


25.11.2022

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

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, bench is incomplete. Adjourned. To come up for arguments on 20.01.2023 before the D.B.

  
(Mian Muhammad)  
Member (E)

16.09.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents present. Private respondent present through counsel.

File to come up alongwith connected Service Appeal No. 534/2020 titled "Naseem Khan Vs Government of Khyber Pakhtunkhwa" on 14.10.2022 for arguments before D.B.



(Rozina Rehman)  
Member (J)

14<sup>th</sup> Oct., 2022

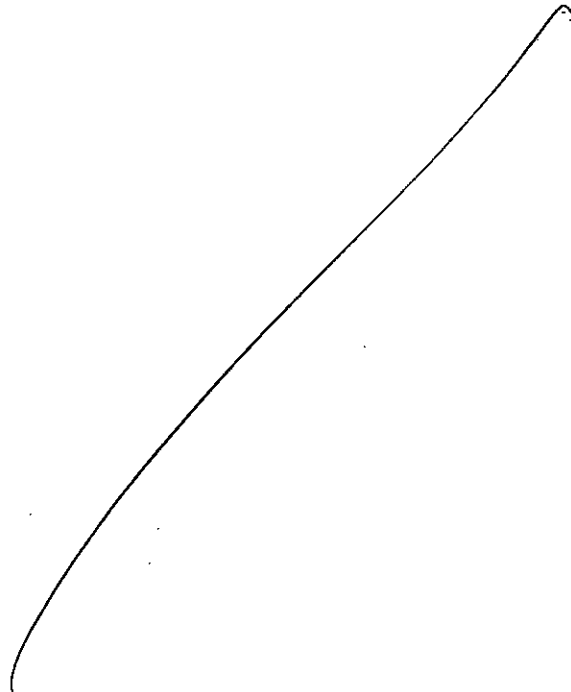
Because of strike of the Bar, this matter is adjourned to 25.10.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman



01.07.2022

Learned counsel for the appellant present. Mr. Khalid Gohar, Director alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 5 present. Learned counsel for private respondent No. 6 also 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 20.07.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

20.07.2022


Junior to counsel for appellant present.

Mr. Muhammad Riaz Khan Paindakhel, learned Assistant Advocate General alongwith Syed Bilawal Shah, Stenographer for official respondents No. 1 to 5 present. Respondent No. 6 present in person.

File to come up alongwith connected Service Appeal No.534/2020 titled "Naseem Khan Vs. Government of Khyber Pakhtunkhwa" on 16.09.2022 before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

12.05.2022

Clerk to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No 1 to 5 present. Private respondent No. 6 in person present.

File to come up alongwith connected Service Appeal No. 534/2020 titled Naseem Khan Versus Government, before the D.B on 14.06.2022.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 in person present.

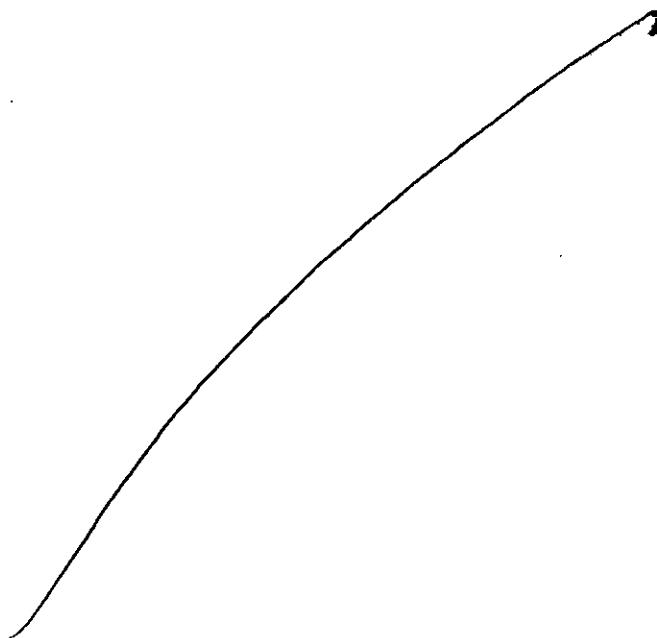
Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 01.07.2022.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



29/12/2021. Due to winter vacations the case is adjourned to 23/2/2022 for the same as before.

  
Reader

23.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.03.2022 for the same as before.


  
Reader

28.03.2022

Learned counsel for the appellant present.

Mr. Khalid Gohar Deputy Director Mr. Muhammad Rasheed Deputy District Attorney for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Private respondent No.6 requested for adjournment on the ground that his counsel is busy in the august High Court. Adjourned. To come up for arguments on 12.05.2022 before the D.B.

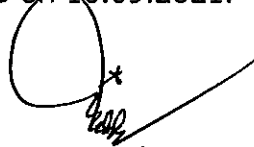
  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)


26.08.2021

Mr. Noor Muhammad Khattak, Advocate for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Khalid Gohar, Deputy Director for official respondents and Mr. Muhammad Asif Yousafzai, Advocate for private respondent No.6 present.

Learned counsel for the appellant sought time for further preparation of arguments. Adjourned. To come up for arguments before the D.B on 10.09.2021.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

10.09.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Khalid Gohar Deputy Director for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 16.11.2021 before D.B.



(Rozina Rehman)  
Member (J)

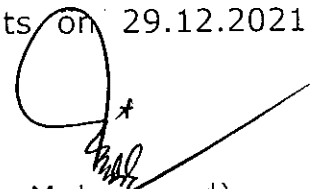


Chairman

16.11.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents present.

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 29.12.2021 before the D.B.



(Mian Muhammad)  
Member (E)

29.06.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Khalid Gohar Deputy Director for respondents present.

File to come up alongwith connected Service Appeal No.534/2020 titled Naseem Khan Vs. Government of Khyber Pakhtunkhwa, on 11.08.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

11.08.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Khalid Gohar Deputy Director for respondents present.

File to come up alongwith connected Service Appeal No. 534/2020 tilted Naseem Khan Vs. Government of Khyber Pakhtunkhwa, on 26.08.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

10.03.2021

Junior to counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is indisposed. Adjourned. To come up for arguments on 31/05/2021 before D.B. In the meanwhile, the restraint order dated 10.06.2020 shall remain operative till the next date of hearing.



(Atiq ur Rehman Wazir)  
Member (E)



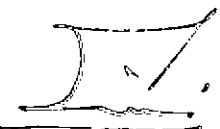
(Rozina Rehman)  
Member (J)

31.05.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Khalid Gohar, Deputy Director alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 5 present. Mr. Sajeed Khan Afridi, Advocate, present and stated at the bar that he has been engaged by private respondent No. 6 in the instant appeal and Vakalatnama shall be submitted on the next date of hearing. In this respect he submitted memo of appearance, which is placed on Service Appeal bearing No. 535/2020 titled Noor Muhammad Versus The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others. Adjourned. To come up for submission of Vakalatnama on behalf of private respondent No. 6 and arguments before the D.B on 29.06.2021. In the meanwhile, the restraint order dated 10.06.2020 shall remain operative till the date fixed.



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



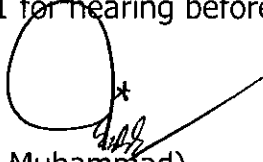
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



21.12.2020

Mr. Mir Zaman Safi, Advocate/counsel for the appellant, Addl. AG alongwith Khalid Gohar Khan Deputy Director for respondents present.

Former requests for adjournment as learned senior counsel for the appellant is not available today due to some private engagement. Adjourned to 25.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

25.01.2021

Appellant alongwith counsel and Assistant Advocate General alongwith Khalid Gohar Director for official respondents and counsel for private respondent No.6 present.

At the very outset learned AAG stated that the point of competence of appeals involving the questions regarding challenging of Service Rules and jurisdiction of this Tribunal, for the purpose, have been decided by a Larger Bench. However, the copy of judgment has not yet been issued by the office. As similar points are agitated in the appeal in hand, he requests for adjournment in order to lay hands on the judgment of Larger Bench.

Adjourned to 10.03.2021 for arguments before D.B. In the meanwhile, the restraint order dated 1.06.2020 shall remain operative till next date of hearing.

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

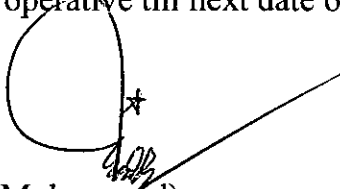
  
Chairman

15.10.2020

Counsel for the appellant Mr. Noor Muhammad Khatak, Advocate is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Syed Bilawal Shah, Stenographer for official respondent No.5 and Mr. Sajeed Khan Afridi, Advocate for private respondent No.6 is present.

Learned counsel for private respondent No. 6 seeks adjournment as his co-counsel Mr. Asif Yousafzai was busy before the august High Court, Peshawar. Request is acceded to and the appeal is adjourned.

Adjourned to 11.11.2020 for arguments before D.B. In the meanwhile the restraint order dated 10.06.2020 shall remain operative till next date of hearing.

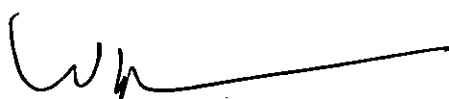
  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member(J)

11.11.2020

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

The Bar is observing general strike, therefore, the matter is adjourned to 21.12.2020 for hearing before the D.B.

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

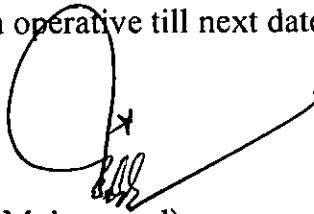
  
Chairman

22.09.2020

Mr. Mir Zaman Safi, Advocate junior of Mr. Noor Muhammad Khattak, Advocate on behalf of the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Khalid Gohar, Deputy Director for official respondents No. 1 to 3 and counsel for private respondent No.6 present.

Counsel for private respondent No.6 has submitted reply, the same is placed on file. Remaining respondents have already submitted their respective reply. Learned counsel for the appellant seeking time for arguments. Time allowed.

Adjourned to 15.10.2020 for arguments before D.B. In the meanwhile the restraint order dated 10.06.2020 shall remain operative till next date of hearing.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal)  
Member(J)

10.07.2020

Counsel for appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Nabi Gul Superintendent for respondents present. Counsel for petitioner Jaffar Shah also present.

On the preceding date, an application was submitted for impleadment of one Jaffar Shah as respondent, which application was not objected to by the learned AAG as well as by the learned counsel for appellant. The application stands accepted and accordingly Jaffar Shah stands impleaded in the panel of respondents. Necessary correction be made in the memo of appeal as well as in the register with red ink. All the respondents are strictly directed to submit comments/written reply on 02.09.2020 before S.B.



Member (J)

02.09.2020

Counsel for the petitioners, Addl. AG alongwith Khalid Gohar, Deputy Director for respondents no. 1 to 5 and counsel for impleaded respondent No. 6 present.

Joint parawise comments on behalf of respondent No. 1 to 5 have been submitted which are made part of the record. Learned counsel for impleaded respondent No. 6, on the other hand, requests for time to furnish reply. May do so within 10 days. Similarly, the appellant shall be at liberty to submit rejoinder, if so advised, before next date of hearing. To come up for arguments on 22.09.2020 before D.B. The restraint order dated 10.06.2020 shall remain operative till next date of hearing.



Chairman

10.06.2020

Counsel for the appellant present.

Whether the judgment of August Supreme Court of Pakistan reported as 2015-SCMR-269 is applicable to the facts and circumstances contained in the instant appeal, more-so, when the amendment in service rules dated 18.0.2019 prima-facie appears to affect the terms and conditions of service of appellant, is a question which requires to be resolved in the appeal in hand.

The appeal is, therefore, 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 for submission of written reply/comments on 25.06.2020 before S.B.

Alongwith the appeal there is an application for restraining the respondents from acting upon the impugned notification dated 18.09.2019. It is stated at the bar that a meeting of Provincial Selection Board is scheduled in the instant week. Notice of application be also given to the respondents for the date fixed. In the meanwhile, promotions to the post of Deputy Director Soil Conservation, Deputy Directors Planning, Deputy Director Soil Survey and District Officer Soil Conservation from amongst the Field Assistant (BPS-09) shall not be finalized.

Appellant Deposited  
Security & Process Fee

  
Chairman

25.06.2020

Counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted. Requested for time to submit the same on the next date of hearing. Mr. M. Asif Yousaf Zai, Advocate filed application for impleadment of Mr. Jaffar Shah as respondent which is placed on file. To come up for written reply/comments on 10.07.2020 before S.B. In the meanwhile, promotion to the post of Deputy Director Soil Conservation, Deputy Directors Planning, Deputy Director Soil Survey and District Officer Soil Conservation from amongst the Field Assistant (BPS-09) shall not be finalized.

  
MEMBER

17.03.2020

Naseem Khan appellant in the connected service appeal present. Adjournment requested. Lawyers community is on strike on the call of Peshawar Bar Association.

It seems that in view of the judgment of the august Supreme Court of Pakistan reported in 2015 SCMR page 269, this Tribunal has got no jurisdiction to issue direction to the respondents for amendment/restoration of the appointment and promotion criteria as prayed for by the appellant.

Adjourned for preliminary hearing on 25.03.2020 before S.B as request for a short adjournment was made.



Member

25.03.2020

Due to public holiday on account of COVID, 19, the case is adjourned. To come up for the same on 17.06.2020.



Reader

08.06.2020

Junior to counsel for the appellant present. Requests for adjournment due to general strike of the Bar.

Adjourned to 10.06.2020 before S.B.



Chairman

26.02.2019

One of the issue involved in the present service appeal is that whether this Tribunal has got the jurisdiction to issue directions to the respondents for amendment/restoration of the appointment and promotion criteria as prayed by the appellant, in view of judgment of august Supreme Court of Pakistan reported in 2015 SCMR page 269.

Junior counsel to senior counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 05.03.2020 before S.B

  
Member

09.03.2020

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up on 22.04.2020 before S.B. Appellant be put to notice for the date fixed.

  
Member

11.03.2020

Learned counsel for the appellant present.

It seems that in view of the judgment of the august Supreme Court of Pakistan reported in 2015 SCMR page 269, this Tribunal has got no jurisdiction to issue direction to the respondents for amendment/restoration of the appointment and promotion criteria as prayed for by the appellant.

Adjourned for preliminary arguments for 17.03.2020, at the request of learned counsel for the appellant, before S.B.

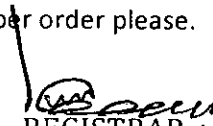

  
Member

Form- A

FORM OF ORDER SHEET

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

Case No.- 538 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/01/2020	<p>The appeal of Mr. Sajjad Hussain 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>