



Form- A
FORM OF ORDER SHEET

Court of _____


Case No. 487/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/04/2014	<p>The appeal of Mr. Mumtaz Khan resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-5-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

3.

14.05.2014


Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 04.06.2014


Member

4.

04.06.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 22.07.2014.


Member

5.

22.07.2014

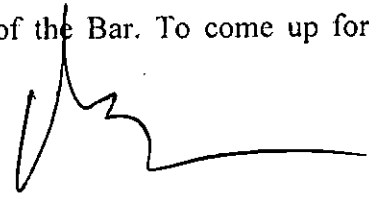
Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 15.09.2014.


Member

6.

01.09.2014

Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. To come up for preliminary hearing on 20.10.2014.



Appeal No. 487/2014
Mr. Munir Khan

20.10.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents preset. Preliminary arguments heard and case file perused.

Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant has impugned notification dated 07.11.2013 against which he filed departmental appeal on ⁰⁹⁻¹²⁻²⁰¹³ ~~25.09.2013~~ which has not been responded within the statutory period of 90 days, hence the present appeal on 13.02.2014.

The learned Government Pleader while assisting the tribunal was of the view that the instant appeal is against notification dated 07.11.2013, though name of the appellant has not been included in the SET General seniority list against which departmental appeal has been filed by the appellant but there is no prayer for promotion in that departmental appeal. So the Departmental appeal is not inline with instant appeal. He further stated that this tribunal has got no jurisdiction to issue direction for promotion of the appellant. He requested that the instant appeal may kindly be dismissed.

Points raised at the Bar need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal as well as reply/arguments on application for condonation of delay on 23.12.2014.

*Appellant deposited
Process fee & Security
Rs. 300/- Bonnie Receipt
attached with file.*

Member

This case be put before the Final Bench for further proceedings.

Chairman

20.10.2014

8.

23.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for the same on 12.3.2015.



READER

12.03.2015

Appellant in person, M/S Khurshid Khan, SO for respondent No. 1, Javed Ahmed, Supdt. for respondent No. 2 and Muhammad Hamayun Khan, ADO for respondent No. 3 alongwith Addl: A.G present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 1.10.2015.



Chairman

01.10.2015

Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Mr. Noor Muhammad Khattak, Advocate submitted power of attorney for the appellant and requested for adjournment. To come up for arguments on

16.3.16



Member



Member

16.03.2016

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder not submitted. Requested for further time. To come up for rejoinder and arguments on 10.6.16.



MEMBER



MEMBER

10.6.2016

None present for appellant. Mr. Usman Ghani, Sr. GP for respondents present. Notices be issued to the appellant and his counsel. To come up for rejoinder and arguments on 11.11.2016.


Member


Member

11.11.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Requested accepted. Case to come up for arguments with connected appeal on 23-2-17.

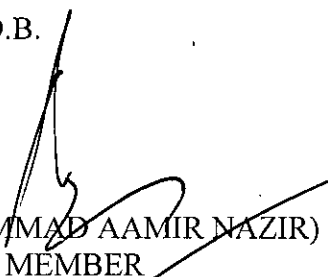

(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

23.02.2017

None for the appellant present. Asst: AG for respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for arguments on 06.06.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

06.06.2017

Agent to counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondent present. Agent to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 03.10.2017 before D.B.

(Gul Zeb Khan)
Member

MA
(Muhammad Amin Khan Kundi)
Member

03.10.2017

Learned Counsel for the appellant present Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned Counsel for the appellant stated that the appellant is a civil servant, however the respondent department has not communicated any seniority list in accordance with section 8 (1) of the Khyber Pakhtunkhwa Service Tribunal Act 1973, wherein the name of the appellant is included. Admittedly, the appellant is serving as SET (Technical) and as such is a civil servant. Hence the respondent department is directed to furnish the seniority list vis-à-vis appellant as required u/s 8 (1) of Khyber Pakhtunkhwa civil servant Act 1974 on or before *8/11/07 final* as next date of hearing before DB.


[Signature]
Member
(Executive)

[Signature]
Member
(Judicial)

08.11.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.01.2018 before D.B.


(Gul Zeb Khan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

09.01.2018

Clerk to counsel for the appellant and Asst: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 02.03.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

02.03.2018

Counsel for the appellant and Mr. Muhammad Riaz Pinda Khel, AAG for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for arguments on 09.05.2018 before the D.B.


(Ahmad Hassan)
Member


Chairman

09.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 17.07.2018.


Reader

17.07.2018


Junior to counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Junior to counsel for the appellant present and seeks adjournment on the ground that senior counsel is not in attendance. Adjourned. To come up for arguments on 05.09.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

05.09.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 12.10.2018 before D.B.


(M. Amin Khan Kundi)
Member


(M. Hamid Mughal)
Member

12.10.2018

Junior to counsel for the appellant and Mr. Usman Ghani learned ~~Deputy~~ District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment that ~~his~~ senior counsel is not in attendance. Adjourned. To come up for arguments on 28.11.2018 before D.B


Member


Member

28.11.2018

Junior to counsel for the appellant and Mr. Muhammad Riaz Painsa Khel, Asstt. AG for the respondents present.

The former requests for adjournment due to indisposition of learned senior counsel for the appellant. Adjourned to 21.1.2019 for arguments before the D.B.


Member


Chairman

21.01.2019

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is no available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 13.02.2019 for arguments before

D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

13.02.2019

Junior to counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Request for adjournment is made due to over occupation of learned senior counsel for the appellant before the Honourable High Court today. Adjourned to 10.04.2019 before the D.B.


Member


Chairman

10.04.2019

Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 24.06.2019 before D.B.


Member

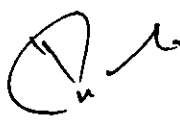

Member

24.06.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

When the case was argued at some length, it transpired that seniority list firmed up in pursuance of letter dated 25.09.2009 was not available on record. Moreover, record of promotions made on the basis of letter dated 07.11.2013 was also missing from the case file. Attention is also invited to column-II pertaining to seniority list number of notification dated 25.05.2010, whereby different seniority positions were assigned to the officials, who got up-graded to BPS-17. It may be clarified whether it was a single seniority list or separate seniority lists. Respondents are further directed to provide relevant record through which it could be established that letter dated 25.09.2009 was sent to the appellant but he deliberately and intentionally failed to submit the required data in time. The above information may be produced on or before the next date of hearing. Case to come up for further proceedings on 05.08.2019 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mugh)
Member

05.08.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Irfan Ullah Assistant present and seeks adjournment to furnish data/documents as mentioned in the preceding order sheet. Adjourn. To come up for record/arguments on 13.09.2019 before D.B.



Member



Member

13.09.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Being an old case of the year 2014 adjourned by way of last chance. To come up for arguments on 02.10.2019 before D.B.



Member



Member

02.10.2019

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Hayat Muhammad, Assistant Director for the respondents present. Learned Deputy District Attorney informed that the record as asked for vide order sheet dated 24.06.2019 had not been provided by the respondents and made a request for adjournment to enable than to make available the same on or before the next date of hearing. A copy of the said order sheet was also handed over to the representative of the department. He was strictly directed to ensure production of relevant record on the next date of hearing. Adjourned to 29.10.2019 for record and arguments before D.B.



(AHMAD HASSAN)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

29.10.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 20.11.2019 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

Service Appeal No. 487/2014

20.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Irfan, Assistant for the respondents present. Learned Additional AG requested for adjournment. Adjourned to 06.12.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 03.02.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

03.02.2020

Learned counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. M. Irfan, Assistant and Mr. Hayat Ullah, ADO for respondents present. Representative of the respondents submitted record which is placed on file. Adjourned. To come up for arguments on 16.03.2020 before D.B.


Member


Member

16.03.2020

Clerk to counsel for the appellant present. Asst: AG
for respondents present. Due to general strike on the call of
Peshawar Bar Council, the instant case is adjourned. To come
up for arguments on 14.05.2020 before D.B.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a checkmark-like flourish.


(MAIN MUHAMMAD)
MEMBER

A handwritten signature in black ink, consisting of the letters 'MA' followed by a flourish.

(M.AMIN KHAN KUNDI)
MEMBER

23.11.2021 Proper D.B is not available, therefore, case is adjourned to 2/3/2022 for the same as before.


2-3-22



Reader
Due to retirement of the Honble Chairman
the case is adjourned to come up for the
same as before on 15-6-22


Reader

15.06.2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground
that he has not made preparation for arguments. Adjourned. To come up for
arguments on 08.08.2022 before the D.B.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

8/8/22

Due to the Public Holidays the case is
adjourned to 8-11-2022


Reader


08.11.2022

Nemo for appellant.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Preceding date was adjourned through Reader note, therefore, both the parties be put on notice for the next date. To come up for arguments on 26.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)