


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 808/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.07.2024	<p>The implementation petition of Mr. Mir Azam Khan submitted today by Mr. Taimur Ali Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on 01.08.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution petition No. 808/2024
In Service Appeal No. 1900/2022

Mir Azam Khan

V/S

Finance Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of execution petition long with affidavit	-----	01-03
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3	Copy of judgment dated 25.04.2024	B	09-15
4	Copy of application	C	16
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PETITIONER

THROUGH:

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

Cell# 0333-9390916

& 
(SHAKIR ULLAH TORANI)
ADVOCATE

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Execution Petition No. 808 /2024
In Service Appeal No.1900/2022

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 14598

Dated 30/7/24

Mr. Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Department, Peshawar.

PETITIONER

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil secretariat,
Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil secretariat,
Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa,
Peshawar.

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 25.04.2024 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed Service Appeal No.1900/2022 in this Tribunal against the order dated 29.11.2018, whereby the private respondents being juniors to the petitioner were promoted to the post of Assistant Treasury Officer (BPS-17) and against the order dated 17.12.2022, whereby the departmental appeal of the petitioner was rejected with the prayer that on acceptance of appeal the impugned orders may kindly be set aside and the respondents may be directed to consider the petitioner for promotion to the post of Assistant Treasury Officer (BPS-17) from the date when his juniors colleagues were promoted. **(Copy of memo of service appeal is attached as Annexure-A)**
2. That the appeal of the petitioner was heard and decided by this Honorable Tribunal on 25.04.2024. The Honorable Tribunal

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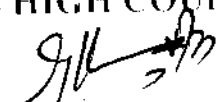
allowed the appeal of the petitioner and directed the respondents to promote the petitioner from the date when his juniors colleagues were promoted i.e 29.11.2028. (Copy of judgment 25.04.2024 is attached as Annexure-B)

3. That the petitioner also filed application on 21.06.2024 to implement the judgment dated 25.04.2024, but no action has taken by the respondents on his application by implementing the judgment dated 25.04.2024. (Copy of application is attached as Annexure-C)
4. That the Honorable Service Tribunal gave direction to the respondent to promote the petitioner with effect from 29.11.2028 in its judgment dated 25.04.2024, but after the lapse of about three months no action has been taken by the respondents to implement the judgment dated 25.04.2024 of this Honorable Tribunal.
5. That in-action and not fulfilling formal requirements by the department after passing the judgment of this Honorable Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 25.04.2024 of this Honorable Tribunal in letter and spirit.
7. That the petitioner has having no other remedy except to file this execution petition in this Honorable Tribunal.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 25.04.2024 of this Honorable Tribunal in letter and spirit. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.


PETITIONER
Mr Azam Khan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
& 
(SHAKIR ULLAH TORANI)
ADVOCATE

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.



[Handwritten Signature]
DEPONENT

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**



SERVICE APPEAL NO. 1900/2022

Mr. Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Deptt, Peshawar.

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ayub Ur Rehman, Assistant Treasury Officer, BPS-17, Office of the District Accounts Officer, Bannu.
5. Mr. Muhammad Ramzan, Assistant Treasury Officer, BPS-17, Office of the District Accounts Office, Tank.
6. Mr. Asad Ali Shah, Assistant Treasury Officer BPS-17, B.I.S.E Abbottabad (On Deputation).
7. Mr. Bilal Ahmad Atif, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Tor Ghar.
8. Mr. Lal Zada, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Lower).
9. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Upper).
10. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 29.11.2018, WHEREBY
THE PRIVATE RESPONDENTS NO.04 TO 10 BEING
JUNIORS TO THE APPELLANT WERE PROMOTED TO
THE POST OF ASSISTANT TREASURY OFFICERS (BPS-**

ATTESTED

29/11/21

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17) AND AGAINST THE ORDER DATED 17.12.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.11.2018 & 12.07.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT TREASURY OFFICER BPS-17 FROM THE DATE WHEN HIS JUNIOR WERE PROMOTED, ANY OTHER REMEDY WHICH THIS HON'BLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SUBMITTED:

FACTS:

1. That the appellant has appointed in the year 1990, while the private respondents No. 4 was appointed in the year 1993, 5 were appointed in the year 1988, private respondents No. 6, 7 & 8 were appointed in the year 1995 and private respondents No. 9 & 10 were appointed in the year 2004. The appellant is at Serial No.62, while the private respondents No.4, 5, 6, 7, 8, 9, 10 are at Serial No.78, 85, 90, 92, 99, 125 & 129 respectively in the seniority list stood on 31.12.2017 issued on 15.01.2018, of Assistant Accountants (BPS-16), meaning by the appellant is senior to private respondents No.4 to 10. (Copy of the Seniority List is attached as Annexure-A)
2. That the respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as *sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination.* It is pertinent to mention here that the appellant has passed the SAS exam along with other officials on 15.01.2018. (Copies of the Rules and notification dated 15.01.2018 are attached as Annexure-B&C)
3. That the private respondent's No. 4 to 10 were promoted to the post of Assistant Treasury Officers (BPS-17) vide order dated 29.11.2018, while the appellant being senior to respondents No.4 to 10 were deprived from his legal right of promotion to the post of Assistant Treasury Officer (BPS-17) by the respondent department. (Copy of the order dated 29.11.2018 is attached as Annexure-D)

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EXAMINER
Tribunal

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4. That the appellant filed departmental appeal against the impugned promotion order, which was not responded with in the statutory period of 90 days. (Copy of Departmental Appeal is attached as Annexure-E)
5. That after the stipulated period of ninety days, the appellant filed service No.952/2019 in this Honorable Tribunal and during the proceeding of the case, the respondent department submitted the comments in which they rely on the judgment dated 16.07.2009 of this Honorable Tribunal rendered in service appeal 301/2009 and other connected appeals as the Honorable Tribunal dispose of those appeals with certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however. When the rules were proposed certain observations were made by the Law Department which is evident from the letter dated 13.04.2010 and when the rules were framed and notified on 10.08.2018, the Establishment Department through its letter dated 16.01.2020 to the Finance Department mentioned that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules. (Copies of memo of service appeal, comments, judgments dated 06.07.2009 letter dated 13.07.2010 and letter dated 16.01.2020 are attached as Annexure-F,G,H,I&J)
6. That the service appeal of the appellant was heard and decided by the Honorable Tribunal on 17.10.2022. The Honorable Tribunal dispose of the appeal of the appellant with direction to the appellate authority to decide the departmental appeal of the appellant through a speaking order within the period of one month of the receipt of copy of the judgment, but the appellate authority rejected the departmental appeal of the appellant on 07.12.2022 for no good grounds. (Copies of Judgment dated 17.10.2022 and rejection order/letter dated 07.12.2022 are attached as Annexure-K&L)
7. That the appellant having no other remedy except to file the instant appeal in this Hon'ble Tribunal for redressal of his grievances on the following grounds amongst others.

GROUND:

- A. That the impugned orders dated 29.11.2018 and rejection order/letter dated 07.12.2022 are against the law, facts, norms of justice and

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EXAMINER
Tribunal
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material on record, therefore, not tenable in the eyes of law and liable to be set aside.

- B. That the appellant is senior to the private respondents No.4 to 10 in the seniority list stood on 31.12.2017 issued on the year 15.01.2018, but despite the private respondents No.4 to 10 being juniors to the appellants were promoted to the post Assistant Treasury Officer (BS-17), which is violation of law & rules.
- C. That although the Honorable Service Tribunal in its judgment dated 16.07.2009 rendered in service appeal No.301/2009 and others gave certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however, the department notified the rules on 08.10.2018 wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination without mentioning in the rules that seniority of Assistant Accountant will be fix with respect to the dates of their passing of S.A.S examination by observing the judgment dated 16.07.2009 of this Honorable Service Tribunal, which means that the post of Assistant Treasury Officer/Sub Treasury Officer can be filled on the basis seniority cum fitness from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination and as per rules notified on 08.10.2022, the appellant is entitle for promotion to the post of Assistant Treasury Officer as he is senior than the private respondents and have also qualified examination at the time of promotion.
- D. That when the rules of the department framed and notified on 08.10.2022, the Establishment Department itself through the letter dated 16.01.2020 admitted that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules, which means that the rules notified on 10.08.2018 is final and on the basis of rule notified on 10.08.2018, the appellant has right of promotion to the

ATTESTED

[Signature]
 Member (Accounts)
 Service Tribunal
 Peshawar


post Assistant Treasury Officer (BS-17) which was not granted to the appellant.

- E. That the appellant has good service record, but despite that juniors to the appellant were promoted which is violation of norms of justice and promotion rules notified on 10.08.2018 of the department.
- F. That depriving the appellant from his legal right of promotion to the post of Assistant Treasury Officer BPS-17 will also affects his future promotion, which will cause huge financial loss in shape of pension and other monetary benefits.
- G. That the appellant is not treated in accordance with law and rules and keep deprive from his legal rights of promotion in shape of arbitrary manners & means.
- H. That appellant has not been treated according to the Article 04 of the Constitution of Pakistan 1973, more so it is settled principle of law that where the law requires the things to be done in particular manner, the same is to be done in that manner and not otherwise.
- I. That the appellant seeks permission of this Honorable Tribunal to advance other grounds and proof at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

THROUGH:


 APPELLANT
 MIR AZAM KHAN


 (TAIMUR ALI KHAN)
 &
 (MANSOOR SALAM)
 ADVOCATE HIGH COURT

ATTESTED

 Attestor
 Member Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 1900/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Mr. Mir Azam Khan Assistant Accountant (BPS-16) Treasury
Establishment, Finance Department, Peshawar.(Appellant)

Versus

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ayub Ur Rehman, Assistant Treasury Officer BPS-17, Office of the District Accounts Officer, Bannu and 6 others.(Respondents)

Mr. Taimur Ali Khan,
Advocate ... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney ... For official respondents

Date of Institution..... 22.12.2022
Date of Hearing..... 25.04.2024
Date of Decision..... 25.04.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 29.11.2018 whereby the private respondents No. 04 to 10, despite being junior to the appellant, were promoted to the post of Assistant Treasury Officer (BPS-17) and against the order dated 17.12.2022 whereby the departmental appeal of the appellant was rejected. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside and the respondents be directed to consider the appellant for promotion to the post of Assistant Treasury Officer BPS- 17 from the date

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

when his junior colleagues were promoted, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed in the year 1990, while private respondent No. 4 was appointed in the year 1993, respondent No. 5 in the year 1988, respondents No. 6, 7 and 8 in the year 1995 and respondents No. 9 and 10 were appointed in the 2004. The appellant was at Serial No. 62, while the private respondents No. 4, 5, 6, 7, 8, 9 and 10 were at serial No. 78, 85, 90, 92, 99, 125 and 129 respectively in the seniority list as on 31.12.2017, issued on 15.01.2018, of Assistant Accountants (BPS- 16), meaning thereby that the appellant was senior to private respondents No. 4 to 10. The respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer was mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness from amongst the Assistant Accountants, who had qualified PIPFA or SAS examination. The appellant had passed the SAS exam alongwith other officials on 15.01.2018. Private respondents No. 4 to 10 were promoted to the post of Assistant Treasury Officer (BPS-17) vide order dated 29.11.2018, while the appellant, despite being senior to respondents No. 4 to 10, was deprived from his legal right of promotion to the post of Assistant Treasury Officer (BPS- 17) by the respondent department. The departmental appeal against the impugned order was not responded within the statutory period of ninety days. After the stipulated period of ninety days, the appellant filed service appeal No. 952/2019 in the Service Tribunal and during the

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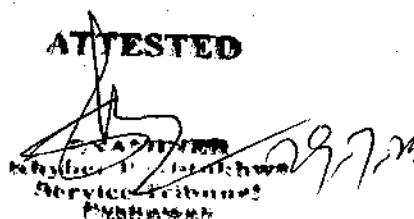
W. KAMNER
 Deputy Registrar
 Service Tribunal
 29.7.2019


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proceedings of the case, the respondent department submitted the comments in which they relied on the judgment dated 16.07.2009 of the Tribunal passed in service appeal No. 301/2009 and other connected appeals as the Tribunal disposed of those appeals with certain observations about framing of fresh rules of the department and mentioned that the vacancies of SAS qualified Assistant Accountants should be filled through them on the basis of their seniority fixed with respect to the dates of their passing of SAS examination and not on their simple seniority as Assistant Accountants. When the rules were proposed, certain observations were made by the Law Department vide letter dated 13.04.2010. When the rules were framed and notified on 10.08.2018, the Establishment Department through its letter dated 16.01.2020 to the Finance Department mentioned that the case had been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 were quite clear and there was no need of further amendments in the said Rules. The Service appeal of the appellant was heard and disposed of on 17.10.2022 with the directions to the appellate authority to decide the departmental appeal of the appellant through a speaking order within the period of one month of the receipt of copy of that judgment but the appellate authority rejected the departmental appeal of the appellant on 07.12.2022; hence the instant service appeal.

3. Respondents were put on notice. The official respondents submitted their joint parawise comments on the appeal while private respondent No. 4 to 10 were placed ex-parte vide order sheet dated 16.02.2023. We heard the

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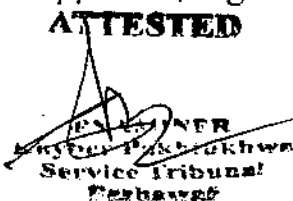

 29/7/23
 Service Tribunal
 PUNJAB

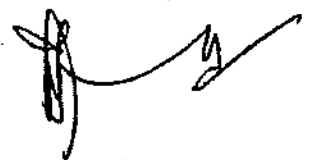


learned counsel for the appellant as well as learned Deputy District Attorney for the official respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the impugned order dated 29.11.2018 and rejection order dated 07.12.2022 was against the law, facts, norms of justice and material on record, therefore, not tenable in the eyes of law and liable to be set aside. The appellant was senior to the private respondents in the seniority list as on 31.12.2017 but they were promoted to the post of Assistant Treasury Officer while he had been discriminated. He further argued that the department notified the rules on 08.12.2018 wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer was mentioned as Sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who had qualified PIPFA or SAS examination without mentioning in the rules that seniority of Assistant Accountant would be fixed with respect to the dates of their passing of SAS examination, which meant that the post of Assistant Treasury Officer/Sub Treasury Officer would be filled on the basis of seniority cum fitness from amongst the Assistant Accountants who had qualified PIPFA or SAS examination. The appellant had good service record but was deprived of his legal rights while his juniors were promoted in violation of law and rules. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the private respondents were

ATTESTED

 MEMBER
 Service Tribunal
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promoted earlier than the appellant to the post of Assistant Treasury Officer/Sub Treasury Officer in the light of judgment dated 16.07.2009 of the Service Tribunal. He further argued that the respondent department had been amending its service rules of 1981 from time to time without affecting the laid down criteria of promotion of the appellant as well as private respondents. As far as passing of SAS exam of the appellant was concerned, his seniority on the basis of said qualification was intact and he would be promoted on his own turn in 60% quota. He further argued that departmental appeal of the appellant was examined and regretted, being contrary to the decision dated 16.07.2009 of the Service Tribunal. He requested that the appeal might be dismissed.

6. Arguments and record presented before us transpire that the appellant is Assistant Accountant in the Treasuries and Accounts attached with the provincial Finance Department and stood at sr. no. 62 of the seniority list as on 31.12.2017. He has impugned a promotion order dated 29.11.2018 before this Tribunal vide which his colleagues, junior to him in the seniority list of 2017, were promoted to the post of Assistant Treasury Officer but he was not considered for that promotion. The reason stated by the respondents before us was that he had not qualified the SAS examination which was a prerequisite for promotion. They referred to a judgment of this Tribunal dated 16.07.2009 in a service appeal no. 301/2009 according to which "the vacancies of SAS qualified Assistants shall be filled through them on the basis of their seniority fixed with respect of the dates of their passing of the SAS examination, and not on their simple seniority as Assistant

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar



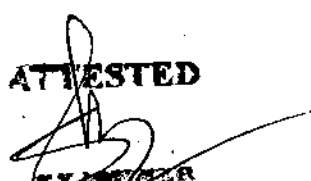
Accountants." According to them, the promotions were made in the light of service rules read with the judgment dated 16.07.2009 of Service Tribunal.

7. Coming to the service rules notified on 10.08.2018, rules no. 6 is reproduced as follows:-

- | | |
|--|--|
| Assistant Treasury Officer/
Sub-Treasury Officer. | (a) Sixty per cent by promotion, on the basis of seniority -cum-fitness, from amongst the Assistant Accountants who have qualified PIPFA or SAS Examination. |
| | (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants. |
| | (c) twenty per cent by initial recruitment; |

A simple perusal of the rules shows that promotion is to be made on the basis of seniority-cum-fitness. Seniority has been very clearly defined in Part-VI of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989 and is determined from the date of regular appointment. This means that in the case in hand, the seniority of the Assistant Accountants would be determined from the date when they were regularly appointed on that post as a result of promotion from the post of Sub-Accountants. For their further promotion to the post of Assistant Treasury Officer/Sub Treasury Officer, only those Assistant Accountants would be considered who have qualified the SAS Examination. Those who are senior and fulfill the criteria would be promoted whereas those who have not qualified the SAS examination would be either deferred for the sake of fulfilling the criteria or placed in the category of part (b) of rule 6 of the service rules which is meant for those Assistant Accountants who have not qualified the

ATTESTED


 Assistant Secretary
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar



SAS examination. In case an Assistant Accountant qualifies the required examination, he becomes eligible for promotion under part (a) of rule (6).

8. The appellant qualified the SAS examination in January 2018. The meeting of Departmental Promotion Committee was held in October 2018 but he was not considered for promotion, rather his junior colleagues were promoted. The arguments presented by the learned District Attorney, that he qualified the SAS examination at a later date and hence was not considered, does not appeal to a prudent mind. How could the department go against the service rules which clearly state two points; first, seniority-cum-fitness and second, qualifying the SAS examination. The moment the appellant qualified the SAS examination, he was eligible for promotion on the basis of seniority-cum-fitness, and the department could not deny promotion to him in such a scenario where they promoted certain officials junior to him.

9. In view of the above discussion, we are unison that the appellant was eligible and qualified for promotion to the post of Assistant Treasury Officer/Sub-Treasury Officer under rule 6(a) of the service rules notified on 10.08.2018. The service appeal is, therefore, allowed. Respondents are directed to promote him from the date when his junior colleagues were promoted i.e. w.e.f. 29.11.2018. Cost shall follow the event. Consign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 25th day of April, 2024.

(FARVEHA PAUL)
Member (I)

EazleSubhan P.S.

ATTESTED

[Signature]
29/4/24
CHIEF CLERK
Peshawar Pakhtunkhwa
Service Tribunal
Peshawar

(RASHIDA BANO)
Member (J)

Date of Presentation of Application 29-7-24
Number of Vols. 12-8
Copying Fee 60/-
Urgent 5/-
Total 65/-
Name of Ccl. _____
Date of Completion 29-7-24
Date of Receipt 29-7-24

To

The Honorable, Secretary Finance,
Government of Khyber Pakhtunkhwa,
Peshawar (Copy in advance)

Through: **Proper Channel**

The Director Treasuries & Accounts,
Treasury Establishment
Khyber Pakhtunkhwa, Peshawar

Subject: **APPLICATION FOR IMPLEMENTATION OF THE JUDGMENT OF HONORABLE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR IN SERVICE
APPEAL, NO.1900/2022, FILED BY MR.MIR AZAM KHAN ASSISTANT
ACCOUNTANT TREASURY ESTABLISHMENT**

Respected Sir,

With due respect it is submitted that undersigned filed the subject service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal bearing No.1900/2022 against the promotion Notification of Assistant Accountant (BS-16) to the post of Assistant Treasury Officer/Sub Treasury Officer (BS-17), Treasury Establishment vide Notification No. SO (ESTT)/FD/1-55/Promotion/ATO/2018, dated 29-11-2018 (Annexure-I).

2. Whereupon the Honorable KPST, Peshawar vide its judgment dated **25-04-2024**, accepted the said service appeal with the remarks that the appellant was eligible and qualified for promotion to the post of Assistant Treasury Officer/Sub Treasury Officer (BS-17) under rule 6 (a) of the service rules notified on 10-08-2018. Furthermore, the court directed the respondents to promote the appellant from the date when his junior were promoted i.e. w.e.f. 29-11-2018 (copy attached Annexure-II).

3. Consequent upon the above, it is humbly submitted that in compliance with the judgment of KPST, Peshawar judgment dated **25-04-2024**, special Departmental Promotion Committee (DPC) meeting may kindly be convened and the undersigned promotion case against the post of Assistant Treasury Officer (BS-17) with effect from **29-11-2018** alongwith seniority may be placed for consideration please.

4. I shah always pray for your long life and obliged.

Yours Sincerely

Dated 21-06-2024

Mir Azam Khan
Assistant Accountant
Treasury Establishment
Khyber Pakhtunkhwa, Peshawar

Copy for information to:-

1. The Registrar, Service Tribunal Khyber Pakhtunkhwa, Peshawar with reference, judgment Service Appeal No.1900/2022.
2. The Private Secretary to Secretary Establishment Department Khyber Pakhtunkhwa

Mir Azam Khan
Assistant Accountant

S. 21/6/24

o/c 24-6-24

(17)

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF Khyber Pakhtun Khwa Service Tribunal Peshawar

Mir Azam Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

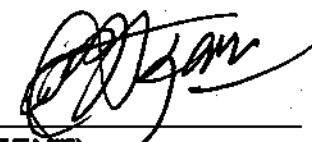
Finance department (Respondent)
(Defendant)

I/We, Mir Azam Khan

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

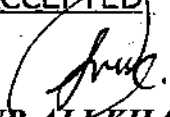
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

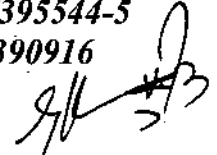


(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

& 
SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
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