

12.01.2022

Counsel for the appellant, Asif Masood Ali Shah, DDA alongwith Jamil Ahmad Qureshi, DDA for the official respondents and counsel for private respondents No. 6 to 9 present.

Learned counsel for the appellant has submitted an application seeking withdrawal of the appeal with permission to file fresh appeal.

Arguments on application have been heard and record perused.

The reason given in the application maintains that the appellant filed instant service appeal for promotion as well as preparing/framing the joint seniority on the basis of notification dated 31.12.2012. The respondent department has issued another notification dated 05.10.2021 during pendency of appeal which framed rules in violation of rights of the appellant. The copy of the notification dated 05.10.2021 was not annexed with the application but on direction, the same has been produced and placed on file. The said notification is meant to make certain amendment in appendix relating to method of recruitment and has been issued in exercise of powers conferred by sub rule (2) of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 by the department in consultation with the Establishment Department and the Finance Department. If the appellant is advised to challenge the said notification subject to his locus-standi and other legal requirements, he may do so on an independent legal advice but permission for filing of fresh appeal in continuation of the present appeal is not workable as interest of private respondents is also involved. Therefore, this appeal is dismissed as withdrawn. However, this order shall not be treated as impediment, if the appellant is advised to challenge the notification dated 05.10.2021 in case he is able to make out a case for fresh cause of action in accordance with the law. File be consigned to the record room.


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


Chairman

ANNOUNCED
12.01.2022

02.11.2021

Counsel for the appellant, Mr. Kabirullah Khattak,
Addl. AG for the respondents present.

The learned Member (Judicial) is on leave,
therefore, case is adjourned. To come up for arguments
on 01.12.2021 before the D.B.


Chairman

01.12.2021

Due to non-availability of DB,
the case is adjourned to 07-01-2022.


Amir
Reader.

06.09.2021

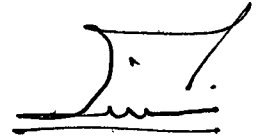
Mr. Said Khan, junior of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney.

Junior of learned counsel for the appellant requested for adjournment for arguments on the ground that learned counsel for the appellant is not feeling well today. Adjourned. To come up for arguments before the D.B on 24.09.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.



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



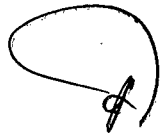
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

24.09.2021

Counsel for appellant present.

Muhamma Adeel Butt learned A.A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 10.12.2021 before D.B. In the meanwhile, the process of promotion shall not be finalized till the date fixed.



(Rozina Rehman)
Member (J)



Chairman

Noted by Appellant
M
22/10/22

08.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Jameel Ahmed Qurashi, Assistant Director alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Mr. Bilal Ahmed Kakazai, Advocate, for private respondents No. 6 to 9 present.

Learned counsel for the appellant requested that time may be granted to him for submission of rejoinder. Learned counsel for private respondents No. 6 to 9 as well as learned Additional Advocate General for official respondents No. 1 to 5 are having no objection on adjournment. Adjourned. To come up for rejoinder as well as arguments before the D.B on 28.07.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.07.2021

Clerk of counsel for the appellant present. Mr. Jamil Ahmed Qurashi Assistant Director alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondent No. 1 to 5 for the respondents present.

Clerk of counsel for the appellant stated 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 06.09.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.


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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.03.2021

Counsel for the appellant and Addl. AG alongwith Jamil Ahmad Qureshi, A.D (Litigation) for respondents No. 1 to 5 present.

On 12.02.2021 the official respondents were burdened with cost of Rs. 1000/- on account of non-submission of written reply/comments. On 26.02.2021, the respondents were further required to deposit Rs. 1000/- as costs, in addition to the one ordered on the previous date.

The representative of respondents No. 1 to 5 has deposited today the requisite cost and has also submitted parawise comments on behalf of the said respondents. Made part of the record. To come up for arguments on 29.04.2021. In the meanwhile, the process of promotion shall not be finalized.




(Mian Muhammad)
Member (E)


Chairman

29.4.2021

Due to COVID-19, the case is adjourned to 31-8-2021 for the same.



Report from 25.04



12.02.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned A.A.G for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G but on cost of payment of Rs.1000/-. To come up for written reply/comments on 26.02.2021 before S.B. In the meanwhile, process of promotion shall not be finalized till the date fixed.


(Rozina Rehman)
Member (J)

26.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Ibrar, Legal Assistant, on behalf of official respondents are also present.

Written reply on behalf of impleaded respondents has already been submitted while written reply on behalf of official respondents has not been submitted despite given of last chance and imposition of costs of Rs. 1000/-, therefore, the appeal is posted to D.B for rejoinder and arguments for 16.03.2021. In the meanwhile, process of promotion shall not be finalized till the date fixed.


(Muhammad Jamal Khan)
Member

08.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sameen Shah, Senior Clerk, on behalf of official respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Adjourned to 25.01.2021 on which date requisite written reply/comments shall be positively submitted by respondents. In the meanwhile process of promotion shall not be finalized till the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

25.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Samin Shah, Senior Clerk on behalf of official respondents and junior counsel for private respondents, are also present.

Junior counsel for private respondents furnished written reply which is placed on record. Written reply on behalf of official respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time is give but as a last chance. File to come up for written reply/comments on behalf of official respondents on 12.02.2021. In the meanwhile, process of promotion shall not be finalized till the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

24.12.2020

Counsel for the appellant and Asstt. AG for the official respondents present.

Mr. Bilal Ahmad, Kakaizai, Advocate has submitted an application for impleadment of (1) Qaiser Alam, Labour Officer Kohat (2) Altaf Hussain, Labour Officer presently posted as Assistant Director OPS Nowshera (3) Muhammad Sharif, Labour Officer, presently posted as Assistant Director OPS Abbottabad and (4) Rizwan Zia, Labour Officer, Peshawar as respondents. Application placed on record. Learned counsel for the appellant as well as learned AAG have ~~raised~~ no objection on the impleadment.

Application is, therefore, allowed. The above named applicants are impleaded as private respondents No. 6, 7, 8 and 9, respectively. Office is required to make entry in the memo. of appeal with red ink. Counsel for the appellant is required to arrange copies of memo. of appeal alongwith complete documents for the newly impleaded respondents within 10 days.

To come up for written reply/comments of all the respondents on 08.01.2021 before S.B.


Chairman

09.12.2020

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24.12.2020 before S.B.

Annexed with memo of appeal is an application for interim relief. Notice of the said application be issued to respondents. Process of promotion shall not be finalized till the date fixed.

Appellant Deposited
Security & Process Fee
09/12/20

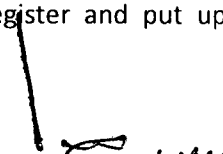



(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 10926 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/09/2020	<p>The appeal 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>02/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
02.11.2020		<p>Nemo for appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 05.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

The appeal of Mr. Ramir Murad Inspector Weights and Measures Labour Department received today i.e. on 31.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

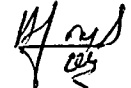
Annexure-B of the appeal is illegible which may be replaced by legible/better one.

No. 2538 /S.T,

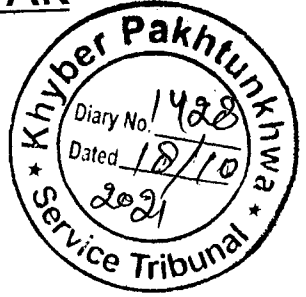
Dt. 01-09 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Note: Annex-B, page-9 has been corrected, placed with better one - Hence resubmitted. 14.09.2020 

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



Put up to the working chair — on
with relevant appl.
Service Appeal No. 10926/2020

Service Appeal No. 10926/2020

18/10/21
RANJEER MURAD

Vs

Government of KPK etc.

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

Application on behalf of the Applicant / Respondent is as under:

1. That, titled appeal is pending subjudice before this Honorable Tribunal which is fixed for 10.12.2021.
2. That, last date of hearing was 24.09.2021 however despite the grant of Interim Order to the effect that the promotion of the Applicant / Respondent may not be finalized, the next date of hearing is given as 10.12.2021.
3. That, now the Department is going to appoint the Assistant Directors from the quota of initial Appointment and in this respect, the Interviews are scheduled to be held on 01.11.2021.
4. That, if the initial incumbent came / appointed, the Appellant / Respondent will lose his seniority against him.
5. That, justice delayed is justice denied.

It is, therefore, requested that the matter be fixed for an early date preferably before 01.11.2021.

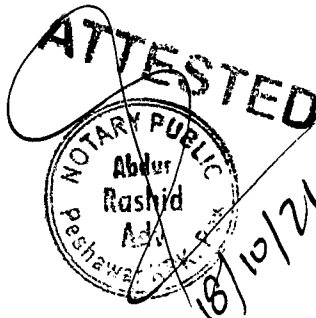
Applicant / Respondent

Through

Bilal Ahmad Kakaizai
BILAL AHMAD KAKAIZAI
(Advocate Peshawar)

AFFIDAVIT:

I, Altaf Hussain, Applicant / Responded, do hereby on oath affirm and declare that the content of the Application are true and correct and nothing is concealed.



Deponent:

Allowed
2nd week of
November
18/10/2021
2.11.21
noted for
21/11/21

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 10926/2020

RANDEEZ MURAD

Vs

Government of KPK etc.

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

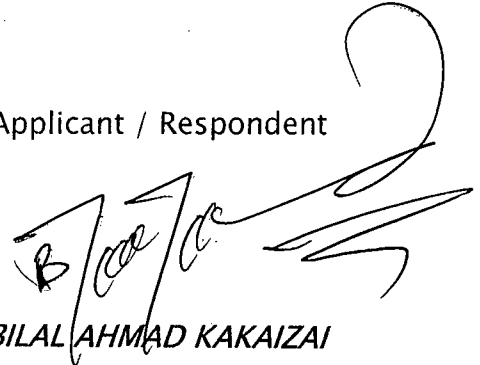
Application on behalf of the Applicant / Respondent is as under:

1. That, titled appeal is pending subjudice before this Honorable Tribunal which is fixed for 10.12.2021.
2. That, last date of hearing was 24.09.2021 however despite the grant of Interim Order to the effect that the promotion of the Applicant / Respondent may not be finalized, the next date of hearing is given as 10.12.2021.
3. That, now the Department is going to appoint the Assistant Directors from the quota of initial Appointment and in this respect, the Interviews are scheduled to be held on 01.11.2021.
4. That, if the initial incumbent came / appointed, the Appellant / Respondent will lose his seniority against him.
5. That, justice delayed is justice denied.

It is, therefore, requested that the matter be fixed for an early date preferably before 01.11.2021.

Applicant / Respondent

Through


BILAL AHMAD KAKAIZAI
(Advocate Peshawar)

AFFIDAVIT:

I, Altaf Hussain, Applicant / Responded, do hereby on oath affirm and declare that the content of the Application are true and correct and nothing is concealed.

Deponent: