Record perused.

4. In light of the available presented, it is determined that the appellant's promotion to Deputy Electric Inspector (BPS-18) on May 25, 2018, was not applied retroactively to his alleged eligible date of March 28, 2014, despite his qualifications and seniority. The amendment of rules creating the position of Deputy Electric

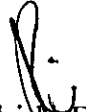


Inspector (Technologist) (BPS-18) and the subsequent promotion of Mr. Mumtaz Khan raised concerns regarding the adherence to the alleged established criteria for promotion based on seniority-cum-fitness.

5. Admittedly, no junior colleague of the appellant has been promoted on the basis of which the appellant claims for promotion. Besides, the department cannot be made restrained to promote the appellant at any cost at his whims and wishes.

6. Keeping in view the above situation, we see no merits in this case and dismiss it with costs. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 3rd day of October, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman