

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

2630/2025

APPELLANT/
PETITIONER

APPEAL NO. _____ 200

Mushtaq Ahmad Head Clerk

Versus

Department: DC

RESPONDENT

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
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10.02.2025	<p>PRESENT</p> <ol style="list-style-type: none">1. Mr. Allah Nawaz Khosa Advocate, Counsel for the appellant.2. Ms. Saima Nawaz, D.D.A. <p>The appellant filed the instant service appeal u/s 4 of the Punjab Service Tribunals Act, 1974 with the following prayer:-</p> <p>“In the facts and circumstances, it is, therefore, respectfully prayed that the order dated 18.08.2025 passed by the respondent No.2 may kindly be set aside being against the law, without jurisdiction and arbitrary.</p> <p>It is further prayed that the operation of the impugned order may also be suspended till the final decision of the main petition.</p> <p>Any other relief which this Hon'able Tribunal deems fit and necessary may also be awarded to the appellant.”</p> <ol style="list-style-type: none">2. Arguments heard record perused.3. Dispute briefly involved in this case is that the appellant was promoted from Senior Clerk (BS-09) to Assistant (BS-16). His recommendation for promotion was made by departmental promotion committee short of one member, District Coordination Officer Bhakkar. One Nigah Hussain moved application that said promotion of the appellant due to incomplete departmental promotion committee was illegal whereupon an inquiry was conducted by Dr. Nasir Mehmood Shakir Director Health Services (Monitoring & Evaluation), Director General Health Services, Punjab and Dr. Muhammad Pervaiz Iqbal Director Health Services (HQ), Directorate General Health



A handwritten signature in black ink, appearing to be "Mushtaq Ahmad", written vertically on the left side of the page.

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		<p>Services Punjab pursuant to a direction issued by Secretary to Govt of Punjab, Primary & Secondary Healthcare Department vide his letter dated 27.11.2024. In the light of recommendations made by the inquiry committee impugned order dated 18.08.2025 was passed whereby the appellant was demoted from the rank of Assistant to the rank of Senior Clerk and was adjusted against vacant post of Senior Clerk with the office of Deputy District Health Officer, Kallur Kot, District Bhakkar, finding that the promotion to the post of Assistant violated the promotion policy 2010. Same impugned order directed that fresh departmental promotion committee be arranged for proper disposal of promotion cases including the case of the appellant.</p> <p>4. On 28.10.2014 Executive District Officer Health Bhakkar pass order bearing endorsement No.2441-49/BKR with respect to the appellant to the following effect:</p> <p><i>Under the provision of Rule 10-8 of Punjab Civil Servants (Appointment & Condition of Service) Rules 1974 and subsequent Notification No.SOR-III (B7GAD) 1-25/2002 dated 28.05.2007, Mr. Mushtaq Ahmad working as Senior Clerk (BPS-09) in the office of Medical Superintendent THQ Hospital Darya Khan District Bhakkar (who is senior most in his cadre) la hereby promoted as Assistant in BPS-14 with immediate effect on current charge basis for a period of one year against the vacant post of Assistant in the office of Programme Director District Health Development Center Bhakker vacated by Mr. Ghulam Hussain Assistant who has been promoted as Superintendent DHQ Hospital Bhakkar on 14.02.2014.</i></p> <p><i>I have satisfied myself that Mr. Mushtaq Ahmad is eligible for the post of Assistant, experience-hand and has got long outstanding service.</i></p> <p>5. The above referred order establishes two facts without any dispute: (I) that the appellant was then senior most person of his cadre and (II) due to promotion of Mr. Ghulam Hussain Assistant as Superintendent DHQ Hospital Bhakkar post of Assistant was available since 14.02.2014.</p> <p>6. This fact is neither relevant not debatable with above order dated 28.02.2014 passed by Executive District Officer Health Bhakkar was illegal that a vacancy had become available and a fit and qualified person in the appellant was available for regular promotion to the post but instead he was given only a current charge of that post instead of regular charge. The appellant has not disputed vires of that order. Above order was further extended for one year on 25.02.2015 and later on in the year 2016 also.</p> <p>7. There is no dispute over the fact that a formal meeting of</p>



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		<p>departmental promotion committee was convened under the directions of EDO Health Bhakkar, name of appellant was considered by that departmental promotion committee and he was found fit and eligible by the committee for his regular promotion to the post of Assistant, current charge of which post he was already having in himself. The only deficiency in this case is that according to the prevalent promotion rules at that time District Coordination Officer Bhakkar was to head meeting of promotion committee but he was not included in it. I have minutely perused the inquiry report over the appellant and there is not iota of hint in it that omission of DCO Bhakkar from that committee was effected by or with the efforts of the appellant. The lapse had taken place on the part of Executive District Officer (Health Bhakkar) by whose order the committee was constituted and meeting was convened. The conclusion of the inquiry committee does not speak any involvement of the appellant in the constitution of departmental promotion committee or holding of meeting by incomplete promotion committee.</p> <p>8. There is no dispute over the fact that order dated 31.12.2016 concerning regular promotion of the appellant to the post of Assistant was passed by competent authority. The recommendations of departmental promotion committee are not substitute of an order passed by competent authority, nor the same can override an order passed by competent authority. The purpose of considering case of an employee in departmental promotion committee is only to sort out the matters relating to fitness and eligibility of the persons/employees being considered by committee in a particular meeting. This Tribunal is unable to find from the report of departmental inquiry committee that the appellant was either unfit for promotion or he was ineligible for the same. The accumulative resume of above discussed facts is that: (I) that a vacant post of Assistant was available (II) the appellant was senior most amongst is cadre (III) he was fit for promotion (IV) he was otherwise eligible for promotion to the post of Assistant.</p> <p>9. The inquiry committee and respondent No.2 who passed order dated 18.08.2025 failed to consider above facts with respect to entitlement of appellant for his promotion to the post of Assistant, whatever the departmental promotion committee had been. They fail to consider that they were punishing the appellant for an act/omission of the then Executive District Officer Bhakkar. They fail to consider that before passing of the impugned order dated 18.08.2025 that Senior Clerk namely Saif Ullah, Bashir Ahmad and</p>



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		<p>Muhammad Ikram, who all were juniors to the appellant were promoted from the post of Senior Clerk to the post of Assistant vide order dated 11.02.2021 and 02.12.2021 respectively and placing the name of appellant a fresh before departmental promotion committee while demoting him was bound to seriously jeopardize his service rights.</p> <p>10. For the forgoing discussions, impugned order dated 18.08.2025 is set aside. Appeal is allowed. The appellant is held entitled to financial benefits admissible to him in accordance with the law for the period he remained demoted. File be consigned.</p> <div style="text-align: right; margin-top: 20px;">  (MALIK EJAZ ASIF) D&S.J. MEMBER V </div> <div style="text-align: right; margin-top: 20px;">  CERTIFIED TO BE A TRUE COPY Registrar Punjab Service Tribunal Lahore 16/02/26 </div> <div style="text-align: center; margin-top: 20px;"> <p>Punjab Service Tribunal Lhr. Form No. <u>682/26</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Date of submission of application for certified copy.....</td> <td><u>16-02-26</u></td> </tr> <tr> <td>The date on which the copy was completed, examined & compared.....</td> <td><u>16-02-26</u></td> </tr> <tr> <td>Total number of Pages.....</td> <td><u>14</u></td> </tr> <tr> <td>The cost of copy as prescribed under the rules</td> <td></td> </tr> <tr> <td>Urgent fee per page.....</td> <td><u>15</u></td> </tr> <tr> <td>Normal fee per pages.....</td> <td></td> </tr> <tr> <td>Total cost / fee.....</td> <td><u>210</u></td> </tr> <tr> <td>Date of Delivery.....</td> <td><u>16-02-26</u></td> </tr> <tr> <td>Initial of examiner / Copy Clerk.....</td> <td><u>[Signature]</u></td> </tr> </table> </div>	Date of submission of application for certified copy.....	<u>16-02-26</u>	The date on which the copy was completed, examined & compared.....	<u>16-02-26</u>	Total number of Pages.....	<u>14</u>	The cost of copy as prescribed under the rules		Urgent fee per page.....	<u>15</u>	Normal fee per pages.....		Total cost / fee.....	<u>210</u>	Date of Delivery.....	<u>16-02-26</u>	Initial of examiner / Copy Clerk.....	<u>[Signature]</u>
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