



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7279 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2021	<p>The appeal of Mr. Said Nawaz presented today by Mr. Fazal Shah Mohmand 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

04.10.2021

Appellant alongwith his counsel Mr. Fazal Shah Mohmand, Advocate, present. Preliminary arguments heard.

Learned counsel for the appellant has contended that the appellant was appointed as Assistant Programmer/Assistant LAN Administrator (BPS-16) vide notification dated 10.05.2018. He next contended that as per seniority list dated 12.08.2020, the appellant is placed at the top of the seniority list in his own cadre, however vide impugned notification dated 28.04.2021, amendments were made in Appendix against serial No. 02 in column 5 clause (a) and "Note" was also added whereby the Khyber Pakhtunkhwa Police Department (Information and Technology Wing) Service Rules, 2014 were amended thereby maintaining joint seniority list of the Assistant Programmers, Assistant LAN Administrators and Computer Operators (BPS-16), which has adversely affected the right of promotion of the appellant because maintaining of joint seniority list would adversely affect the seniority of the appellant and his legitimate prospects of promotion. He further contended that both the posts are distinct posts of different cadres, therefore, the impugned amendments being wrong and illegal are liable to be strucked down.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, whereafter notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 25.10.2021.

The appeal is also accompanied by an application for restraining respondents from issuing joint seniority list of Assistant Programmers, Assistant LAN Administrator and Computer Operators till the final disposal of the instant appeal. Notice of the application be issued to the respondents and in the meanwhile status-quo be maintained till the date fixed subject to notice.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Appellant Deposited
Security & Process Fee

04/10/21

25.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 17.01.2022.


(MIAN MUHAMMAD)
MEMBER (E)

17.01.2022

Counsel for the appellant present. Mr. Muhammad Rasheed, DDA for official respondents present. Mr. Noor Muhammad Khattak, Advocate for applicants Shahidullah and Muhammad Hussain, Computer Operators present. who already submitted application through office for their impleadment as respondents.

Case to come up for written reply of respondents No. 2, 4 and 5 on main appeal and reply on behalf of appellant on impleadment application on next date. Case is adjourned 04.02.2022 before the D.B. In the meanwhile status quo be maintained till the date fixed.


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


Chairman

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.


Reader

18.05.2022

Appellant alongwith his counsel present. Sarmat Ali ASI alongwith Mr. Kabir Ullah Khattak Additional Advocate General for official respondents present. Intervener/petitioner namely Shahid Ullah alongwith learned counsel for the petitioners present. Arguments on the impleadment application submitted by the petitioners namely Shahid Ullah and Muhammad Hussain Computer Operators, heard and record perused.

The petitioners have alleged that as their valuable rights are involved in the instant service appeal, therefore, their impleadment is necessary. In order, to reach a just and right conclusion of the appeal in hand, impleadment of the petitioners is necessary. Moreover, learned counsel for the appellant as well as learned AAG for official respondents stated at the bar that they are having no objection on allowing of the impleadment application. The application is, therefore, allowed and the petitioners are impleaded as respondents in the instant appeal. Office is directed to do the needful. To come up for reply/comments of the impleaded respondents as well as official respondents No.2,4 & 5 on 08.06.2022 before D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

8.6.22 Proper D.B is an Tour, Therefore
The Case is Adjourned to 19/7/2022
for same
Reader

19.07.2022

Proper Bench is not available, therefore, case is adjourned to 08.09.2022 for the same as before.



Reader

08.09.2022

Junior to counsel for appellant present.

Muhammad Jan, learned District Attorney alongwith Sajid Khan Superintendent for respondents No.1 to 5 present. Private respondents No.6 & 7 present through counsel.

Reply of respondents No.1 & 3 has already been submitted. Representative of respondent No.4 submitted reliance report. Learned District Attorney stated that the respondents No.2 & 5 also rely upon the reply submitted on behalf of respondents No.1 & 3. Reply on behalf of private respondents submitted. To come up for arguments on 13.10.2022 before D.B.



(Fareeha Paul)
Member(E)

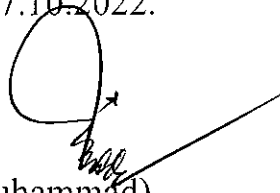


(Rozina Rehman)
Member(J)

13.10.2022

Appellant alongwith his counsel present. Mr. Habib Khan, DSP (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Learned counsel for private respondents No. 6 & 7 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. Last opportunity given. To come up for arguments before the D.B on 17.10.2022.



(Mian Muhammad)
Member (E)

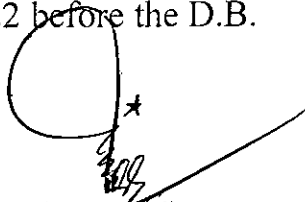



(Salah-ud-Din)
Member (J)

17.10.2022

Appellant alongwith Ms. Rabia Muzaffar, Advocate, junior of learned counsel for the appellant present. Mr. Sarmad Khan, S.I (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents present. Private respondents No. 6 & 7 alongwith their counsel also present.

Junior of learned counsel for the appellant stated that learned counsel for the appellant has proceeded to august Supreme Court of Pakistan at Islamabad, therefore, an adjournment may be granted. In this respected, she also submitted copy of page No. 106 of cause list, which his placed on file. Adjourned. To come up for arguments on 24.10.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)



24.10.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present. Clerk of learned counsel for private respondents No. 6 & 7 also present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 25.11.2022 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

25.11.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.12.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

14/11/22