

8/8/2018

Counsel for the appellant Shaukatullah present. Preliminary arguments heard. It was contended that appellant was serving in Agriculture Department as Director, Soil Conservation BPS-19. It was further contended that as per notification dated 4/11/2011, the civil servants who has crossed age of 58 years, were exempted from NIPA training/course. It was further contended that one Zulfiqar Ahmad of the same department has been promoted from BPS-19 to BPS-20 as per tentative seniority list dated 16/5/2017. It was further contended that the said Zulfiqar Ahmad is junior from the appellant and promoted to BPS-20, but the appellant was ignored. Against which he filed departmental appeal, which was rejected. Hence the present appeal. It was further contended that the appellant has been retired from service, therefore, entitled for proforma promotion.

Points urged at bar need consideration. The appeal is admitted. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments on 2/10/2018 before SB.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
MEMBER

02.10.2018

Counsel for the appellant present. Security and process fee not deposited. Appellant is directed to deposit the security and process fee within three days, thereafter, notice be issued to the respondents for written reply/comments for 16.11.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

16.11.2018

The learned Chairman has not yet assumed the charge. Therefore, the case is adjourned. To come up on, 04.01.2019. Written reply not received.


READER


04.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is 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 19.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

19.03.2019

Counsel for the appellant and Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Naveed Hashim Soil Conservative officer for the respondents present. Written reply not submitted. Representative of the respondents department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 12.04.2019 before S.B.


Member

492/18

12.04.2019

Appellant in person and Addl. AG alongwith Naveed Hashim Soil Conservation Officer for the respondents present.

Representative of respondents states that the requisite reply/comments have been prepared but are yet to be vetted. He, therefore, requests for adjournment.

Adjourned to 25.04.2019 before S.B.


Chairman

25.04.2019

Counsel for the appellant present. Addl: ^{AG} for respondents present. Written reply not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 19.06.2019 before S.B.


(Ahmad Hassan)
Member

19.06.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Naveed Hashim, Soil Conservation Officer for the respondents present. Representative of the department submitted joint written reply on behalf of respondents No. 1 to 4. Case to come up for rejoinder and arguments on 09.08.2019 before D.B.


(Muhammad Amin Khan Kundi)
Member

09.08.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come for arguments on 01.10.2019 before D.B.


Member


Member

01.10.2019

Junior counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Naveed Hashim, Conservation Officer for the respondents present. Junior counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Adjourned to 05.11.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

05.11.2019

Miss. Rabia Muzafar, Advocate present on behalf of learned counsel for the appellant present and seeks adjournment. Mr. Ziaullah, DDA alongwith Mr. Naveed Hashim, Conservation Officer for respondents present. Learned DDA stated that similar nature of appeal has already been rejected by this Tribunal. Adjourn. To come up for arguments on 13.12.2019 before D.B. Appellant be put on notice for appearance for the date fixed.


Member


Member

13.12.2019

Appellant in person present. Addl: AG alongwith Naveed Hashim, Conservation Officer for respondents present. Appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 12.02.2020 before D.B.


Member


Member

12.02.2020

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Naveed Hasham Conservation Officer for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 20.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.03.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Khalid Gohar, D.D for the respondents present. Adjourned to 20.05.2020 for arguments before D.B.

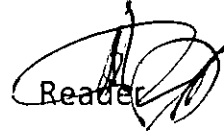

(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

_____ .2020

Due to COVID19, the case is adjourned to

12/8/2020 for the same as before.


Reader

12.08.2020


Due to summer vacations case to come up for the same on
15.10.2020 before D.B.

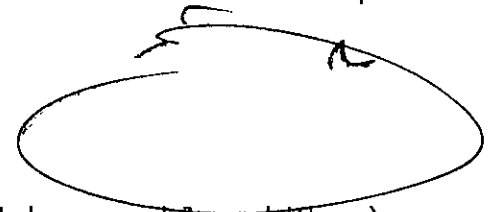

Reader

15.10.2020

Miss. Rabia Muzaffar, Advocate for appellant is present. Mr. Muhammad Jan, Deputy District Attorney alongwith representative of the department Syed Bilawal Shah, Junior Scale Stenographer, are also present.

Learned counsel submitted that her senior is busy before the Hon'ble Peshawar High Court, Peshawar and requested for adjournment. Adjourned to 11.12.2020 on which to come up for arguments before D.B.


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


(Muhammad Jamal Khan)
Member (Judicial)

11.12.2020


Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Syed Bilawal Shah, Junior Scale Stenographer, for the respondents are also present.

Due to COVID-19, the case is adjourned to 05.03.2021
before D.B.


READER

04.03.2021

Due to COVID-19, the case is adjourned for the same on 10.06.2021 before D.B


READER

10.06.2021

Counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 03.09.2021 before D.B.



(Rozina Rehman)
Member (J)


Chairman

03.09.2021

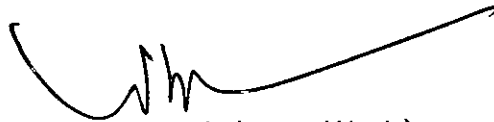
Due to summer vacations, the case is adjourned to 13.01.2022 for the same as before.


READER

13.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Syed Bilawal Shah, Steno for respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. To come up for arguments before the D.B on 29.04.2022.



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


Chairman

29.04.2022

Counsel for the appellant present. Syed Naseer Ud Din Shah, Assistant Advocate General alongwith Syed Bilawal Shah, Steno for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 20.06.2022.



(Mian Muhammad)
Member(E)


(Salah Ud Din)
Member(J)

20th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant seeks adjournment to further prepare the brief. Last chance is given, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 31.08.2022 before the D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

31.08.2022

Clerk of learned counsel for the appellant present.
Mr. Bilal Shah, Stenographer alongwith Mr. Kabirullah
Khattak, Additional Advocate General for the
respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is
on leave, therefore, arguments could not be heard.
Adjourned. To come up for arguments on 10.11.2022
before the D.B.



(Salah-ud-Din)
Member (Judicial)

10.11.2022

Junior to counsel for the appellant present.

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

Former requested for adjournment on the ground that his
senior counsel is busy, before Hon'ble Peshawar High Court
Peshawar. Adjourned. To come up for arguments on 09.12.2022
before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)