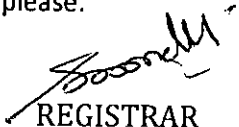
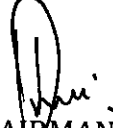


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5893 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2020	<p>The appeal of Syed Muhammad Jan resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/07/2020</u>.</p> <p> CHAIRMAN</p>
	21.07.2020	<p>Mr. Taimur Ali Khan, Advocate, for the appellant and appellant himself are present. Arguments heard. To come up for order on 22.07.2020.</p> <p>(MUHAMMAD JAMAL KHAN) MEMBER</p>

2937

22.07.2020

Mr. Taimur Ali Khan, Advocate, for appellant and appellant himself, are present. Learned counsel for the appellant contends that since appointment of appellant as a Junior Clerk in the Education Department his name has invariably been placed at serial No. 03 of the seniority list whereas the names of Sartaj Ali, Saeed Anwar and Muhammad Dawood were mentioned at serial No. 4, 5 & 6 of the referred to list. Surprisingly, in the seniority list issued on 14.03.2012 appellant has been mentioned at serial no. 90 while Sartaj Ali, Saeed Anwar and Muhammad Dawood were referred to at serial No. 2, 3 & 4 where-after within a short span of ten days of the preparation of seniority list they were promoted by virtue of order dated 24.03.2012. The matter was agitated through Service Appeal No. 806/2012 in this Service Tribunal which was decided on 06.10.2015 by partially accepting the appeal by rendering the seniority list as ineffective upon the rights of appellant simultaneously directing the authority to prepare a revised seniority list in accordance with law and rules by placing the appellant at his right and due position while keeping in view the date of his appointment/post cadre.

2. It was during the course of pendency of Service Appeal that appellant was promoted to the post of Senior Clerk on the strength of order dated 28.05.2014 but with immediate effect instead from the due date 24.03.2012 when his juniors were promoted. That due to non-compliance of the judgment by the

department Execution Petition No. 16/2016 was filed for implementing the judgment dated 06.10.2015 and it was during the pendency of that execution petition that seniority list of Senior Clerks was issued on 31.07.2019 whereby name of the appellant was placed above Sartaj Ali, Saeed Anwar and Muhammad Dawood. Learned counsel for the appellant contends that since the aforesaid three officials have been promoted earlier than the appellant, therefore, his current position in the seniority list would not give him any service benefits unless and until his promotion is antedated to the post of Senior Clerk with effect from 24.03.2012.

3. The departmental appeal filed for redressal of the issue resulted in failure vide rejection order of the authority dated 06.03.2020, no grounds were assigned for arriving at the above mentioned conclusion hence, the instant present service appeal.

4. As for the period of limitation the learned counsel for the appellant placed reliance on 2002 PLC (C.S.) 1388 citation (a) where it was held by the Punjab Services Tribunal that representation and appeal filed by the civil servant against his grievance though was late, but in matter of promotion, pay and other emolument, limitation would not foreclosed his right accrued to him. Since the important question of limitation besides other, are involved, it is deemed appropriate to issue respondents pre-admission notice for 01.10.2020.

(MUHAMMAD JAMAL KHAN)
MEMBER

01.10.2020

Counsel for the appellant and Addl. AG for the respondents present.

A request for adjournment is made by both the learned counsel for the parties in order to examine the last order of Tribunal and prepare the case in light thereof. Adjourned to 28.10.2020 before S.B.



Chairman

28.10.2020

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 13.01.2021 before S.B.



(Rozina Rehman)
Member (J)

13.01.2021

Appellant is present in person. Mr. Wisal Muhammad, ADO, on behalf of respondent No. 3 is also present.

Representative of respondent No. 3 submitted reply on behalf of the said respondent which is placed on file. Perusal of the record reveals that notice has already been issued to respondent No. 3 as regard remaining respondents they have not been issued notice. It is deemed appropriate to issue notice to remaining respondents for 13.04.2021 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

13.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

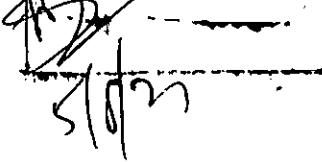
03.08.2021

Appellant present in person. Preliminary arguments heard.

After raising some questions including that of limitation vide order dated 22.07.2020 on this appeal, pre-admission notice was given to the respondents for 01.10:2020 but on the next date request for adjournment was made on behalf of both the parties in order to examine the last order of the Tribunal and prepare the case in light of that. After adjournment of the proceedings on next date, the representative of the respondents No. 2 & 3 has submitted written reply on 13.01.2021, followed by direction to issue notice to the remaining respondents 13.04.2021. Next date was adjourned due to Note Reader for today. When pre-admission notice has already been given and two of the respondents has filed written reply, there seems no workable reason to keep the appeal in the course of preliminary hearing. Therefore, this appeal is admitted for full hearing, subject to all legal objections including that of limitation to be determined during course of full hearing. The appellant is directed to deposit security

and process fee within 10 days. Thereafter, notices be issued to the respondent No. 1 for submission of written reply/comments in office within 10 days after receipt of notice, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee




Chairman

28.12.2021

Due to Winter Vacations, the case is adjourned to 13. 04 2022 for the same as before.


READER

13.04.2022

Appellant in person present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Written comments on behalf of respondents have been submitted through office which is available on file. A copy of the same is handed over to the appellant. Appellant sought adjournment to file rejoinder. To come up for rejoinder as well as arguments before the D.B on 21.06.2022.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)

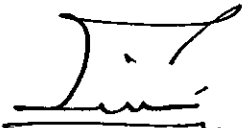
21.06.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

After hearing learned counsel for the parties at certain length, it transpired that the appellant has placed reliance on seniority list pertaining to the year 2010-11 attached with the appeal as annexure-F, while on the other hand, respondents have categorically mentioned in para-2 of their reply/comments that the seniority list so attached by the appellant is neither numbered nor signed, therefore, the same is having no legal effect. In this scenario respondents are directed to produce seniority list of Junior Clerks pertaining to the year 2010-11 and to come up for arguments on 02.09.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

02.09.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 18.10.2022 before the D.B.

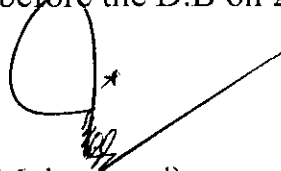


(Salah-Ud-Din)
Member (Judicial)

18.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 24.11.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24.11.2022

Appellant alongwith counsel present.

Muhammad Jan learned District Attorney alongwith Latif Ahmad ADEO for the respondents present.

Counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 13.01.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)