



Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 1214/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/11/2017	<p>The appeal of Mst. Shaheen Begum presented today by Mr. Muhammad Zafar Tahir Kheli Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 1/11/17</p>
2	02/11/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/11/17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

09.11.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant is working as Associate Professor in Education Department. The respondents circulated seniority list dated 01.03.2013 in which directly appointed Associate Professors were shown senior to the appellant and others (Promotees). The appeal was filed against the said list in this Tribunal and vide judgment dated 13.08.2015 certain directions were given to the respondents to issue revised seniority list within a period of 60 days. As the said judgment was not implemented so Execution Petition no. 5/16 was filed in this Tribunal. During the pendency of Execution Petition a final seniority list were circulated on 10.08.2017. Finally the Execution Petition was dismissed vide order dated 13.10.2017. However, the appellant was placed at liberty to challenge the seniority list if so desired subject to observance of relevant rules. The main grievances of the appellant are that she has not been assigned the proper place in the recently notified seniority list. An separate application for interim relief i.e to stop the department from making promotion to BPS-20 has also been submitted.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 28.12.2017 before S.B. Notice of interim relief application be also issued to the respondents for the date fixed.

(AHMAD HASSAN)
MEMBER

28.12.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Advocate, appeared on behalf of private respondent No. 7 & 11 submitted fresh wakalat nama which is placed on file. Mr. Kabir Ullah Khattak, Addl: AG for the respondent present. Written reply not submitted. Learned Addl: AG requested for further time adjournment. Adjourned. To come up for written/comments on 18.01.2018 before S.B.

(Gul Zeb Khan)
Member (B)

Service Appeal No. 1214/2017

18.01.2018

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ibrar Ali, AD (litigation) for official respondents No. 1 to 3 and counsel for private respondents No. 7 to 11 also present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 01.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


01.02.2018

Clerk to counsel for the appellant and Mr. Usman, Ghani, District Attorney for official respondents and clerk to counsel for private respondents no. 7 and 11 present. Written reply not submitted. Requested for adjournment. Notice be issued to respondents no. 4 to 6, 8 to 10 and 12 to 24. Last opportunity granted. To come up for written reply/comments on 01.03.2018 before S.B.


(Ahmad Hassan)
Member(E)

01.03.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ibrar Ali, Assistant Director for official respondents No. 1 to 3 also present. None present on behalf of private respondent No. 4 to 24 therefore, fresh notice be issued to them for attendance and filing of written reply. Written reply on behalf of official respondent No. 1 to 3 not submitted. Representative of the department requested for further adjournment. Last opportunity is granted subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 29.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

29.03.2018

✓
Counsel for the petitioner and Addl. AG alongwith Abrar Ali, Supdt. for the respondents present. Representative of the respondents seeks further adjournment. Last opportunity is further extended. To come up for written reply and cost of Rs. 1000/- on 12.04.2018 before S.B.


Chairman

12.04.2018

✓
Counsel for the appellant and Addl: AG present. None present on behalf of official respondent. Therefore, fresh notices be issued to the respondent department to attend the court positively. Written reply not submitted despite extension of last opportunity and cost of Rs. 1000/-. Another last opportunity is extended subject to payment of further cost of Rs. 2000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments 10.05.2018 before S.B.


Member

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.


Reader

06.07.2018

Counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl: AG alongwith Abrar Ali, Supdt for official respondents present and counsel for private respondents No. 5 & 11 present. None present on behalf of remaining private respondent. Written reply not submitted despite extension of last opportunity and cost of Rs. 2000/-. Another last opportunity is extended subject to payment of further cost of Rs. 3000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 3000/- on 15.08.2018 before S.B.


Member

15.08.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. As lawyer community is on strike due to killing of an advocate at D.I.Khan. Case to come up for written reply/comments and cost of Rs. 3000/- on 10.10.2018 before S.B.


Chairman

10.10.2018

Mr. Ansarullah, Advocate ~~Advocate~~, counsel for the appellant present. None is present on behalf of the respondents nor their written reply received despite several opportunities were granted to them, including last opportunities subject to payment of costs. As such defence of the respondents is struck off. To come up for arguments on 28.11.2018 before D.B.


Chairman


28.11.2018

- Nemo for appellant. Addl. AG alongwith Ibrar Superintendent for official respondents and counsel for respondents No. 5 and 11 present.

Learned counsel for private respondents No. ⁵ and 11 submitted an application for setting aside the order of striking of defence passed on 10.10.2018. The same is placed on file with notice to other side. The appellant shall file reply to the application, if so advised, atleast one week before next date of hearing.

Adjourned to 15.01.2019 for proceedings before an S.B.


Member


Chairman

15.1.2019

Mr. Ansarullah, Advocate for appellant, Addl. AG alongwith Ibrar Ali, AD for the official respondents and Mst. Humaira Gul junior to Mr. Muhammad Adeel Butt, Advocate for private respondents 5 and 11 present.

The reply to application for setting aside the order of striking of defence has not been submitted. Adjourned to 26.02.2019 for the needful.


Chairman

26.02.2019

Nemo for the appellant. Mr. Kabirullah Khattak Addl; AG for the respondents present. Junior to counsel for the private respondents No. 5 & 11 present and seeks time to file written reply. Last opportunity is granted. To come up for written reply/comments on 04.04.2019 before S.B.


(Ahmed Hassan)
Member

04.04.2019

None for the appellant present. Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Another last opportunity granted. Case to come up for written reply/comments on 07.05.2019 before S.B.


(Ahmad Hassan)
Member

07.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 present. Learned counsel for private respondents No. 5 & 11 also present and requested for adjournment. Adjourned to 25.06.2019 reply and arguments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.06.2019

Counsel for the appellant present. Addl: AG for official respondents and junior to counsel for private respondents no. 5 and 11 present. Counsel for the appellant seeks time to submit reply on application submitted by private respondents no. 5 and 11. Case to come up for written reply/comments on application on 20.08.2019 before S.B.


(Ahmad Hassan)
Member

20.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, Assistant AG for the official respondents and counsel for private respondents No. 5 and 11 present.

Counsel for the appellant requests for time for submission of reply to application of respondents No. 5 and 11. Adjourned to 18.09.2019 on which date the requisite reply on behalf of appellant shall positively be submitted.


Chairman

1214/17.

18.09.2019

Nemo for the appellant. Addl. AG for official respondents and Mr. Muhammad Adeel Butt, Advocate/counsel for respondents No. 5 & 11 present.

Notice be issued to the appellant/learned counsel for submission of reply to application of respondents No. 5 and 11 on 09.10.2019 before S.B.

Chairman 

09.10.2019

Counsel for the appellant and Addl. AG for the respondents present.


Learned counsel for the appellant has submitted reply to application for setting aside order dated 10.10.2018. Placed on record.

To come up for arguments on 18.12.2019.

Chairman 

18.12.2019

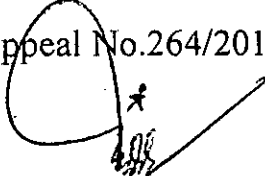
Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Kazi Ayaz Litigation Officer present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings/arguments on 20.02.2020 before D.B.



Member


Member

20.02.2020

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present. Junior to counsel for private respondent No.5 & 11 present and seeks adjournment as senior counsel for the said respondents not available. Adjourned To come up for arguments on 27.03.2020 before D.B. Learned counsel for the parties shall also assist this Tribunal as to whether the identical nature cases have already been disposed of vide common judgment dated 11.11.2019 passed in Service Appeal No.264/2018 filed by Mst. Farhat Jabeen.


Member


Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before D.B.

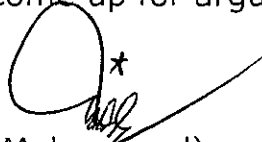

Reader

17.06.2020

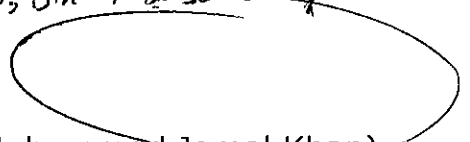
Due to Covid-19, the case is adjourned. To come up for the same on 10.09.2020 before D.B.


Reader

appropriate legal action. Respondents are directed to ensure payment of all the costs imposed previously to the appellant from whom receipt has to be obtained to be placed on record. Order announced. File to come up for arguments before D.B, on 9-11-2020



(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

10.09.2020

Mr. Ansar Ullah Khan, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 and Mr. Muhammad Adeel Butt, Advocate, for Private respondents No. 5 & 11 are also present.

2. Learned Additional Advocate General emphasized that the respective reply on behalf of official respondents was already on file before the passage of the order striking of the defense of respondents, therefore, the referred to respondent could not be deprived of their right of defense. That astonishingly the attendance of Law Officer has not been recorded in the order sheet despite having been marked present in so many other appeals fixed for that very day.

3. On the other hand learned counsel for the appellant submitted that he has no objection on the acceptance of the above referred to application provided that payment of cost is made.

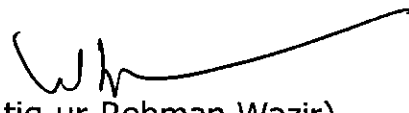
4. The perusal of record reveals that it was by virtue of order sheet dated 10.10.2018 that non was recorded present on behalf of respondents nor written reply was received despite affording of manifold opportunities including last opportunity and subject to payment of cost that their defense was struck of. The record affirms the availability of copy of reply on behalf of the respondents but without bearing any date or containing any endorsement and the date of its receipt so that it could be considered to have been submitted. In case the reply on behalf of respondents was actually submitted prior to the passage of the referred to order it must not have escaped the notice of the worthy bench of this august Service Tribunal. Likewise if anyone including the Law Officer, has appeared on behalf of the official respondents it must not have gone un-noticed meaning thereby that infact no one has appeared on behalf of the respondents necessitating initiation of the action culminating into striking of their defense. Presumption of correctness is attached to the court/Tribunal proceedings unless and until rebutted by the strong evidence of unimpeached and credible character which in the case in hand has not forth come, therefore, by acceptance of application the right of defense of respondents is restored with the direction to them to be vigilant and careful in future lest they may expose themselves to

09.11.2020

Junior to counsel for appellant present. Zara Tajwar learned Deputy District Attorney for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 25.01.2021 for hearing before the D.B.


Chairman


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

25.01.2021

Due to pandemic of Covid-19, the case is adjourned to 14.04.2021 for the same.


Reader

~~25.01.2021~~

~~Due to pandemic of Covid-19, the case is adjourned to 14.04.2021 for the same.~~

~~Reader~~

14.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to ~~14.04.2021~~ for the same as before.

2-8-2021


READER

02.08.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Junior of learned counsel for private respondent No. 5 to 11 present and requested for adjournment as senior counsel for private respondent No. 5 to 11 is not available today. Adjourned. To come up for arguments on 21.09.2021 before D.B.



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



(Rozina Rehman)
Member (J)


21.09.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned senior counsel for the appellant is stated to be busy before the Hon'ble High Court and adjournment is, therefore, sought. Request is accorded. To come up for arguments on 20.12.2021 before the D.B.



(Rozina Rehman)
Member(Judicial)




Chairman

20.12.2021

Counsel for the appellant and Mr. Muhammad Rasheed DDA for the respondents present.

Former seeks adjournment for further preparation. Request is accorded. To come up for arguments on 31.03.2022 before the D.B.



(Atiqur Rehman)
Member(E)




Chairman

31.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for official respondents and counsel for private respondents present.

Learned counsel for the appellant submitted an application for directing the respondents to produce/submit copy of letter No. S.O(C-I)H-E/1-12/937/16/1218 dated 20.04.2016. Official respondents are directed to produce copy of letter dated 20.04.2016 on or before next date.

This appeal is of 2016 and being delayed due to various reasons. Last chance is, therefore, given to both the parties. While respondents shall place on record copy of the letter requested in the application on or before the date fixed. In case the respondents fail to produce the said letter, the Tribunal if felt need, will summon the said letter and decide the appeal. Case to come up for arguments on 27.04.2022 before the D.B.



(Mian Muhammad)
Member(Executive)



Chairman

27th April, 2022

None present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant AG for the respondents present.

On previous date, last chance was given to the parties to argue the case on 27.04.2022. Today neither appellant nor her counsel is present. There is no alternate but to fix the case for order to be announced on 01.06.2022. Learned counsel for the parties may be heard, in-the meantime.

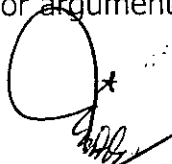

(Fareeha Paul)
Member (E)

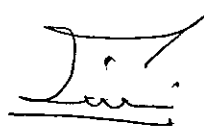

Chairman

01.06.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Qazi Ayaz Litigation Officer for the respondents present. Counsel for private respondents No. 5 & 11 present.

Vide order sheet dated 31.03.2022, respondents were directed to produce copy of letter dated 20.04.2016 but even today they failed to submit the said letter. Representative of the respondents is strictly directed to produce copy of letter dated 20.04.2016 on or before next date. Last opportunity granted. To come up for argument on 25.07.2022 before D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

25th July 2022 Learned counsel for the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant Advocate General alongwith Mr. Qazi Ayaz, Litigation Officer for official respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 10.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

10.10.2022

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

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. To come up for arguments on 15.12.2022 before D.B.



(Farecha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Late Diary
10th Oct, 2022

Counsel was informed telephonically for the date fixed on 11/10/2022

Despite direction for fixation of the cases for the shortest possible dates, the office has fixed this case for a longer date. The Reader of the court is warned to be careful in future. The date fixed in this case is accelerated to 15 / 11 / 2022. Notices be issued to the parties and their counsel for the date fixed.



(Farecha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

15th Nov. 2022 Counsel for the appellant present.

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

Former requested for adjournment in order to further prepare the brief. Adjourned. Being old case of 2017, last chance is given. To come up for arguments on 26.12.2022 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)