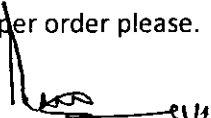



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7779/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2021	<p>The appeal of Mr. Muhammad Bashir resubmitted today by Mr. Akhunzada Ahmad Saeed 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 at Peshawar for preliminary hearing to be put there on <u>9/10/2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>

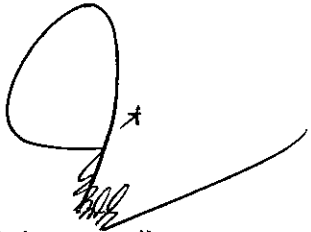
01.02.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case stated that the appellant was initially appointed as Lecturer (History cum Civic) on 04.04.2006 and subsequently promoted as Assistant Professor (BS-18) on 12.12.2014. He was posted as Deputy Director (Establishment) in the Directorate against vacant post vide notification dated 08.01.2015. Presently the appellant is aggrieved of the impugned notification dated 29.06.2021 whereby he was awarded minor penalty of "withholding of two annual increments for one year". The appellant feeling aggrieved, submitted review petition to the Chief Minister, Khyber Pakhtunkhwa under Rule-17 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on 16.07.2021 which was decided and the said penalty was maintained vide notification dated 25.10.2021. The appellant thereafter approached the Service Tribunal through the instant service appeal on 19.11.2021. It was further contended that the basis for the impugned notification/penalty was an advertisement for recruitment of 29 Teaching Assistants. However, neither the appellant was notified in the Grievance Redressal Committee dated 05.11.2014 nor even associated with the said Selection Process of Teaching Assistants. Rather it was Mr. Abdur Rashid, Deputy Director (Sports) who was responsible for the purpose of selection of Teaching Assistants when one Majid Khan who appeared at serial No. 6 of the merit list was ignored and other two persons namely Ahmad Ali and Umer Ali who stood junior to him on the merit list were included in the proposal against vacancies of Teaching Assistants through hand written insertion in the list/proposal. The preliminary enquiry conducted by the department also mentioned in para-2 thereof name of Mr. Abdur Rashid, Deputy Director (Sports). Interestingly, when formal enquiry was conducted through enquiry officer he also did mention the accused Mr.

Abdur Rashid for the said lapses in inquiry report dated 09.01.2020 and suggested/recommended to respondent No.2 for further probe into the missing record of selection process of Teaching Assistants. The appellant was provided an opportunity of nominal preliminary hearing by Secretary Agriculture and Live Stock on behalf of the Chief Minister who did neither give him patience hearing nor consider^{ed} facts of the case. The ends of justice have therefore not been met~~ed~~ and the appellant was condemned unheard leading into miscarriage of justice.

The appeal is admitted to regular hearing subject to all just legal **Appellant Deposited Security & Process Fee** objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 04.04.2022 before S.B.


(Mian Muhammad)
Member(E)

04.04.2022

Appellant present in person. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Jehanzaib, Superintendent for the respondents present.

Written reply not submitted. Representative of the respondents requests for further time. Last opportunity is granted subject to payment of Cost of Rs. 5000/- to be paid to the appellant. To come up for written reply and cost on 10.05.2022 before the S.B.


Chairman

Appeal No. 7779/2021
Muhammad Bashir vs Govt

10.05.2022

Counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Jehanzeb Superintendent for respondents present.

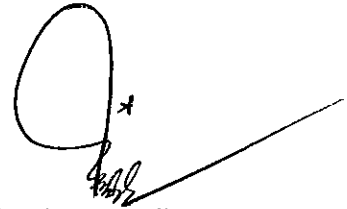
Reply on behalf of respondents is still awaited. Representative of respondents paid the cost of Rs.5000/- to the appellant and requested for time to submit reply/comments. Granted with direction to submit the same within 10 days in office, positively. If the reply/comments are not submitted, right of respondents for submission of comments shall be deemed as struck off. To come up for reply/comments on 21.06.2022 before S.B.



(Rozina Rehman)
Member (J)

21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Naseeb Khan Section Officer and Miss Lubna Law Officer for the respondents present and submitted reply/comments which are placed on file. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 08.09.2022 before D.B.



(Mian Muhammad)
Member (E)

I received the cost of Rs. 5000/- from the representative namely Jehanzeb Anwar. 10/5/2022

08.09.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Ihsan Ullah Khan Law Officer for respondents present.

Former submitted rejoinder with a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 15 / 11 / 2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member(J)

15th Nov. 2022 Assistant to learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant before Honourable Peshawar High Court. Adjourned. To come up for arguments on 10.01.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)