



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1410/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2018	<p>The appeal of Mr. Shah Hussain presented today by Mr. Fazal Shah Mohmand 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 19/11/18</p>
2-	20-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10-12-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>


10.12.2018

Counsel for the appellant Shah Hussain present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department. It was further contended that the appellant was terminated from service by the competent authority. It was further contended that on the basis of Government of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012 the appellant was entitled for appointment but the respondent was reluctant to appoint the appellant on the basis of said act therefore, the appellant filed Writ Petition, the Writ Petition was accepted and the respondent-department appointed the appellant on the basis of judgment of Worthy Peshawar High Court but the appointment order of the appellant was issued with immediate effect. It was further contended that the Sacked Employees (Appointment) Act was passed on 20.09.2012 therefore, the respondent-department was required to appoint the appellant with effect from 20.09.2012 therefore, the appellant filed departmental appeal but the same was not decided, hence, the present service appeal.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.

Appellant Deposited
Security & Process Fee




Muhammad Amin Khan Kundi
Member

04.2.2019

Junior to counsel for the appellant and Addl. AG alongwith Arshad Ali, ADO for the respondents present.

Representative of respondents requests for adjournment as requisite reply has though been prepared but is yet to be signed by the respondents. Adjourned to 27.03.2019 on which date the reply shall positively be submitted.


Chairman

27.03.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Arshid Ali ADO present. Representative of the respondent department submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 31.05.2019 before D.B


Member

31.05.2019

Clerk to learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 31.07.2019 before D.B.


Member


Member

31.07.2019

Wali Khan Advocate junior to counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 24.10.2019 before D.B.


Member


Member

24.10.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arshed Ali, ADO for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 03.01.2020 for arguments before D.B.

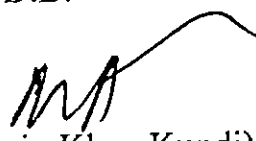

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

03.01.2020

Junior to counsel for the appellant present. Mr. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available on record. Adjourned. To come up for arguments on 09.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 12.05.2020 before D.B.


Member


Member


12.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.


Reader

07.08.2020


Due to summer vacation case to come up for the same on 27.10.2020 before D.B.


Reader

27.10.2020

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

The Bar is observing general strike, therefore, the matter is adjourned to 07.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

01.01.2021 Due to summer vacation, case is adjourned to
13.04.2021 for the same as before.


Reader

13.04.2021 Due to demise of the Worthy Chairman, the Tribunal is
non-functional, therefore, case is adjourned to
28.07.2021 for the same as before.


Reader

28.07.2021 Clerk to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General
for respondents present.

Lawyers are on general strike, therefore, case is adjourned.
To come up for arguments on 02.12.2021 before D.B.


(Rozina Rehman)
Member (J)



Chairman

02.12.2021

Counsel for the appellant present.

Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Touseef Ahmed ADO, for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 09.12.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

09.12.2021

Counsel for the appellant and Mr. Asif Masood, DDA alongwith Arshad Khan, ADEO (Litigation) for the respondents present.

Learned senior counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. Case to come up for arguments on 08.02.2022 before the D.B.



(Salah-ud-Din)
Member(J)



Chairman

8-2-2022

Due to retirement of hon'ble Chairman the case is adjourned to come up for the same as before on 1/6/2022



01.06.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 03.06.2022 before D.B.



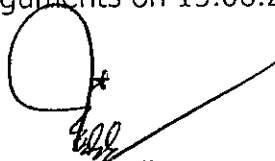
(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)


03.06.2022

Miss. Rabia Muzafar, Advocate (Junior of learned counsel for the appellant) present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the other D.B. Adjourned. To come up for remaining arguments on 13.06.2022 before the D.B.



(Mian Muhammad)
Member (E)

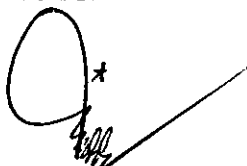


(Salah-ud-Din)
Member (J)


13.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for remaining arguments before the D.B on 07.09.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.09.2022

Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last opportunity is granted for arguments. To come up for arguments on 16.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

16th Nov. 2022 Assistant to counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Arshad Ali, ADO (Litigation) for the respondents present.

This appeal was heard by a Bench consisting of learned Member Judicial Mr. Salah-ud-Din and learned Member Executive Mr. Mian Muhammad. Therefore, this appeal be fixed before the concerned Bench and to come up for arguments on 22.12.2022 before the concerned Bench.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)