



Form-A  
FORM OF ORDERSHEET

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

Case No. 330/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/03/2018	<p>The appeal of Mr. Mumtaz Ali presented today by him, may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 7/3/18</p>
2-	12/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/18.</u></p> <p style="text-align: right;"> MEMBER</p>

12.03.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Assistant Director Litigation) has preferred departmental appeal for promotion to the position of Deputy Director, which departmental appeal was decided through order/reply dated 17.10.2017. Feeling aggrieved against the order dated 17.10.2017 on the departmental appeal, the appellant has approached this Tribunal with the prayer to issue direction to promote the appellant on the vacant post of Deputy Director and to direct the concerned authority to revise the seniority list of Assistant Directors and to include the appellant in it.

Points raised need consideration. Admitted to regular hearing subject to all just/legal objections. The appellant is directed to deposit process fees and security within 10 days, thereafter notice be issued to respondents for written reply/comments. To come up for written reply/comments on 30.03.2018 before S.B. Annexed with the main appeal is an application for interim relief. Notice of the same be also given to the respondent department for the date fixed. To also come up for reply and arguments on application for interim relief on the date fixed

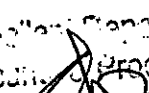


(Muhammad Hamid Mughal)  
Member

30.03.2018

Appellant in person present and requested for extension of time to deposit security and process fee. Request is accepted. The appellant is directed to deposit security and process fee within 7 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.4.2018 before the S.B.

Appellant Deposited  
Security & Process Fee



Chairman

13.04.2018

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Qaiser Zaman, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 26.04.2018 before S.B.

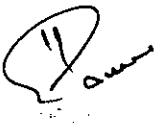
  
(Ahmad Hassan)  
Member

**26.04.2018** Appellant in person and Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on **26.06.2018** before S.B.

  
Reader

26.06.2018

Appellant in person present. Mr. Muhammad Jan, DDA for the respondents present. Application by Mr. Wajid Khan and Mr. Zakir Hussain both Assistant Directors, Environmental Protection Agency, Government of Khyber Pakhtunkhwa, for their impleadment as respondents is available on file No. 12. Appellant seeks adjournment to furnish reply of the same. Adjourned. To come up for reply on the said application and arguments on 13.07.2018 before S.B.

  
Member

13.07.2018

Neither appellant nor his counsel present. So is the position of applicants Wajid Khan and Zakir Hussain. However, Sardar Shaukat Hayat, Addl. Advocate General on behalf of the respondents present. To come up for reply on arguments on impleadment application on 27.08.2018 before S.B.

  
Chairman

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Qaisar Zaman, Superintendent for the respondents present and submitted written reply. To come up for reply and arguments on impleadment application on 11.10.2018 before S.B.

  
(Ahmad Hassan)  
Member

11.10.2018

Appellant Mumtaz Ali alongwith his counsel present. Mr. Qaisar Zaman, Superintendent alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on impleadment application on 28.11.2018 before the S.B.

  
Chairman

28.11.2018 Learned counsel for the petitioner and Mr. Kabir Ullah Khattak learned AAG alongwith Mr. Israr Zaman Superintendent present. Learned counsel for petitioner seeks adjournment. Adjourn. To come up for arguments on impleadment application on 10.01.2019 before S.B.

  
Member

10.1.2019 Nemo for appellant. Addl. AG alongwith Waqar Superintendent for the respondents present.

Adjourned to 27.02.2019 for arguments on impleadment application.

  
Chairman

27.02.2019 None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Qaiser Zaman, Supdt for respondents present. Adjourned. To come up for arguments on impleadment application on 09.04.2019 before S.B.

  
Member  
(Ahmad Hassan)

09.04.2019 Junior to counsel for the appellant and Addl. AG alongwith Qaiser Zaman, Superintendent for the respondents present.

Learned senior counsel for the appellant is stated to be busy before the Honourable High Court today. Therefore, instant matter is adjourned to 15.05.2019 for arguments on impleadment application.

  
Chairman

15.04.2019 Petitioner appeared. Application for fixation of early date of hearing received. Petitioner seeks adjournment for tomorrow. Adjourn. To come up for further proceedings on 16.04.2019 before S.B

  
Member

16.04.2019 Petitioner in person and Mr. Muhammad Jan learned Deputy District Attorney present.

From the perusal of record it transpired that earlier on 11.04.2019 the petitioner also submitted an application for accelerating the case, however the said application was not honored.

Petitioner again seeks adjournment. Adjourn. To come up for further proceedings on the application for fixation of early hearing on 23.04.2019 at the request of petitioner.

  
Member

23.04.2019 Appellant in person present. Addl:AG alongwith Mr. Faridullah, Assistant Director and Mr. Qaiser Zaman, Supdt for respondents present.

Reply of official respondents on impleadment application is still awaited. They are directed to submit reply on impleadment application within fortnight. Case to come up for arguments on impleadment application on 15.05.2019 before S.B.

  
(Ahmad Hassan)  
Member

15.05.2019

Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Qaiser Zaman Superintendent present. Learned counsel for the applicants Wajid Khan and Zakir Hussain present.

Arguments on application for impleadment of applicants as respondents in the present service appeal heard. File perused.

The appellant has filed the present service appeal for his promotion as Deputy Director and for inclusion of his name in the seniority list. It was not denied by the appellant that the names of the applicants Mr. Wajid Khan and Mr. Zakir Hussain are mentioned in the seniority list available on file and that their rights would affect in case the present service appeal is decided in favor of the appellant. Consequently the instant application for impleadment of Mr. Wajid Khan and Mr. Zakir Hussain as respondents is accepted. Muharrar is directed to enlist their names in the memo of appeal as well as in the ~~relevant~~ register. Adjourn. To come up for reply/comments on the main service appeal on 26.06.2019 before S.B.



Member

26.06.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Learned counsel for private respondents also present. Written reply on behalf of official respondents already submitted. Reply on behalf of private respondents is still awaited. Learned counsel for the private respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 17.07.2019 before S.B.



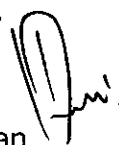
Member

17.07.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Riaz Muhammad A.D for the official respondents and junior to counsel for private respondents No. 4 & 5 present.

Counsel for private respondents No. 4 & 5 again requests for adjournment. Request is allowed but as a last chance. To come up for written reply/comments of respondents No. 4 & 5 on 05.09.2019 before S.B.

Chairman



05.09.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Riaz Mohammad, AD for official respondents and Junior to counsel for private respondents no. 4 and 5 present. Written reply on behalf of respondents no. 4 and 5 not submitted despite last opportunities. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents no. 4 and 5 from their own pockets. To come up for written reply/comments of respondent no. 4 and 5 on 03.10.2019 before S.B.

(Ahmad Hassan)  
Member





03.10.2019

Counsel for the appellant, Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 and junior counsel for private respondents no. 4 & 5 present.

Official respondents No. 1 to 3 have already submitted Joint written reply. Despite cost and last opportunity private respondents failed to submit their written replies, therefore, the case is posted to D.B for 19.12.2019 for arguments.

CHAIRMAN



19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 21.02.2020 before D.B. Appellant be put on notice for the date fixed.



Member




Member


21.02.2020

Mr. Akhtar Ilyas Advocate on behalf of the learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant AG for the official respondent No. 1 to 3 and counsel for the private respondent No. 4 & 5 present.

A request for adjournment is made on the ground that counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.04.2020 before D.B.



(Hussain Shah)  
Member

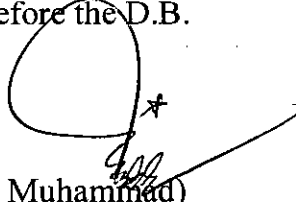


(M. Amin Khan Kundi)  
Member

09.11.2020

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 18.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member (E)

18.01.2021

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

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Hon'ble High Court in various cases today.

Adjourned to 22.04.2021 for hearing before the D.B.

(Mian Muhammad)  
Member(E)

Chairman

9.4.2020

Due to COVID19, the case is adjourned to  
7/7/2020 for the same as before.

  
Reader

07.07.2020

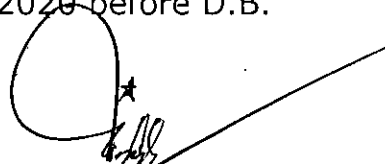
Due to COVID19, the case is adjourned to 01.09.2020 for  
the same as before.

  
Reader

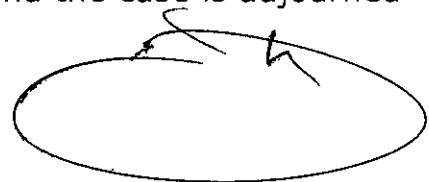
01.09.2020

Appellant is present in person. Mr. Muhammad Jan,  
Deputy District Attorney for official respondents No. 1 to 3  
and counsel for private respondents No. 4 & 5 are also  
present.

Learned counsel for private respondents is again  
seeking adjournment for submission of reply. The learned  
counsel was reminded that despite imposition of costs the  
order of the bench has not been complied with and it was  
also highlighted that last opportunity was provided for the  
purpose. Nevertheless, the record on file particularly with  
reference to the preceding two consecutive order sheets  
reveal that appeal was adjourned due to spread of pandemic  
COVID-19, therefore, the request of the learned counsel is  
acceded to by providing last opportunity to private  
respondents to submit their replies and the case is adjourned  
to 09.11.2020 before D.B.



(Mian Muhammad)  
Member (Executive)



(Muhammad Jamal Khan)  
Member (Judicial)

18.01.2021

Junior to counsel for the appellant and Addl. AG for the official respondents and counsel for private respondents No. 4 & 5 present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Hon'ble High Court in various cases today.

Adjourned to 22.04.2021 for hearing before the D.B.



(Mian Muhammad)  
Member(E)



Chairman

22.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 16.08.2021 for the same as before.



Reader

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 31/12/2021 for the same as before.




Reader

03.12.2021

Appellant present through counsel.

Asif Masood Ali Shah, learned Deputy District Attorney present.

Being not prepared, learned counsel for appellant requested for adjournment. Request is accorded. To come up for arguments on 28.02.2022 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 02.06.2022 for the same as before.



Reader

02.06.2022

Appellant present through representative.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 08.08.2022 before D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member (J)

8.8.22 Due to the public holiday the case is adjourned to 22-11-22




Reader

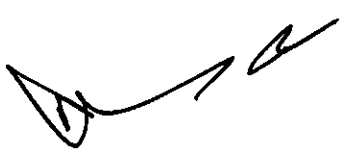
22<sup>nd</sup> Nov 2022

1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 22<sup>nd</sup> day of November, 2022.*

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman