



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.1106/2022

Tufail Khan                      versus                      Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	<b>Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary</b>
<p>Order-19 21<sup>st</sup> October, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none"><li>1. Mr. Muhammad Maaz Madni, Advocate on behalf of appellant.</li><li>2. Mr. Muhammad Jan, District Attorney for the respondents.</li></ol> <p>Vide our consolidated judgment of today, placed on file of connected Service Appeal No.1104/2022 titled "Tariq Khan versus Government of Khyber Pakhtunkhwa", while disposing the appeal we direct that the respondents shall consider the fact whether the promotion of the appellant made on regular basis on 04.03.2021 was against the clear vacancies or not. If that was against clear vacancies, then the respondents shall make appropriate order accordingly and if there was no clear vacancy, the authority shall pass a speaking order in that respect. Copy of the judgment be placed on file of this appeal. Costs shall follow the event. Consign.</p> <p><i>Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 21<sup>st</sup> day of October, 2024</i></p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"><div style="text-align: center;"> (Muhammad Akbar Khan) Member (E)</div><div style="text-align: center;"> (Kalim Arshad Khan) Chairman</div></div> <p><small>*Mutazem Shah*</small></p>

**MEMO OF COSTS**  
**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No.1106/2022**

Date of presentation of Appeal      07.07.2022  
Date of hearing                              21.10.2024  
Date of Decision                              21.10.2024

Tufail Khan .....(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa, Secretary Home Department, Civil Secretariat, Peshawar.
2. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.  
.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED CORRIGENDUM DATED 10.03.2022 WHEREBY REGULAR PROMOTION OF THE APPELLANT TO THE POST OF OFFICE ASSISTANT (BPS-16) HAS BEEN WITHDRAWN AND CONVERTED INTO ACTING CHARGE BASIS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED 22.03.2022 OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

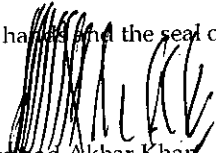
**PRESENT**

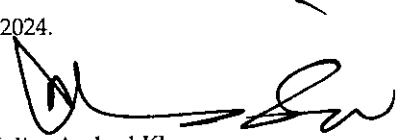
1. Mr. Muhammad Maaz Madni, Advocate, for the Appellant
2. Mr. Muhammad Jan, District Attorney for respondents.

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs.100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
<b>Total</b>	<b>Rs. 100/-</b>	<b>Total</b>	<b>Rs. Nil</b>

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 21<sup>st</sup> day of October 2024.

  
Muhammad Akbar Khan  
Member (Executive)

  
Kalim Arshad Khan  
Chairman