



13th Oct, 2022

Learned counsel for the appellant. Mr. Muhammad Adcel Butt, Addl: AG for respondents present.

Arguments could not be heard due to paucity of time.
To come up for arguments on 24.11.2022 before D.B.



(Farcella Paul)
Member (Executive)

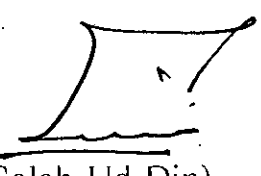

(Kalim Arshad Khan)
Chairman

24.11.2022

Learned counsel for the appellant present. Mr. Muhammad Ibrahim, Superintendent alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General 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 13.02.2023 before the D.B.

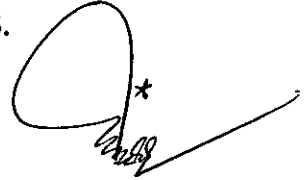

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)



department upon which learned counsel for the appellant has submitted rejoinder.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. File to come up for arguments on 26.01.2022 before the D.B.



(Mian Muhammad)
Member(E)

26.01.2022

Appellant in person present and submitted application for extension of time to deposit security & process fee. Application allowed and placed on file. Appellant is directed to deposit security and process fee within 03 working days. Reply/comments on behalf of respondents have already been submitted. Case to come up for arguments before the D.B on 26.05.2022

Rs-400/-

A. ur. Rehman
15/4/22



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

26th May, 2022

Appellant alongwith his counsel present. Mr. Noor Zaman, District Attorney alongwith Mr. Gul Ibrahim, Supdt for respondents present.

Learned counsel for the appellant seeks time to argue the case on the next date. Adjourned. To come up for arguments on 11.08.2022 before D.B.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

11-8-2022 Proper DB not available the case is
adjourned to 13-10-2022 Reader

Gul Wahid, 587/2018

15.09.2021 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ibrahim Shah, Supdt for respondent present. Preliminary arguments heard.

Learned counsel for the appellant agitated inaction of the respondent-department, ^{for} not promoting the appellant as SI on proforma basis. The appellant who has been in Police service since 12.02.1997 and who attained the age of superannuation as ASI in Police Telecommunication on 12.01.2018. He submitted an application on 24.11.2017 (well before his retirement) indicating that certain vacancies of SI are vacant and he may be promoted before his date of superannuation which is falling on 12.01.2018. At this juncture, the department was well aware of retirement of officials and a note to convene meeting of the DPC, was also processed. However, he was not promoted as SI before his date of superannuation and he retired as ASI on 12.01.2018.

Respondent-department has submitted para-wise comments /reply in the instant service appeal and it has categorically been stated that in terms of Police Act, 2017 ASI Telecommunication was required to serve for three years in that capacity whereas the appellant did not fulfill the said pre-requisite. Moreover, his departmental appeal is stated to have been examined and rejected by the authority due to the reason that he was not confirmed in the rank of ASI. Learned counsel for the appellant also submitted rejoinder producing orders/minutes of the two DPC meetings dated 11.12.2019 and 23.09.2020 whereby three officials (his erstwhile juniors) have been promoted as ASI and SI within a short span of nine months rendering the arguments/reply of respondents of requisite three years service as ASI, irrelevant, contradictory and self defeated. Moreover, no order of the authority regarding rejection of departmental appeal of the appellant has been produced by the respondent with their para-wise comments/reply. He therefore, vehemently contended that the appellant has been subjected to discrimination and article-2(a), 4 and 25 of the constitution violated. In support of his arguments on the issue of limitation and proforma promotion, he relied on 2002 PLC (CS) 1388, 1997 SCMR 515, 2008 SCMR 1535 and 2009 PLC (CS) 229 respectively. Since para-wise comments/reply have been received from the respondent-

01.09.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ibrahim Shah, Supdt for respondents present.

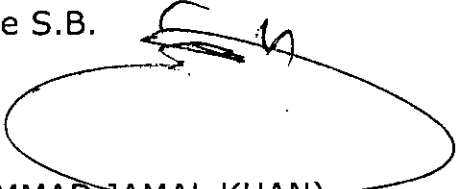
Learned AAG sought adjournment. Adjourned. To come up for preliminary hearing before the S.B on 15.09.2021.


(MIAN MUHAMMAD)
MEMBER (E)

28.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Ibrahim Shah, Head Constable, for the respondent are present.

Learned counsel for appellant requested for adjournment. Adjourned to 10.05.2021 on which date file to come up for preliminary hearing before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

10.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 25.08.2021 for the same as before.



Reader

25.08.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought adjournment on the ground that he has not gone through the brief of the instant appeal. Adjourned. To come up for preliminary hearing before the S.B on 01.09.2021.



(SALAH-UD-DIN)
MEMBER (J)

27.10.2020

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned to 11.11.2020 for preliminary hearing, before S.B.



(Rozina Rehman)
Member (J)

11.11.2020

Nemo for the appellant.

Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 04.12.2020 on which date to come up for preliminary hearing before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

04.12.2020

Mr. Umer Zafran, Advocate, for appellant is present and submitted Wakalatnama in favour of appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Qasim, Legal Assistant, for the respondents are also present.

Learned counsel for appellant submitted rejoinder to para-wise reply of respondents which is placed on record. File to come up for preliminary arguments on 28.01.2021 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

20.07.2020

Counsel for the petitioner is present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Ibrahim Shah, Office Superintendent for the respondents are also present. Arguments on restoration application heard. Record perused. The instant appeal was dismissed for non-prosecution on 07.10.2019 whereas the application for its restoration was moved on 18.10.2019 the period of limitation fixed for the purpose is fifteen days the application is held to have been submitted within time however, no plausible reason has been put forth or sufficient cause has been disclosed for the absence however, the law and the precedent on the subject ^{give} priority to decision on merit rather than looking at technicalities, therefore, the appeal is restored to the file and be entered in the relevant register. Appellant is directed to be vigilant and punctual in future. File to come up for preliminary hearing on 29.09.2020 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

29.09.2020

Mr. Shahkar Yousafzai, Advocate on behalf of counsel for the appellant and Addl. AG alongwith Ibrahim Shah, Superintendent for the respondents present.


It is stated that learned counsel for the appellant is indisposed today, therefore, request for adjournment is made.

The record shows that instant matter was adjourned on many occasions while the appeal was dismissed for non-prosecution on 07.10.2019. In the circumstances, the case is adjourned to 27.10.2020 before S.B but as last chance.

Chairman.

04.03.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Wisal, Head Constable for the respondents present. Representative of the department requested for further time to furnish reply. Adjourned to 12.03.2020 for reply and arguments on restoration application before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Junior to counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ibrahim Shah Superintendent present and requested for time to furnish reply. Adjourn. To come up for reply and arguments on 20.04.2020 before S.B.



Member

20.04.2020

Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.






Reader

Form-A

FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 37 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.01.2020	<p>The application for restoration of appeal No. 587/2018 submitted by Mr. M.Asif Yousafzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 31/01/2020</p>
2	11.02.2020	<p>This restoration application is entrusted to S.Bench to be put up there on <u>11/02/2020</u>.</p> <p style="text-align: right;"> MEMBER.</p>
	25.02.2020	<p>Learned counsel for the petitioner present. Notice of the present application be issued to the respondents. Adjourn. To come up for reply and arguments on the present restoration application on 25.02.202 before S.B. Appellant be put to notice for the date fixed.</p> <p style="text-align: right;"> Member</p>
		<p>Learned counsel for the petitioner present. Ibrahim Shah Superintendent representative of respondents present and seeks time to furnish reply. Adjourn. To come up for reply and arguments on 04.03.2020 before S.B.</p> <p style="text-align: right;"> Member</p>