




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11964 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2020	<p>The appeal of Mr. Aftab Ahmad 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-	20.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mr. Haider Ali, Advocate on behalf of counsel for the appellant present.</p> <p>Requests for adjournment as learned counsel is engaged today in some personal affairs. Adjourned to 02.02.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

02.02.2021

Counsel for the appellant present.

It is argued that case of appellant for promotion to BS-17 was included in the Working Paper for Provincial Selection Board meeting to be held on 18.02.2020. For reasons not in the knowledge of appellant, the proposed meeting was delayed for about five months and in the meanwhile, recruitment in the respective quota of appointment in P.M.S BPS-17, were made. A notification dated 29.05.2020 was issued in that respect. It was also the argument of learned counsel that as the meeting of PSB scheduled on 18.02.2020 was delayed for no fault of the appellant, he was entitled to the seniority with effect from the said date. The departmental appeal was submitted by him on 30.07.2020 which was declined on 01.09.2020, hence the instant appeal. Learned counsel relied on Rule 17(b)(ii) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Prima-facie and in view of contents of order dated 01.09.2020 by the departmental appellate authority, the declining of respondents in granting relief to the appellant was based upon flimsy grounds. During the relevant period promotions to other posts were carried out on the recommendations of PSB, therefore, the excuse regarding non-constitution of the Board appears to hold no ground. The appeal in hand is, therefore, 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 12.03.2021 before S.B.


Appellant Deposited
Security & Process Fee

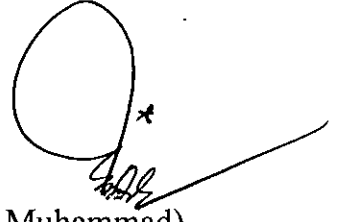

Chairman

12.03.2021

Counsel for the appellant present. Addl: AG alongwith Mr. Sultan Shah, Assistant for official respondents No. 1 to 3 present.

Written reply/comments not submitted. Representative of official respondents No. 1 to 3 seeks time to submit the same on the next date of hearing. Learned counsel for the appellant is directed to submit proper addresses of private respondents No. 4 to 126.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

07.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Sultan Shah, Superintendent for official respondents present. Reply/comments on behalf of official respondents submitted.

Junior to counsel for the appellant is directed to furnish correct/fresh addresses of private respondents within 07 days. Thereafter, notices be issued to private respondents on correct/fresh addresses for submission of written reply/comments within 10 days of the receipt of notices, positively. In case they have not submitted reply/comments within the stipulated time, office shall put up the appeal with a report of non-compliance. To come up for arguments on 06.10.2021 before the D.B.

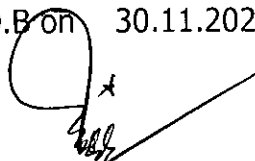


Chairman

05.10.2021

Junior to counsel for the appellant and Mr. Muhammad Rasheed, DDA alongwith Naheed Gul, Asstt. for official respondents present. None present on behalf of private respondents.

Last opportunity is granted to private respondents for submission of written reply/comments within 10 days in office, failing which their right for reply shall be deemed as struck off. Case to come up for arguments before the D.B on 30.11.2021 before the D.B.



(Mian Muhammad)
Member(Executive)



Chairman

30-11-2021 Due to non-availability of DB, the case is adjourned to 16-12-2021.

Amir
Reader

16.12.2021 Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents present.

Written reply/comments on behalf of official respondents have already been submitted. Neither anyone is present on behalf of private respondents nor their written reply/comments submitted, hence they are placed ex-parte. To come up for arguments on 03.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

3-3-22

Due to retirement of the Honble chairman the case is adjourned on 17-6-22

Amir
Reader

17.06.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to death of his close relative. Adjourned. To come up for arguments on 31.08.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

31/8/2022

Due to summer vacation DB is not available to come up for the same as kept on 11/10/2022



11th Oct., 2022

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

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 10.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


10.11.2022

Junior to counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former made a request for adjournment due to engagement of learned senior counsel for the appellant before Hon'ble High Court today. Adjourned. To come up for arguments on 09.01.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)