

23.07.2019

Appellant alongwith his counsel and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for official respondents No. 1 to 6 present. Representative of the department is directed to furnish seniority list of Patwar District Peshawar pertaining to the year 2016 alongwith copy of Notification No. 32102/Admn:I/135/SSCR dated 26.12.2008 on the next date positively. Adjourned to 03.09.2019 for record and arguments before D.B.



(HUSSAIN SHAH)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

03.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Atta Ullah Assistant Secretary for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.09.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

17.09.2019

Appellant present. Mr. Riaz Khan Paindakheil learned AAG alongwith Muhammad Arif Superintendent (representative of respondents No.1 to 3) present. Notice be issued to respondent No.5 with direction to furnish record as mentioned in the order sheet dated 23.07.2019. Adjourn. To come up for record and arguments on 11.10.2019 before D.B.



Member

Member

11.10.2019

Appellant alongwith his counsel and Mr. Usman Ghani, District Attorney alongwith M/S Attaullah, Assistant Secretary and Amir Zaman, D.K for official respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 02.11.2019 for record and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.11.2019

Counsel for the appellant present. Asst: AG alongwith Mr. M. Arif, Supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.12.2019 before D.B.



Member


Member

09.12.2019

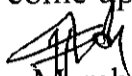
Clerk to counsel for the appellant present. Addl: AG alongwith Mr. M. Arif, Supdt for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the Bar. Adjourned. To come up for arguments on 06.02.2020 before D.B.


Member


Member

06.02.2020

Appellant in person present. Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General alongwith Mr. Arif Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 10.03.2020 before D.B.


Member


Member

10.03.2020

Learned counsel for the appellant present. Mr. Ziaullah learned Deputy District Attorney alongwith Arif Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 22.04.2020 before D.B.


Member


Member

22.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.


Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 24.08.2020 before D.B.


Reader

24.08.2020

Due to summer vacation case to come up for the same on 28.10.2020 before D.B.


Reader

28.10.2020

Junior to counsel for the appellant and Asstt. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 05.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

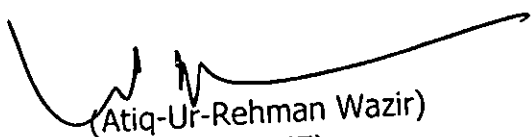
05.01.2021

Junior to counsel for the appellant present.

Riaz Khan Painsdakhel Assistant Advocate General for respondents present.

Former requests for adjournment as senior counsel for the appellant is not available today.

Adjourned to 15.04.2021 for arguments before D.B.


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


(Rozina Rehman)
Member (J)

15.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 09.08.2021 for the same as before.

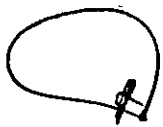

Reader

09.08.2021

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is not in attendance. Request is accorded. To come up for arguments on 06.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

06.12.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former seeks adjournment being not prepared for arguments today. Adjourned. Case to come up for arguments on 10.03.2022 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

10-3-22

Due to Retirement of the Honble
Chairman the Case is adjourned to
come up for the same as before on
27-6-22

Yusuf
Reader

27.06.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed
Paindakhel, Assistant Advocate General for official respondents
present.

Learned counsel for the appellant requested for
adjournment on the ground that he has not made preparation
for arguments. Adjourned. To come up for arguments on
01.08.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

1-8-2022


Proper DB not available the case is adjourned
to 1-11-2022


Reader

1st Nov., 2022

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

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 17.11.2022 before the D.B.


(Fareeha Paul)
Member (E)
Clerk of counsel for the appellant present.



(Kalim Arshad Khan)
Chairman

17.11.2022

Naseer Uddin Shah learned Assistant Advocate General Imran Ullah Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 01.01.2023 for arguments before D.B.






(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 764/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31/05/2018	<p>The appeal of Mr. Ihsanul Haq resubmitted today by Mr. Javed Iqbal Gulbella 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 31/5/18</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/6/2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	13.06.2018	<p>Jamrud Khan Agent to counsel for the appellant present and requested for adjournment as learned counsel for the appellant is not in attendance. Granted. To come up for preliminary hearing on 19.07.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>
4	19.07.2018	<p>Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 09.08.2018 before S.B</p> <p style="text-align: right;"> Member</p>

Member

09.08.2018

Neither the appellant nor his counsel present. Case to come up for further proceedings on 04.10.2018 before S.B.


Chairman

6
04.10.2018

Counsel for the appellant Ihsan-ul-Haq present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was placed at serial No. 48 of the tentative seniority list of Patwaris of District Peshawar pertaining to the year 2012-13 while the private respondents have been shown junior to him in the said seniority list. It was further contended that when the final seniority list pertaining to the year 2017 was prepared, the appellant was malafidely placed junior to the private respondents. It was further contended that the appellant preferred departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appellant was malafidely shown junior to the private respondents therefore, the impugned final seniority list pertaining to the year 2017 is illegal and liable to be rectified.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 25.10.2018 before S.B. Learned counsel for the appellant also submitted application for temporary injunction. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.


(Muhammad Amin Khan Kundi)
Member

Appeal No 764/2018
Ihsanul Haq vs S.M.B.R

7. 25-10-18

Due to retirement of honorable
Chairman, the Tribunal is non-
functional. Therefore the case is
adjourned. To come up for the
same on 20-11-2018.

Shah
Reader

8. 20.11.2018

Appellant Ihsan-Ul-Haq alongwith his counsel
Irshad Farid, Advocate present. Mr. Kabirullah Khattak,
Additional AG alongwith Mr. Javed Khan, Senior Clerk
and Mr. Imran Khan on behalf of official respondents No.
1 to 6 present. Private respondents No. 7 to 13 are not
present therefore, fresh notice be issued to them. Mr.
Khalid Rehman, Advocate submitted application for
impleadment of applicant Mian Saddiq Ali Shah as
respondents and other application ^{for vacation} ~~from the taking~~ of status-
quo order. Both the applications are placed on record.
Learned counsel for the appellant Muhammad Irshed Farid
expressed no objection on ^{acceptance of} application for impleadment of
applicant Mian Saddiq Ali Shah therefore, the said
application is accepted and the Muharrar of this Service
Tribunal is directed to enter the name of the applicant Mian
Saddiq Ali Shah in the panel of respondents. To come up
for attendance of private respondents, written reply on
main appeal as well as reply of suspension application and
arguments on the said application on 26.11.2018 before
S.B.

MA

Muhammad Amin Khan Kundi
Member

26.11.2018

Counsel for the appellant, Addl. AG alongwith Javed, Assistant for official respondents and Amin Ayub, Advocate for added respondents present.

The learned AAG states that the reply is under process before the respondents which will positively be submitted in the next week.

Adjourned to 06.12.2018. The private respondents including the added respondents may also furnish reply, if so advised, on the next date of hearing. The matter of maintenance of status quo shall also be argued on the next date.


Chairman

06.12.2018

Counsel for the appellant, Addl. AG alongwith Amir Zaman, D.K and Muhammad Arif, Superintendent for the official respondents and counsel for private respondent No. 14 present.

Written reply/comments has been submitted which are placed on record. The appellant may submit rejoinder to the comments within fortnight, if so advised.

Learned counsel for private respondent No. 14 states at the bar that the order dated 04.10.2018, requiring maintenance of status-quo, is adversely affecting the said respondent as admittedly he is senior to the appellant. The said order of status-quo, therefore, may be vacated to the extent of respondent No. 14.

Learned counsel for the appellant, on the other hand, frankly conceded that the appellant had no grudge against the persons senior to him, therefore, the order dated 04.10.2018 may be declared ineffective against all those who are senior to the appellant in seniority list dated 31.12.2013.

Order accordingly. Adjourned for arguments before D.B on 24.12.2018.

Chairman 

Service Appeal No. 764/2018

24.12.2018 Clerk of counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Arif, Superintendent for official respondents No. 1 to 6 present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 04.01.2019 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

04.1.2019

Appellant in person and Addl. AG alongwith Muhammad Arif Superintendent for the official respondents present. No one is present on behalf of private respondents No. 7 to 14.

Let fresh notices be issued to them through the office of Deputy Commissioner, Peshawar. Adjourned to 13.02.2019 for arguments before the D.B.

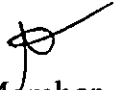

Member

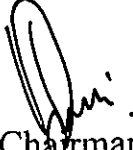

Chairman

13.02.2019

Counsel for the appellant and Addl. AG alongwith Javed Khan, Assistant for respondents No. 1, 2 & 3 and Amir Zaman D.K for respondents No. 4 & 5 present. Notices sent to private respondents through Deputy Commissioner office have been returned un-served.

Representative of respondents No. 4 & 5 is directed to furnish the particulars of present posting of respondents No. 7 to 13 within 10 days where-after notices be issued to the said respondents for 12.03.2019 before the D.B.


Member


Chairman

764/2018

12.03.2019

Appellant in person and Mr. Ziaullah, DDA alongwith M/S Muhammad Arif, Superintendent for the respondents present.

The appellant states that a meeting of DPC is in the process and the order of maintenance of status quo passed on 04.10.2018 and extended from time to time may become a hurdle in the commencement of proceeding of DPC. He, therefore, requests for recall of the order. The request is allowed and order of maintenance of status quo is vacated hereby.

On 13.02.2019 notices were required to be issued to private respondents. The record shows that the requisite notices had been prepared but not sent. Private respondents No. 7 to 14 shall therefore, be issued fresh notices for the date fixed.

To come up for arguments before D.B on 25.04.2019.


Member

Chairman

25.04.2019

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Arif, Superintendent for the official respondents present. Vide order sheet dated 12.03.2019 notices were issued to private respondents No. 7 to 14 through Deputy Commissioner but none is present on behalf of private respondents No. 7 to 14, hence respondents No. 7 to 14 are proceeded ex-parte. Adjourned to 09.05.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

09.05.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned to 13.06.2019 for arguments before D.B.


(Muhammad Amin Khan Kundi)
Member

13.06.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith M/S Muhammad Arif, Superintendent and Ameer Zaman, District Kanungo for the respondents.

The case was argued at some length. Learned counsel for the appellant relied on some seniority lists which were firmed up on the basis of date of appointment. He further contended that previously according to para 3.6 of the Land Record Manual seniority lists were prepared from the date of enlistment in Patwar Candidates Register. Learned counsel for the appellant further stated that similar nature case was decided by the Hon'ble Peshawar High Court Peshawar. However, he was unable to provide the copy of the judgment referred to above and sought time for production of the same. Learned counsel for the appellant is directed to produce the copies of seniority lists prepared according to para 3.6 of the Land Record Manual referred to above, as well as copy of judgment of Peshawar High Court Peshawar referred to above. In the meanwhile respondents are directed to intimate whether judgment of the Peshawar High Court Peshawar referred to above was implemented or assailed through appeal before the august Supreme Court of Pakistan? Adjourned to 23.07.2019 for record and further arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER