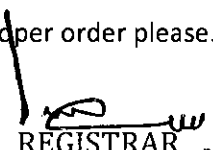




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7912/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2021	<p>The appeal of Hafiz Abdul Wahid resubmitted today by Mr. Muhammad Isa Khan Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>14/01/22</u>.</p> <p> CHAIRMAN</p>
	14.01.2022	<p>Learned counsel for the appellant present.</p> <p>Being Chairman of Departmental Selection Committee, I am busy in Administrative work regarding recruitment, therefore, to come up for preliminary hearing on 24.01.2022 before the S.B.</p> <p> (Salah-Ud-Din) Member (J)</p>

24.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening his arguments stated that the appellant is working as Arabic Teacher (BS-15) in the respondent-department since 26.9.2020 and is presently posted at GHS Ghami Kor since 27.03.2021. The appellant is aggrieved of the transfer order dated 12.10.2021 whereby teacher at serial No. 3 (now private respondent No.5) was transferred against the post of appellant. Consequent upon the said impugned order, private respondent No.5 submitted his charge report to the Headmaster, GHS Ghami Kor, District Mohmand. As the post was already occupied by the appellant, Headmaster of the school informed respondent No.1 of the factual position vide E-mail ~~message~~ dated 23.10.2021 followed by another E-mail dated 01.11.2021. However, respondent No.1 was adamant at to implement the impugned order, directed him to implement the transfer order in question vide letter dated 08.11.2021. The Headmaster had no other option but to relieve the appellant on 09.11.2021. However, the appellant before having been relieved from GHS Ghami Kor, District Mohmand submitted departmental appeal to respondent No.3 on 04.11.2021 which was not responded to, hence, the instant service appeal was instituted in the Service Tribunal on 14.12.2021. It was further contended that the impugned order has been issued with total disregard to clause-I,III, IV and IX of the E-Transfer policy of the provincial government dated 11.09.2019 because neither the impugned order has been issued in the month of March nor it has been issued against the vacant post or on completion of normal tenure of posting and as such the said impugned order is discriminatory and not sustainable.

The appeal is admitted to regular hearing subject to all just legal 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 11.02.2022 before S.B.

An application for suspension of impugned order dated 12.10.2021 is also submitted with the memorandum of appeal. Status-quo be maintained and the impugned transfer order is suspended to the extent of teacher at Serial No.3 only i.e private respondent No.5 till the date fixed.

Appellant Deposited
Security Process Fee

(Mian Muhammad)
Member(E)

11.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.02.2022 for the same as before.

Reader

Appeal No. 7912/2021
Hafiz Abdul Wahid vs Govt

28.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.

(E)
Reader

30.03.2022

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

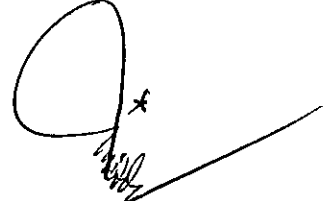
Written reply/comments on behalf of respondents No. 1 to 3 have been submitted through office vide diary No. 423 dated 10.02.2022 which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Learned counsel for the appellant contended that the court orders dated 24.01.2022 are not being honored by the respondents particularly respondent No.1 (DEO Mohmand Tribal District) and as such submitted application for initiation of COC which is placed on file. Notices of this COC application be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on COC application as well as written reply of respondents No. 4 and 5 on main appeal on 25.04.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

25.04.2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Addl: AG for respondents present.

Neither respondents No. 4 and 5 submitted their written reply/comments on main appeal nor reply on COC application have been submitted by the official respondents. Notices be issued to the respondents No. 4 and 5 to submit reply/comments on main appeal as well as to official respondents for reply/comments on COC application on 26.05.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

26.05.2022

Appellant in person present. Mr. Noor Zaman Khattak,
District Attorney alongwith Mr. Noor Badshah for official
respondents No. 1 to 3 present. None present on behalf of 4 & 5.

Neither respondent No. 4 & 5 submitted their written reply/comments on main appeal nor reply on COC application has been submitted by the official respondent. Representative of respondents No. 1 to 3 requested for time to submit reply/comments on COC application. Notice be issued to respondents No. 4 & 5 to submit reply/comments. Last opportunity is granted. To come up for written reply/comments on 20.06.2022 before S.B.



(Mian Muhammad)
Member (E)

20.06.2022

Appellant present in person. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present.

Mr. Afrasiab Khan Wazir advocate present and submitted Vakalatnama on behalf of private respondent No. 5 which is placed on file and seeks time for submission of written reply/submission on the date fixed. Last opportunity is granted.

Despite notice private respondent No. 4 not present, hence proceeded as ex-parte. To come up for reply/comments on 04.07.2022 before S.B.

(Fareeha Paul)
Member (E)

04.07.22 Learned Counsel for the appellant & learned ATG for the official respondents present. The latter filed reply on behalf of the official respondents. The Counsel for the private respondent No. 5 present & relied on the reply of the official respondents. Respondent (4) has already been placed ex-parte. To come up for arguments before DB on 11-08-2022

11.8.2022

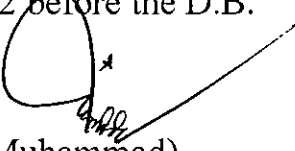
Proper DB not available the case is
adjourned to 3-11-2022

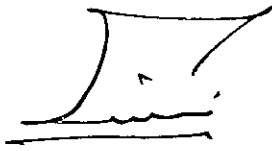

Reader

03.11.2022

Appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 4 present. Learned counsel for private respondent No. 5 is also present.

Appellant requested for adjournment on the ground that his counsel is indisposed today. Adjourned. To come up for arguments on 16.11.2022 before the D.B.


(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)


16.11.2022

Appellant present in person.

Muhammad Riaz Paindakhel, learned Assistant Advocate General for respondents present.

Former requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 10.01.2023 before D.B


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)