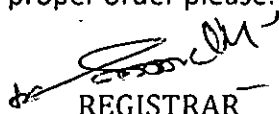





Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 2020/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23.12.2019	<p>The present appeal submitted today by Mr. Inayatullah Khan 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/02/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.02.2020	<p>Clerk to counsel for the appellant and requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.03.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
	24.03.2020	<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before S.B.</p> <p style="text-align: right;"> Reader</p>

15.06.2020

Counsel for the appellant present.

The grievance of appellant is that having been appointed on the same date alongwith the private respondents but being much senior in date of birth, he has been placed below the respondents in impugned seniority list of PSTs. This act on the part of respondents is in utter disregard of the provisions contained in the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Department (Appointment & Regularization of Service) Act, 2017, wherein it is laid down that in case the date of continuous service of two or more employees is the same, the employees older in age shall rank senior to the younger one.

In order to resolve the controversy instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 03.08.2020 before S.B.

  
Chairman

03.08.2020

Appellant is absent. Security and process fee have not been deposited by the appellant so far. Since neither the appellant nor anyone else representing him has appeared on his behalf, therefore, notices have to be issued to the appellant as well as his respective counsel for 29.09.2020 simultaneously directing him to comply with the Service Tribunal orders passed earlier.


  
(MUHAMMAD JAMAL KHAN)  
MEMBER

24.09.2020

Counsel for the appellant present.

An application on behalf of appellant has been submitted whereby a prayer for issuance of notices to respondents through publication has been made. It is agitated that the appellant is a Primary School Teacher and not affluent enough to afford the cost of individual notices to the respondents who are in large number.

In view of the provisions contained in Rule 10 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 the application is allowed. Office is directed to receive publication charges from the appellant and issue notices for 17.11.2020 for submission of reply/comments. The cash security for costs shall be deposited by the appellant as per rules.

  
Appellant Deposited  
Security & Process Fee

  
Chairman

17.11.2020

Counsel for the appellant present.

The appellant has submitted an application for order regarding service of respondents through normal mode of notice/summon.

On 24.09.2020 an application to the contrary was submitted which was allowed and the respondents were required to be served through publication. Now, the appellant has come to know that due to very large number of respondents, the publication would cover large space in the newspaper requiring exorbitant expenses. He is of the view that service through ordinary mode/summon may not cost that much expenses.

In view of the financial condition of the appellant, as agitated in the application, the application is allowed. Office is directed to receive expenses in accordance with the rules for issuing notices to the respondents through Ordinary mode. The appellant shall make the requisite deposit within 10 days, where-after the process of service shall be undertaken.

Adjourned to 01.02.2021 for submission of reply/comments by the respondents.



Chairman

01.02.2021

Junior to counsel for the appellant present.

Notices have not been issued to the respondents due to non-submission of spare sets of appeal.

Appellant is required to furnish spare sets of appeal within 7 days. Thereafter, notices be issued to the respondents. To come up for reply/comments on 18.05.2021 before S.B.



Chairman

18.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 05.07.2021 for the same as before.

  
Reader

05.07.2021

Counsel for the appellant present. Mr. Adeel Butt, Additional Advocate General for respondents present.

Notices to the respondent have not been issued. The office is strictly directed to issue notices to the respondents for submission of reply/comments within 10 days in office, positively. In case the respondents have not submitted reply/comments within stipulated time, office shall put up the appeal with a report of non-compliance. To come up for arguments on 24.11.2021 before D.B.

  
Chairman

Adil Shah

04.10.2022

1. Nobody present on behalf of the appellant. Learned Additional AG for respondents present.

2. On 15.09.2021, that is more than a year ago, learned counsel for the appellant had sought time for correction of nomenclature of the respondents. Since then adjournments are being sought by the learned counsel for the appellant, but neither application was submitted nor the appellant himself put appearance. It seems that the appellant is not interested in this appeal, therefore, the instant service appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4<sup>th</sup> day of October, 2022.*

(Farzha Paul)  
Member (I)

(Kalim Arshad Khan)  
Chairman

24.11.2021

Proper D.B is not available, therefore, case is adjourned to

3 / 3 /2022 for the same as before.

3-3-22

Due to Retirement of the Hon<sup>ble</sup> chairman the case is adjourned to

14-6-22

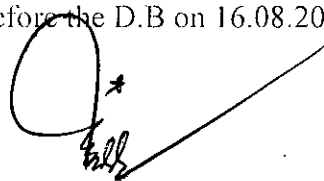
  
Reader

  
Reader

14.06.2022

Clerk of counsel for the appellant present. Mr. Zahid Ullah, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Written reply/comments on behalf of official respondent No. 1 & 2 submitted, which is placed on file. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 16.08.2022.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

16.8.22

Due to Summer vacation, the case is adjourned to. 6.10.22 for the same.

  
Reader

06.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak. Additional Advocate general for respondents present.

File to come up alongwith connected Service Appeal No. 2069/2019 titled "Abid Noor Vs. Elementary & Secondary Education Department" on 07.11.2022 before D.B.



(Mian Muhammad)  
Member (I)



(Kalim Arshad Khan)  
Chairman

07.11.2022

Appellant present through counsel.

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

File to come up alongwith connected Service Appeal No. 2069/2019 titled "Abid Noor Vs. Elementary & Secondary Education Department" on 18.11.2022 before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)