


Form-A  
FORM OF ORDERSHEET

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

Case No. \_\_\_\_\_ /2020 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/9/2020	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>21/09/2020</u>.</p> <p style="text-align: right;"> REGISTRAR - 3/9/2020</p>

21.09.2020

Counsel for the appellant present.

In essence, the grievance of appellant is that he has neither been posted nor paid salary from 18.03.2020, purportedly due to issuance of Memo./order No. SO(E)H-II/10-25/2020 dated 6.03.2020. The appellant had duly preferred departmental appeal against the order in question but to no avail.

Receipt of salary and also an appropriate posting for performing duty is not only part of terms and conditions of service of a civil servant but also amongst the fundamental rights guaranteed by the Constitution. In the circumstances, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 23.11.2020 before S.B.


Appellant deposited  
Security & Process Fee  
36/11/20

  
Chairman

23.11.2020

Learned counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Abdur Rehman, Assistant, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Time given. File to come up for written reply/comments on 12.01.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

12.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Dr. Waleed Ahmad, Medical Officer for the respondents, are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Adjourned to 10.03.2021 on which date file to come up for written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.03.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Nisar Muhammad, Monitoring Assistant, for the respondents present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents otherwise, the court will be restrained to pass punitive order(s) i.e cost on the delinquent respondents. File to come up for written reply/comments on 19.04.2021 before S.B.

(MIAN MUHAMMAD)  
MEMBER (E)

19.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.06.2021 for the same as before.

Reader

11124/2020

10.06.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Habibullah, S.O (Litigation) for the respondents present.

Despite last chance given on 10.03.2021, reply has not been filed even today. Learned counsel referred to Paragraph-8 of the facts read with Ground-D in the Memorandum of appeal with the request for release of salary of the appellant. There is a reference to the direction of Secretary Health Department Khyber Pakhtunkhwa issued by letter dated 26.03.2018 in pursuance to Writ Petition No. 687-P/2017 with the condition of submission of affidavit by the appellant to refund the salaries if withdrawn under court orders. The said letter is available on file as Annexure-H which was addressed to all the District Health Officers and Medical Superintendents Khyber Pakhtunkhwa. As far as the impugned order is concerned, the same in its particular account of falsehood of PMDC registration requires proof and rebuttal. The request for interim relief as discussed before is accorded. The respondents in their respective domain shall ensure the release of salary of the appellant with arrear of the salaries so far not paid after issuing of the impugned order. The respondents although did not avail the last chance for submission of the written reply but they are again given a last chance to submit the reply in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.11.2021 before the D.B

  
Chairman



P.S

22.06.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.



Chairman

02.11.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 23.11.2021 before the D.B.




Chairman

23.11.2021

Proper D.B is not available, therefore, case is adjourned to 3/3/2022 for the same as before.

3-3-22

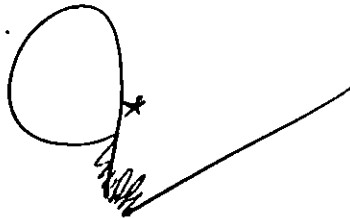
  
Reader  
Due to Retirement of the Hon'ble  
Chairman the case is adjourned to come  
up for the same as before on 13-6-22

  
Reader

13.06.2022

Appellant in person present. Mr. Kabirullah Khattak,  
Additional Advocate General for the respondents present.

Appellant sought adjournment on the ground that his  
counsel is not available today due to strike of Lawyers.  
Adjourned. To come up for arguments before the D.B on  
07.09.2022.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

7<sup>th</sup> Sept, 2022

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 granted for arguments. To come up for arguments on 17.11.2022 before the D.B



(Fareeha Paul)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman

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

Clerk of counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Lawyers are on general strike. To come up for arguments on restoration application on 11.01.2023 before the D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member(J)