

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1695 of 2022

Malik Muhammad Ibrar versus SMBR Khyber Pakhtunkhwa, Peshawar and 4 others.

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-15 31 st October, 2024.	<p>Present:</p> <ol style="list-style-type: none">1. Appellant in person.2. Mr. Muhammad Jan, District Attorney assisted by Abdur Rasheed, Superintendent and Muhammad Afzal, Assistant with authority letter on behalf of the official respondents.3. Mr. Kabirullah Khattak, Advocate on behalf of private respondents No. 4 & 5 present. <p>Former requested for adjournment on the ground that his learned counsel is busy in the Hon'ble Peshawar High Court today. Adjourned. To come up for arguments on 08.11.2024 before the D.B. at the Principal Seat, Peshawar. <i>Parcha Peshi</i> given to the parties.</p> <p>(Fareeha Paul) Member (Executive)</p> <p>(Aurangzeb Khattak) Member (Judicial)</p> <p><i>*Fazle Subhan PS*</i></p>

SCANNED
KPS
Peshawar



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1695/2022

Malik Muhammad Ibrar

versus

Government of Khyber Pakhtunkhwa


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
<p><u>Order-16</u> 8th November, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none">1. Appellant alongwith Mr. Rashid Rauf Swat, Advocate on behalf of the appellant.2. Mr. Naseer Ud Din Shah, Assistant Advocate General assisted by Mr. Abdur Rasheed, Superintendent and Muhammad Afzal, Assistant for official respondents.3. Mr. Kabir Ullah Khattak, Advocate on behalf of private respondents No. 4 and 5.4. Former requested for adjournment on the ground that he has not prepared the case. Since this case dates back to 2022, it will be scheduled for an order. The counsel may present arguments before announcement of the order. Adjourned. To come up for order/arguments on 11.11.2024 before the Division Bench. P.P given to the parties. <p style="text-align: center;"> (Rashida Bano) Member (J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Adnan Shah*</i></p>

as to whether the appellant was senior to private respondents, to which, he fairly submitted that he was not. Further submitted that as the private respondents and others had once not objected on the promotion of the appellant and once he was placed in his own pay and scale in the year 2019, therefore, he ought to have been considered for promotion at the time when the private respondents were being promoted.

6. During the case, we find a point involved in this case is quite simple. The matter was negotiated between the parties, by the efforts of the Court and as a successful effort, reached a consensus that let the department consider the appellant for promotion to the post of Girdawar on his own turn and at the time of such consideration, the department is also at liberty to give effect to the promotion from the date the private respondents were promoted. Lest effect their seniority. Needless to say that the case of promotion shall be considered, if the appellant is otherwise fit and eligible.

7. Disposed of through Alternate Dispute Resolution, in the above terms. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.1695 of 2022

Malik Muhammad Ibrar

versus

Government of Khyber Pakhtunkhwa

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-17 11 th November, 2024.	<p><u>Kalim Arshad Khan, Chairman</u></p> <p>Present:</p> <ol style="list-style-type: none">1. Mr. Rashid Rauf Swati, Advocate, on behalf of appellant.2. Mr. Naseer Ud Din Shah, Assistant Advocate General on behalf of official respondents.3. Mr. Kabir Ullah Khattak, Advocate, on behalf of private respondents.4. Both the parties advanced their arguments and have been heard.5. Learned counsel for the appellant has contended that some 25 persons including the private respondents, had given a statement in writing that they were not at that time interested in promotion and had no objection promotion of the appellant to the post of Girdawar. It was then, vide order dated 25.01.2019 the appellant was transferred and posted against the vacant post of Girdawar in his own pay & scale. It was clarified that seniority remained intact. Learned counsel for the appellant further agitated that at the time the private respondents and others had then filed departmental appeal before the Commissioner, which was also turned down. Learned counsel for the appellant submitted that at the time of foregoing promotion of private respondents, the above facts were overlooked and the appellant was not considered to be promoted. We have asked the learned counsel for appellant

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1695/2022

Date of presentation of Appeal 24.10.2022
Date of hearing 11.11.2024
Date of Decision 11.11.2024

Malik Muhammad Ibrar Girdawar District Haripur

.....(*Appellant*)

Versus

1. **The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar**
2. **Commissioner Hazara Division, Abbottabad**

Respondents)

—
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.


PRESENT

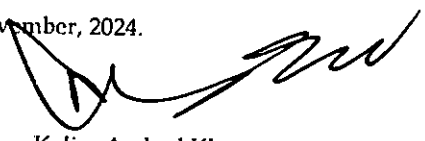
1. Mr. Rashid Rauf Swati, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General for official respondents
3. Mr. Kabir Ullah Khattak, Advocate, on behalf of private respondents

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 11th day of November, 2024.


Rashida Bano
Member (Judicial)


Kalim Arshad Khan
Chairman