KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.818/2023 titled "Kaleem Ullah versus Judiciary" and Service Appeal No.819/2023 titled "Akbar Zaman versus Judiciary"

S.No. of Order & Date of proceeding	**Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary**
Order-07 25th October, 2024.	Present: 1. Mr. Abdul Samad Durrani, Advocate, for the appellants. 2. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents. **Kalim Arshad Khan, Chairman:** Through this single order this appeal and the connected Service Appeal No.819/2023 are being decided as both are of similar nature. 2. Appellants cases in brief, as reflected from the record, are that they were serving as Class-IV employees in the District Judiciary Lakki Marwat and were at the top two positions of the seniority list of Class-IV employees; that a meeting of Departmental Promotion Committee was held on 26.11.2022 to consider the promotions of Class-IV to the post of Junior Clerk, Junior Clerk to Senior Clerk and Senior Clerk to Assistant; that the DPC promoted the officials from Junior Clerk to Senior Clerk and Senior Clerk to Assistant, however, the Class-IV employees were not promoted, including the appellants. It was decided to seek guidance was sought from the Hon'ble Peshawar High Court in that regard; that the appellants were not granted promotions on the analogy of waiting for the guidance of the Peshawar High Court; feeling aggrieved, they filed departmental appeals but the same were not responded, hence, the instant service appeals.

3. Arguments heard. Record perused.

4. The findings of the case reveal that the appellants, who served as Class-IV employees in the District Judiciary Lakki Marwat, were among the top two positions in the seniority list for their category. Despite a Departmental Promotion Committee (DPC) meeting held on November 26, 2022, which successfully promoted several officials from Junior Clerk to Senior Clerk and from Senior Clerk to Assistant, the appellants were not promoted. The DPC decided to seek guidance from the Hon'ble Peshawar High Court regarding the promotions of Class-IV employees, leading to the decision to delay their advancement. The appellants, feeling aggrieved by this inaction and the lack of response to their departmental appeals, subsequently filed the present service appeals. This highlights a procedural oversight in addressing their rightful promotions and raises concerns about adherence to seniority and equitable treatment within the promotion process.

5. Perusal of final seniority list, which was prepared for promotions through DPC, and the minutes of the DPC shows that appellant Kalim Ullah was at Serial No.1 while Akbar Zaman was at Serial No.2. Stance of the respondents was that guidance had to be sought from the Peshawar High Court.

6. When confronted with the situation, no letter for guidance has been written by the learned District & Sessions Judge, Lakki Marwat to the Peshawar High Court, Peshawar. Therefore, while disposing the appeals

in hand, we ask the learned District & Sessions Judge, Lakki Marwat to write letter in the light of the comments to the Hon'ble Peshawar High Court, Peshawar, seeking guidance and then decide the cases of the appellants in accordance with law and rules. Costs shall follow the event. Copy of this order be placed on file of connected appeal. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 25th day of October, 2024.*

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.818/2023

Date of presentation of Appeal	11.04.2023
Date of hearing	25.10.2024
Date of Decision	25.10.2024

Kaleem Ullah Khan, Naib Qasid, District Courts, Lakki Marwat.....*(Appellant)*

Versus

1. **Registrar,** Peshawar High Court, Peshawar.
2. **District & Sessions Judge,** Lakki Marwat.....*(Respondents)*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ACTION AND INACTION OF RESPONDENTS, VIDE WHICH THE RESPONDENTS HAVE FAILED TO GIVE PROMOTION TO THE APPELLANT BY DEFERRING PROMOTION OF CLASS-IV EMPLOYEES TO THE POST OF JUNIOR CLERKS, AGAINST WHICH THE DEPARTMENTAL APPEAL DATED 19.12.2022 WAS INSTITUTED BEFORE RESPONDENT NO.1, AND TILL DATE NO RESPONSE HAS BEEN GIVEN.

PRESENT

1. Mr. Abdul Samad Durrani, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General, 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
Total	**Rs. 100/-**	**Total**	**Rs. Nil**

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 25th day of October 2024.

Muhammad Akbar Khan
Member (Executive)

Kalim Arshad Khan
Chairman