




Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 185/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 09/02/2018 | <p>The appeal of Mr. Abdul Rasheed resubmitted today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 13/02/18. | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 26.02.2018 | <p>Counsel for the applicant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 22.03.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member (E)</p> |

22.03.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Local Government & Rural Development Department as Progress Officer (BPS-16). It was further contended that since the services of the appellant was on contract basis therefore, the appellant filed Writ Petition for regularization of his services before the Worthy Peshawar High Court, Peshawar but the Writ Petition was dismissed. It was further contended that the appellant also challenged the judgment of the worthy Peshawar High Court Peshawar before the apex Supreme Court of Pakistan but the said was also dismissed. It was further contended that thereafter the appellant was terminated and the appellant filed service appeal against the termination order but the service appeal of the appellant was dismissed by this Tribunal. It was further contended that again the appellant filed CPLA in the august Supreme Court of Pakistan which was allowed and the respondent-department was directed to reinstate the appellant alongwith other from the date of their termination from service. It was further contended that in the light of the judgment of the Supreme Court of Pakistan the respondent department reinstated the appellant from the date of termination from service i.e 30.05.2003 with all back benefits and regularized the services of the appellant from the date of his initial appointment vide notification dated 10th November 2005. It was further contended that the final seniority list of the post of Assistant Director (BPS-17) in the Local Government Department was prepared vide notification dated 22.08.2017 wherein the date of promotion of the appellant from BPS-16 to BPS-17 was shown as 16.05.2013. It was further contended that the appellant also filed departmental appeal but the same was not responded. It was further contended that according to the criteria of promotion the length of service for promotion to BPS-17 is three year and the appellant was appointed in the year 1988 therefore, the respondent-department was required to promote the appellant since 1997 but the appellant has been illegally shown promoted in the year 2013 in the seniority list pertaining to the year 2017 therefore, the same is illegal and liable to be rectified.

Appellant Deposited
Security Process Fee

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 15.05.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

15.05.2018

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present. Learned Addl. AG requested for time for submission of written reply. Request is accepted. To come up for written reply/comments on 09.07.2018 before S.B.



Chairman

09.07.2018

Junior counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.



Member

09.08.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned AAG sought some time to submit the same. Grnated. To come up for written reply on 08.10.2018 before S.B.


Chairman

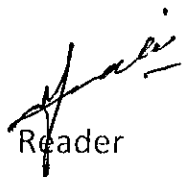
05.10.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 21.11.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

21.11.2018

Since 21.11.2018 has been declared as public holiday on account of 12th Rabi ul Awal. Therefore, the case is adjourned. To come up on 03.01.2019.


Reader

Service Appeal No. 185/2018

03.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is not present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 14.03.2019 before S.B.



Muhammad Amin Khan Kundi
Member

14.03.2019

Junior to counsel for the appellant present. Mr. Hayat Superintendent for the respondents present. Mr. Bilal Ahmed Advocate appeared and submitted an application for impleadment of Akhtar Munir Assistant Director LG&RDD in the calendar of respondents. Copy of the said application handed over to learned junior counsel as well as representative. Adjourn. To come up for written reply/arguments on the said application as well as reply on main service appeal on behalf of the official respondents on 17.04.2019 before S.B


Member

18.04.2019

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Nisar Ahmad AD present. Joint reply submitted on behalf of respondents No.2 & 3. Learned AAG stated that respondent No.1 relies upon the same. Reply to the application for impleadment as mentioned in the order sheet dated 14.03.2019 is still awaited. Adjourn. To come up for reply and arguments on the said application on 11.06.2019 before S.B.


Member

11.06.2019

Counsel for the appellant and Addl: AG for respondents present. Learned counsel for the appellant submitted replication in response to application for impleadment which is placed on file. Case to come up arguments on impleadment application on 08.07.2019 before S.B.



(Ahmad Hassan)
Member

08.07.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents and Mr. Bilal Ahmad Kakazai, Advocate for the applicant present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief on impleadment application submitted on 14.03.2019.

Adjourned to 03.09.2019 before S.B.


Chairman

03.09.2019 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant once again seeks adjournment in order to prepare the brief on impleadment application submitted on 14.03.2019.

Adjourned to 01.10.2019 before S.B.


CHAIRMAN

01.10.2019 Counsel for the appellant, Addl. AG for the respondents and counsel for the applicant present.

Learned counsel for the appellant requests for time to further prepare the brief on impleadment application. Last opportunity is granted.

Adjourned to 13.11.2019 before S.B.


Chairman

13.11.2019

Counsel for the appellant, Addl. AG for the respondents and Mr. Bilal Ahmad Kakazai, Advocate for the applicant present.

The applicant Akhtar Munir has moved an application for his impleadment as one of the respondents. It is noted in the application that in a previous round of litigation before the Tribunal in respect of seniority the applicant was a party and if not arrayed in the instant matter as one of the respondents, his valuable rights could be infringed.

In view of the above instant application is allowed. The office shall enter ~~ed~~ the name of applicant as respondent No. 4 in the memorandum of appeal. The added respondent shall furnish reply/comments to the appeal on or before next date of hearing.

Adjourned to 12.12.2019 before S.B.


Chairman

12.12.2019

Junior to counsel for the appellant present. Asst: AG for official respondents no. 1 to 3 and Junior to counsel for private respondent no.4 present.

Junior to counsel for private respondent no. 4 requests for further time to submit parawise comments.

Adjourned to 22.01.2020 on which date private respondent no.4 shall positively submit the parawise comments.


Chairman

22.01.2020

Junior to counsel for the appellant, Addl. AG for respondents No. 1 to 3 and junior to counsel for respondent No. 4 present.

Joint parawise comments of respondents No. 1 to 3 have already been furnished. However, request for adjournment is made on behalf of respondent No. 4. Last opportunity is granted to respondent No. 4 for submission of requisite reply/comments on 27.02.2020 before S.B.

Chairman



27.02.2020

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the official respondent and junior counsel for private respondent No. present.

Junior counsel for private respondent No.4 submitted written reply/comments. To come up for rejoinder if any and arguments on 13.04.2020 before D.B. \


(Hussain Shah)
Member



13.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 02.07.2020 before D.B.

Reader



02.07.2020

Due to COVID-19, the case is adjourned. To come up for the same on 01.10.2020 before D.B.




Reader

01.10.2020

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

Appellant requests for adjournment due to engagement of his learned counsel before the Hon'ble High Court in many cases today. The matter is adjourned to 21.12.2020 for hearing before the D.B.



(Mian Muhammad)
Member (Executive)



Chairman

21.12.2020

Junior to counsel for the appellant present. Addl: AG for respondents present.

Due to pandemic of Covid-19, the case is adjourned to 22.03.2021 for the same.




Reader

04.03.2021

Appellant in person and Asif Masood, DDA alongwith Asad, Asstt. Dr. Muhammad Ilyas Qureshi, M.O and Dr. Ali Shah, Litigation Officer for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 16.04.2021 for hearing before the D.B.

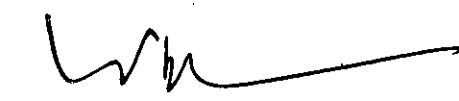

(Atiq-ur-Rehman Wazir)
Member(E)



Chairman

21.06.2021

Mr. Muhammad Amin Ayub, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4, hence he is placed ex-parte.

Learned counsel for the appellant requested for time for the purpose of submitting rejoinder. Adjourned. Last chance is given for submission of rejoinder as well as arguments. To come up for submission of rejoinder as well as arguments before the D.B on 18.10.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


18.10.2021

Appellant present through representative.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

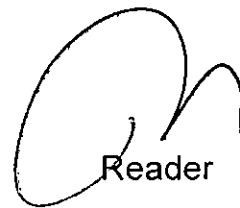
Lawyers are on general strike, therefore, case is adjourned to 24.12.2021 for arguments before D.B.

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

24.12.2021

Due to summer vacations, case is adjourned to
31.03.2022 for the same as before.

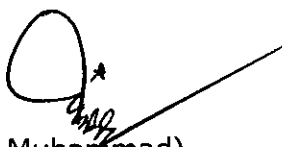


Reader

31.03.2022

Appellant present in person. Mr. Kabirullah Khattak,
Addl. A.G for the respondents present.

Former seeks adjournment due to non-availability of
his learned counsel. Last opportunity is granted
otherwise, the appeal will be decided on the basis of
available record. To come up for arguments on
01.06.2022 before the D.B.



(Mian Muhammad)
Member(Executive)

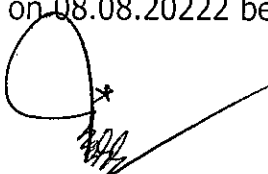


Chairman

01.06.2022

Mr. Muhammad Amin Ayub, Advocate junior of
learned counsel for the appellant present. Mr. Riaz Khan
Paindakhel, Assistant Advocate General for the
respondents present.

Vide previous order sheet, last opportunity was
granted for arguments, however junior of learned counsel
for the appellant is seeking adjournment on the ground
that learned counsel for the appellant has proceeded for
performing of Umrah. Adjourned. Last opportunity is
given. Learned counsel for the appellant shall ensure the
presence of his counsel on the next date. To come up for
arguments on 08.08.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

8-8-2022 Due to the Public holiday the
case is adjourned to 8.11.22

for
Reader


08.11.2022

Counsel for the appellant present.

Asif Masood Ali Shah learned Deputy District Attorney
for the respondents present.

Learned counsel submitted additional documents which
are placed on file and a copy whereof is handed over to learned
Deputy District Attorney. Learned DDA requested for
adjournment in order to go through the record. To come up for
arguments on 28.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)