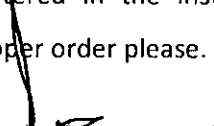



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12450 /2020 20

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2020	<p>The appeal of Mr. Muhammad Shuaib resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

30.11.2020

Mr. Mir Zaman Safi, Advocate, for appellant is present.

Appellant has sought modification in impugned Service Rules dated 24.07.2014 to the extent that the stipulated condition of 2nd Division/Class may be deleted from column No. 3 (i) B as highlighted in the respective table by directing respondents to consider appellant for promotion to the post of Secondary School Teacher with effect from that very date when his comrades and juniors were promoted with all consequential back benefits including seniority

The points so agitated at the bar need consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for ^{01.03.2021} ~~03.01.2021~~ before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

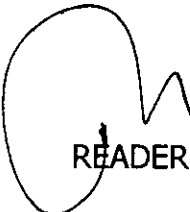
01.03.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is on leave, therefore, the case is adjourned. To come up for the same before S.B on 06.04.2021.


Reader

06.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.


READER

12450/20

14.07.2021

Counsel for the appellant present and submitted an application for extension of time to deposit security and process fee.

Application is allowed and appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.12.2021 before the D.B.

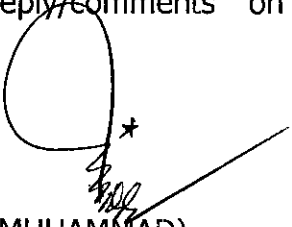
Security and Process Fee
20/9/21


Chairman

02.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to submit the same. Adjourned. To come up for written reply/comments on 07.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

07.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 07.04.2022 before S.B for the same.

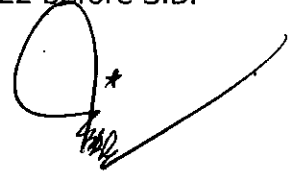


Reader

07.04.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl; AG for respondents present.

Written reply/comments not submitted. Notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 28.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

28.06.2022

Counsel for the appellant present. Naseeb Khan, SO on behalf of respondents No.3 present. No one present on behalf of respondents No. 1, 2, 4 and 5. Mr. Kabir Ullah Khattak, Additional AG present.

Written reply not submitted. Learned AAG seeks time for submission of written reply/comments. Request accepted by way of last chance. To come up for written reply/comments on 17.08.2022 before S.B.



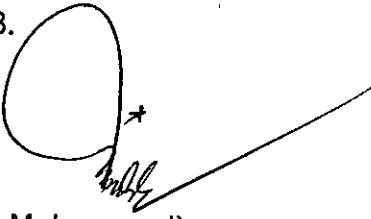
(Fareeha Paul)
Member (E)

17.08.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Naseeb Khan Section Officer and Mr. Touseef Ahmed, Litigation Officer for the respondents present.

Learned counsel for the appellant submitted an application for correction in address of respondent No. 5 as District Education Officer (Male) Dir Lower which has erroneously been written as District Education Office (Male) Mardan and further requested that the address of respondent No. 5 may kindly be corrected as District Education Office (Male) Dir Lower instead of District Education Officer (Male) Mardan. Application is allowed and the office is directed to make necessary correction in the heading of appeal with red ink.

Reply/comments on behalf of respondents submitted which are placed on file and copy thereof is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 07.11.2022 before D.B.


(Mian Muhammad)
Member (E)

4. Penalties:—(1) The following are the minor and major penalties, namely:

(a) Minor Penalties:—

(i) Censure;

(ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;

(iii) stoppage for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar.

(iv) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

(b) Major penalties:—

(i) Reduction to a lower post, grade or time scale; or to a lower stage in a time scale;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of person:—

(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or

(c) engaged under a contract, in accordance with the terms of the contract.

5. Enquiry procedure:—The following procedure shall be observed when a Government servant is proceeded against under these rules:

Attested
[Signature]

30

28

DRA

07.11.2022

Appellant present through counsel.

Naseer Ud Din Shah learned Assistant Advocate General alongwith Muhammad Hayat Ullah ASDEO and Waheed Ullah Assistant for the respondents present.

An application was submitted seeking correction of the address of respondents No. 5 as District Education Officer (Male) Dir Lower which was inadvertently written as District Education Officer (Male) Mardan. This application is allowed; necessary correction be made in the relevant register and memo of appeal.

Another application was submitted on behalf of appellant for ~~present~~ ^{placing the} appeal in hands before the Hon'ble Chairman for constitution of larger bench. In view of written request of the learned counsel for appellant, this case be placed before the Hon'ble Chairman for further appropriate orders. Parties are directed to appear before the said court on 4.1.2023

تاریخ عین

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

07.11.2022

Appellant present through counsel.

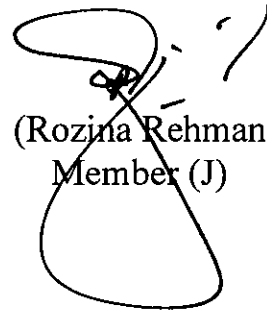
Naseer Ud Din Shah learned Assistant Advocate General alongwith Muhammad Hayat Ullah ASDEO and Waheed Ullah Assistant for the respondents present.

An application was submitted seeking correction of the address of respondents No. 5 as District Education Officer (Male) Dir Lower which was inadvertently written as District Education Officer (Male) Mardan. This application is allowed; necessary correction be made in the relevant register and memo of appeal.

Another application was submitted on behalf of appellant for placing the appeal in hands before the Hon'ble Chairman for constitution of larger bench. In view of written request of the learned counsel for appellant this case be placed before the Hon'ble Chairman for further appropriate orders. Parties are directed to appear before the said court on 04.01.2023.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)