



Form- A  
FORM OF ORDER SHEET

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

Case No. 1057/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/08/2018  28/8/18	<p>The appeal of Mr. Israr-ud-Din presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member 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>7-9-18</u>.</p> <p style="text-align: right;"> MEMBER</p>
2-		

07.09.2018 Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has approached this Tribunal by filing the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, being aggrieved against the Notification dated 05.12.2016 whereby the appellant was upgraded w.e.f 04.05.2012 but without arrears.

Upon query to the learned counsel for the appellant that when this Tribunal has got no jurisdiction to entertain service appeal which involves issue relating to up-gradation, how the present service appeal is entertain able by this Tribunal, the learned counsel for the appellant in response insisted that this Tribunal has the jurisdiction to entertain and adjudicate upon the present service appeal.

In the interest of justice, the present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.11.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
Member

01.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.

  
MEMBER

19.12.2018 Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General present. Written reply not submitted. Notice be issued to the respondents with the direction to furnish written reply/comments. Adjourn. To come up written reply/comments on 29.01.2019 before S.B.

  
Member

29.01.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jaffar Ali, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 04.03.2019 before S.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

04.03.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Last opportunity is granted. Adjourned to 09.04.2019 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

09.04.2019 Counsel for the appellant and Hazrat Shah, Superintendent for the respondents No. 1 & 2 alongwith Addl. AG for the respondents present.

The representative of respondents No. 1 & 2 states that the reply is under preparation and would be ready for submission shortly.

Adjourned to 15.05.2019 on which date the requisite comments shall positively be submitted. Learned AAG undertakes to procure the comments of respondents No. 3 on the next date.

  
Chairman

15.05.2019

Appellant with counsel present. Written reply not submitted. Sohail Assistant representative of respondent No.3 present and seeks time to furnish written reply/comments. No one present on behalf of respondents No.1 & 2. Hazrat Shah (for respondent No.1) and Jafar Ali Assistant (for respondent No.2) absent. Notice be issued to the respondents No.1 & 2 and their absent representatives for written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.



Member

01.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith M/S Saleem Litigation Officer on behalf of respondent No. 1, 2 and Sajid Superintendent for the respondent No. 3 present. Representative of the respondents department seeks time to furnish written reply/comment. Last opportunity is granted. Adjourned. To come up for written reply/comments on ~~27.08~~.2019 before S.B.

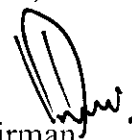


Member

27.08.2019

Appellant in person and Addl. AG alongwith Sajid Superintendent and Salim Javed, Litigation Assistant for the respondents.

Representatives of the respondents have submitted parawise comments on behalf of respondents which are placed on record. The appeal is assigned to D.B for arguments on 14.10.2019. The appellant may submit rejoinder, within a fortnight, if so advised.



Chairman

14.10.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 20.11.2019 before D.B.

  
Member

  
Member

20.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 16.01.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

16.01.2020

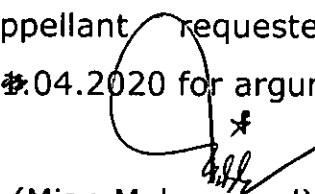
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 05.03.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

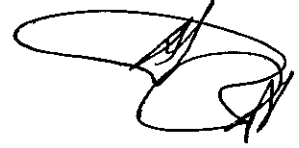
05.03.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to ~~03.04.2020~~ 03.04.2020 for arguments before D.B.

  
(Mian Mohammad)  
Member

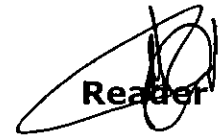
  
(M. Amin Khan Kundi)  
Member

03.4.2020 Due to COVID-19, the case is adjourned  
to 30.6.2020 for same as before.



30.06.2020

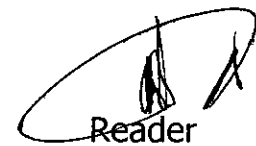
Due to COVID-19, the case is adjourned to 25.08.2020  
for the same.



Reader

25.08.2020

Due to summer vacation case to come up for the  
same on 16.10.2020 before D.B.



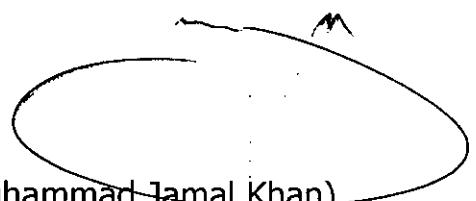
Reader

16.10.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Appellant requested for adjournment as his counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 10.12.2020 before D.B.


  
(Atiq-Ur-Rehman Wazir)  
Member

  
(Muhammad Jamal Khan)  
Member

10.12.2020

Counsel for the appellant and Muhammad Jan, DDA alongwith Saleem Javed, Litigation Officer for the respondents present.

Former requests for adjournment due to his over occupation today. Adjourned to 08.03.2021 for hearing before the D.B.


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

  
Chairman

08.03.2021

Counsel for the appellant and Asif Masood Ali Shah, DDA for the respondents present.

Former requests for time to go through the brief. Adjourned to 14.06.2021 for hearing before the D.B.

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

  
Chairman

14.06.2021

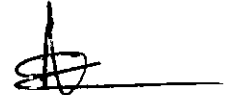
Appellant in person present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondent present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 18.10.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 01.02.2022 before the D.B.



(Salah-ud-Din)  
Member(J)



Chairman

01.02.2022

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Due to paucity of time, arguments could not be heard. To come up for arguments on 24.05.2022 before the D.B.



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



Chairman



24<sup>th</sup> May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Safiullah, Focal Person for the respondents present.

It is noted with serious concern that like other cases in this case too, the department has submitted reply/comments which is quite evasive. During the course of arguments, when learned AAG was confronted whether ~~that~~ the impugned order was that of upgradation or promotion, he sought time to produce the relevant record. The appeal pertains to the year, 2018, last chance is given to the AAG for production of the record sought to be produced. Respondents are also directed to depute a well conversant officer to assist the Tribunal properly. To come up for arguments on 08.08.2022 before the D.B.



(Fareeha Paul)  
Member(E)



(Kalim Arshad Khan)  
Chairman

8-8-2022

Due to Public holiday the case is  
adjourned to 22-11-2022

  
Reader

22.11.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt Additional 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 for arguments before the D.B. on 19.01.2023.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman