

petitioner argued that Naeem Akhtar who was also one of the appellant in respect of whom this Tribunal vide judgment dated 11.01.2012 directed the respondents to grant promotion, when vacancy became available, filed service appeal before this Tribunal which was decided by Niaz Muhammad Khan (Chairman) in his favour by ante-dating his promotion, therefore, he requested that appellant be given same relief of ante-dation of promotion w.e.f 25.03.2010.

5. Perusal of acting charge basis promotion order dated 25.01.2010 reveals that said Naeem Akhtar was senior to the petitioner and his name was mentioned at Sr. No. 15 while name of the petitioner was mentioned at serial No. 18. Therefore, he was given regular promotion of BPS-17 from the said date by ante-dating his promotion being senior to him. So, far as petitioner case is concerned, he was given regular promotion in accordance with the judgment dated 11.01.2012 upon availability of vacancy, thus judgment of this Tribunal has been complied with and there is no need to proceed further with the execution petition in hand. File be consign to record room.

6. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 11th day of October, 2024.*



Rashida Bano
Member (J)

ORDER

11.10.2024 1. Petitioner alongwith his counsel present. Mr. Naseer Uddin Shah, Assistant Advocate General alongwith Sardar Daud, Assistant for the respondents present.

2. Through the instant petition, petitioner seeks implementation of the judgment dated 11.01.2012. Record reveals that consolidated judgment was passed by this Tribunal in S.A No. 1398/2010, titled "Fazal Hussain Vs. Government of Khyber Pakhtunkhwa through Chief Secretary and others", wherein it has been held to the extent of present petitioner.

"Since services of the appellants in Service Appeals No. 1372/2010, Abdul Mateen Qasuria No. 1399/2010, Naeem Akhtar, and 1402/2010, Niaz Muhammad have not been regularized so far, the respondents are directed to consider them for regular promotion as and when vacancies become available for them."

3. Service of Mr. Naeem Akhtar, appellant in Service Appeal No. 1372/2010 mentioned were regularized w.e.f 25.03.2010 upon direction of this Tribunal, in subsequent service appeal No. 393/2013 decided on 11.01.2018. Now petitioner also seeks his regularization from the date when services of his colleague Mr. Naeem Akhtar was regularized as per direction of this Tribunal.

4. Learned Assistant Advocate General that argued that there was no clear vacancy available before 04.10.2012 for petitioner keeping in view of seniority position, which was evident from the judgment dated 11.01.2012 in service appeal No. 1398/2010. Learned counsel for the