

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 566/2023 in Service Appeal No.672/2022.

Shabir Azam, Ex. District Accounts Officer, Kohistan Upper, Resident of House No. 614,
Feroz ud Din Street, Main Bazar, Tehsil and District Abbottabad.

(Petitioner)

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.

Diary No. 14569

Date 29.07.24

(Respondents)

**REPLY TO THE OBJECTION PETITION FILED BY THE RESPONDANTS IN
CONNECTON WITH EXECUTION PETITION NO. 566/2023 IN SERVICE APPEAL
NO. 672/2022.**

Preliminary Objections

1. That the instant objection petition is not maintainable in its present form. It will only lead to wastage of precious time of this honourable Tribunal.
2. That the objection petition lacks any tangible or material facts of law about the judgement and as such not maintainable.

RESPECTFULLY SHEWETH:

Parawise reply to the objection petition is submitted as under:-

1. Incorrect. That the matter with regard to early retirement has no concern with eligibility criteria for proforma promotion. As per FR-17 and judgements of the honourable Supreme Court of Pakistan, contained in 2013 SCMR 544 and 2016 SCMR 871 proforma promotion is admissible, from the date when it was due during the service of an employee. Further the objection about non eligibility of proforma promotion taken in the instant objection petition was previously also raised by the respondents but could not take place/support by any law or rules.
2. Incorrect. The Petitioner was admittedly senior and due for promotion as detailed in the appeal and judgement of the honourable Tribunal. The judgement has attained finality and to be implemented in letter and spirit. In light of the provision contained in FR-17 and cited judgements of the

honourable Supreme Court of Pakistan, the petitioner was fully entitled for proforma promotion as he was due for promotion to the higher post during his active service but caused delayed by the department.

3. As per remarks/detail at Para 1 & 2 above. Further the petitioner's case for promotion, fully matured during his service, was forwarded by the objector for placement before the PSB but could not finalize till the date of his retirement.

In light of above detailed submissions, the honourable tribunal is requested that the Objection Petition filed in the matter may very graciously be filed with cost.

Through APPELLANT



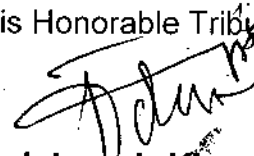
Masood Khan
Advocates High Court
Peshawar



Malik Jehangir Khan
Advocate High Court
Peshawar

Affidavit

As per instructions of my client the content of this reply towards the objection petition are true and correct and nothing has been kept concealed from this Honorable Tribunal.



Malik Jehangir Khan
Advocate High Court Peshawar.

