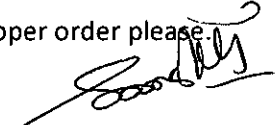



Form- A  
FORM OF ORDER SHEET

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


Case No. \_\_\_\_\_ 495/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/04/2019	<p style="text-align: center;">The appeal of Mr. Khan Sardar presented today by Mr. Noor Muhammad Khattak 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-	22/04/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/04/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

24.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the he was appointed as X-Ray Attendant (BPS-2) vide order dated 20.08.2003. During the course of his service, he acquired Diploma in Health Technology. Having the requisite educational qualification, he made a request for adjustment/promotion to the post of Clinical Technician (BPS-12) but to no avail. In the meanwhile, impugned service rules notified on 10.05.2016 had not earmarked quota for promotion of Class-IV employees including the appellant. The colleagues of the appellant filed writ petition in Peshawar High Court, Dar-ul-Qaza Bench, Swat and vide order dated 13.10.2011 respondent no.3 directed to redress the grievances of the petitioners within a period of one month. Subsequently, they were promoted as Clinical Technician (BPS-12) vide notification dated 28.02.2012. Appellant being similarly placed person was ignored by the respondents. Feeling aggrieved, he filed departmental appeal on 02.01.2019, which remained unanswered, hence, the instant service appeal. Treatment received by the appellant from the respondents appears to be discriminatory. Reliance was also placed on 2009 SCMR 1. A separate application for restraining the respondents from appointment against the post of clinical technician (BPS-12) till the disposal of this appeal has also been submitted.

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 24.06.2019 before S.B. Notice of the stay application be also issued for the date fixed.

  
Security & Process Fee

  
(AHMAD HASSAN)  
MEMBER

24.06.2019 Counsel for the appellant and Addl: AG for respondents present. Written reply/comments on behalf of respondents not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 08.08.2019 before S.B.

  
(Ahmad Hassan)  
Member

08.08.2019 Mr. Mir Zaman Safi, Advocate on behalf of learned counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Danyal, Store Keeper and Muhammad Shafique, Senior Clerk for the respondents present.

The representative of respondents states that the reply has been prepared but is yet to be signed by the concerned respondents. He, therefore, requests for adjournment.

Adjourned to 30.09.2019 on which date the requisite reply shall positively be furnished.

  
Chairman

30.09.2019 Nemo for the petitioner. Addl. AG alongwith Shah Nawaz, Junior Clerk for the respondents No. 1, 4 to 7 and Sajid Superintendent for respondent No. 3 present.

Representative of respondent No. 1, 4 to 7 has submitted reply/comments on behalf of the said respondents. Representative of respondent No, 3 relies on the reply of respondents No. 1, 4 to 7. Fresh notice be issued to respondent No. 2.

To come up for written reply/comments of respondents No. 2 by way of last chance on 24.10.2019 before S.B.

  
Chairman

24.10.2019 Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl: AG alongwith Sajid Superintendent and Shah Nawaz Junior Clerk for the respondents present.

Respondent No.2 has not furnished the requisite reply/comments despite last opportunity. The appeal is posted to D.B for arguments on 09.01.2020.

  
Chairman

09.01.2020

Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 02.04.2020 before D.B.

  
Member

Member

2.4.2020 Due to public Holiday on account of (COVID-19) the case is adjourned to come up for same on 29.6.2020.



29.06.2020

Due to COVID-19, the case is adjourned to 24.08.2020 for the same.

  
Reader

24.08.2020

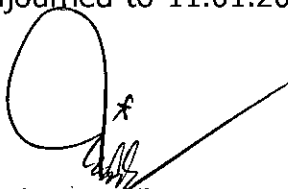
Due to summer vacation case to come up for the same on 03.11.2020 before D.B.

  
Reader

03.11.2020

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 11.01.2021 for hearing before the D.B.

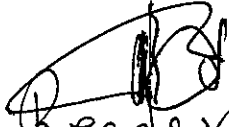
  
(Mian Muhammad)  
Member

  
Chairman

11.01.2021 Counsel for the appellant present. Asst: AG for respondents present. Due to pandemic of Covid-19, the case is adjourned to 31.03.2021 for the same.


  
Reader

31.3.2021 Due to non-availability of concerned D.B, The case is adjourned to 01.07.2021 for the same as before.

  
Reader

01.07.2021 Learned counsel for the appellant present. Mr. Jaffar Ali, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 09.11.2021

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

09.11.2021

Mr. Muhammad Maaz Madni, junior of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not feeling well today. Adjourned. To come up for arguments before the D.B on 10.02.2022.



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



(Salah-Ud-Din)  
Member (J)

10-2-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 6/6/22



Reader.


06.06.2022

Appellant in person present. Mr. Naseeb Khan, Section Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 01.07.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

01.07.2022

Learned counsel for the appellant present. Mr. Riaz Ahmad Paidakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment in order to prepare the brief of the instant appeal. Adjourned. To come up for arguments on 14.09.2022 before the D.B.



(Rozina Rehman)  
Member (J)

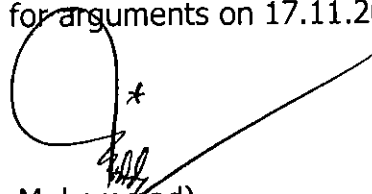


(Salah-ud-Din)  
Member (J)


14.09.2022

Learned counsel for the appellant present. Mr. Sajid Khan, Section Officer, alongwith Mr. Muhammad Jan, District Attorney for the 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 17.11.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

17<sup>th</sup> Nov. 2022

Clerk of counsel for the appellant present. .

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

Lawyers are on general strike. To come up for arguments on 05.01.2023 before the D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member(J)