

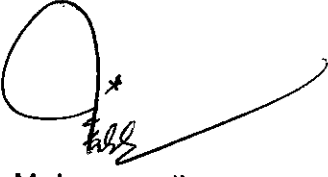


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

C.O.C application No. 403 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/07/2022	<p>The C.O.C application of Mr. Shafiq Khan submitted today by Mr. Taimur Ali Khan Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench on <u>20/07/2022</u></p> <p style="text-align: right;">By the order of Chairman                        REGISTRAR</p> <p>Counsel for the petitioner present.</p> <p>Notice of COC Petition be issued to the respondents. To come up for reply/arguments on 18.08.2022 before S.B.</p> <p style="text-align: right;">                       (Mian Muhammad)                      Member (E)</p>
20.07.2022		<p>Clerk of learned counsel of the appellant present.</p> <p>It is evident from record that notices of COC petition as ordered on 20.07.2022 have not been issued. The office is, therefore, directed to issue notice to the respondents today positively. Adjourned. To come up for reply/arguments on on COC Petition before the S.B on 12.09.2022.</p> <p style="text-align: right;">                       (Mian Muhammad)                      Member (E)</p>
18.08.2022		

SCANNED  
KFST  
Peshawar

12.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 24.10.2022 for the same.

  
Reader

24<sup>th</sup> Oct, 2022

Clerk of learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Shiraz Khan, DEO(M), Kohat present.

Mr. Muhammad Shiraz Khan, DEO(M) Kohat present in the court and submitted reply to the C.O.C application which is placed on file. A copy of the same is also handed over the clerk of learned counsel for the petitioner. To come up for arguments on C.O.C. Application on 14.11.2022 before S.B.




(Kalim Arshad Khan)  
Chairman

14.11.2022 Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Shiraz Khan, DEO (M) present.

Contention of the learned counsel for the appellant is that in view of the order of Service Tribunal dated 30.06.2022, the department was required to have reversed the procedure and the appellant was to be promoted as SST (BS-16) Physic/Maths group under 40% promotion quota. Contrary to the arguments of learned counsel for the appellant, learned Additional Advocate General is of the opinion that order of the private respondents has been issued/made on "contract basis" vide order dated 24.06.2022 and the stay granted to the appellant by Service Tribunal on 30.06.2022 which was received in the department on 07.07.2022 therefore, the action had already been taken by the department, is correct and no violation of the Service Tribunal order has been made.

Taking in view arguments of both the sides, the department is obligated to honour stay granted by the Service Tribunal on 30.06.2022 and take appropriate action in light of direction given by the Service Tribunal on 30.06.2022. Last chance is given to the department whereafter, COC proceedings shall take its course. To come up for further proceedings on 15.12.2022 before S.B.



(Mian Muhammad)  
Member (E)