



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 139/2014

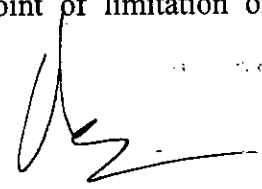
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/02/2014	<p>The appeal of Mr. Gul Muhammad re-submitted today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	7-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

*Noted for
24/3/2014.
Azeem
19/2/2014*

3.
24.03.2014

Appellant with counsel present. Preliminary arguments heard. Perusal of the case reveals that the appellant has impugned promotion order dated 07.02.2013 vide which respondent No.4 was promoted as work munshi (BPS-5). Against the impugned order dated 07.02.2013, the appellant filed departmental appeal on 18.11.2013 which was not decided, hence the appellant filed the instant appeal. Pre-admission notice is hereby issued to the AAG/GP to assist the Tribunal on the point of limitation on 12.05.2014.

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partly



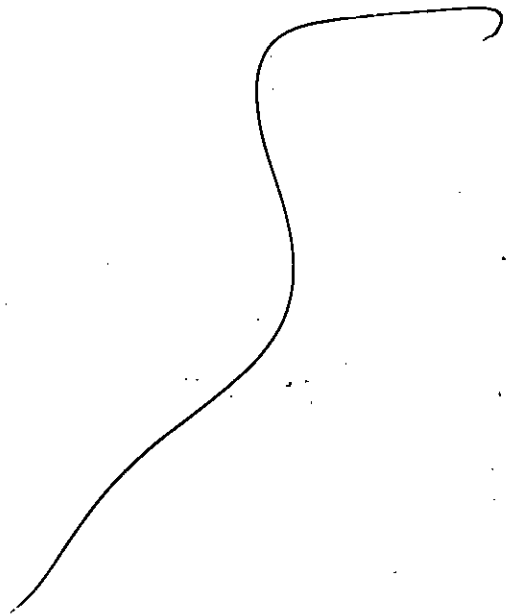
Member

4.
12.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 12.06.2014.



Member



5. 12.06.2014

Appeal No. 139/2014
Mr. Gul Muhammad

Counsel for the appellnt and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant filed an application for amendment in the instant appeal alongwith amended appeal with spare sets. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 07.02.2013, he filed departmental appeal on 18.11.2013, which has been rejected on 27.12.2013, hence the present appeal on 27.01.2014. He further contended that the impugned order dated 27.12.2013, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 08.09.2014.

Appellant Deposited
Security & Process Fee
Rs. 2000 Bank
Receipt is Attached with File.




Member

6. 12.06.2014

This case be put before the Final Bench I for further proceedings.


Chairman

8.9.2014

Appellant in person and Mr. Naseer-ud-Din, SDO on behalf of official respondents No. 1 to 3 with Mr. Ziaullah, GP present. Private respondent No. 4 is not present despite his service through registered post, hence proceeded against ex-parte. To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 1.1.2015.


Chairman

01.01.2015

Appellant in person, Mr. Naseer-ud-Din, SDO on behalf of official respondents No. 1 to 3 with Mr. Muhammad Adeel Butt, AAG and private respondent No.5 in person present. The Tribunal is incomplete. To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 24.04.2015.


Reader.

24.4.2015

Clerk of counsel for the appellant and Addl. AG for the official respondents No. 1 to 3 present. Mr. Mukhtiar Ahmad Maneri, Advocate submitted. Wakalatanama on behalf of private respondent No.4, who is already placed ex-parte vide order sheet dated 08.9.2014. However, Wakalatnama placed on file. To come up for written reply/comments of respondent No. 1 to 3 on 09.7.2015.


Member

09.07.2015

Appellant in person and Assistant A.G for official respondents present. Neither Written reply has been filed nor representatives of the official respondents are present. Fresh notice be issued to the official respondents No. 1 to 3 for submission of written reply for

29-9-15


Member


Member

29.09.2015

Appellant in person, Mr. Shareen Khan, SDO alongwith Addl: A.G for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.12.2015 before S.B.


Chairman

03.12.2015

Appellant in person, Mr. Muhammad Shafi, Sub-Engineer alongwith Addl: A.G for official respondent No. 1 to 3 and private respondent No. 4 in person present. Written reply by private respondent No. 4 submitted while official respondents No. 1 to 3 requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 11.2.2016 before S.B.


Chairman


11.02.2016

Appellant with counsel, Mr. Muhammad Shafiq, Sub-Engineer alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply not submitted by official respondents No. 1 to 3 despite last opportunity and cost of Rs. 1000/-. However, cost of Rs. 1000/- paid and receipt thereof obtained. Official respondents requested for further adjournment. Another last opportunity is extended subject to payment of further cost of Rs. 1000/- which shall be borne by the official respondents from their own pockets. To come up for written reply/comments and cost on 13.4.2016.


Chairman

13.4.2016

Counsel for the appellant, Mr. Shah Rahman, Sub Engineer alongwith Asstt. A.G for the official respondents and private respondent No. 4 in person present. Written reply not submitted despite last opportunity and cost of Rs. 1000/-. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 10000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 11000 on 02.06.2016.


Chairman

02.06.2016

Appellant in person, and Mr. Shah Rahman, Sub Engineer alongwith Addl. AG for the official respondents and private respondent No. 4 in person present. Written reply of official respondents No. 1 to 3 submitted. Cost of Rs. 11000/- paid and receipt thereof obtained from the appellant. Written reply by private respondent No. 4 already submitted. The appeal is assigned to D.B for rejoinder and final hearing for 04.10.2016.


Chairman

13.4.2016

Counsel for the appellant, Mr. Muhammad Ali, Asstt. A.G for the respondents present. Agent to counsel for the appellant seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 02.06.2016 before D.B.

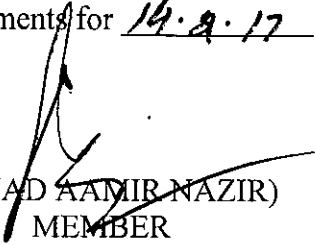
(Signature)
Member (3)

(Signature)
Member (3)

04.10.2016

None present on behalf of the appellant. Additional AG for the respondents present. Fresh notice be issued to appellant and his counsel for rejoinder and arguments for 14.2.17 before D.B.

*Naheed
P. M/S*


(MUHAMMAD AMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

14.02.2017

Appellant in person, Mr. Muhammad Shafi, Sub Engineer and Addl. AG for official respondents and private respondent No. 4 in person present. Rejoinder submitted which is placed on file. To come up for arguments on 16.06.2017 before D.B.

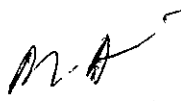

(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

16.06.2017

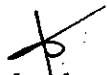
Agent to counsel for the appellant and Mr. Zahid Ur Rahman, Supdt alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.10.2017 before D.B.

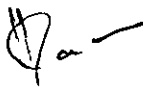

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

17.10.2017

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Shafi, Sub Engineer for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 29.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)


29.12.2017


Appellant in person and Usman Ghani, District Attorney for official respondents and counsel for private respondent no.4 present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 15.02.2018 before D.B.


Member

15.02.2018

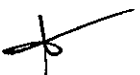
Learned counsel for the appellant and Additional AG for official respondents present. Counsel for private respondent also present. Adjournment requested. Adjourned. To come up for arguments on 17.04.2018 before D.B.



(Ahmad Hassan)
Member(E)


(Muhammad Hamid Mughal)
Member(J)

17.04.2018

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 03.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

03.07.2018

Appellant in person, Mr. Sardar Shoukat Hayat, Additional AG for official respondents No. 1 to 3 and private respondent No. 4 with counsel present. Appellant requested for adjournment on the ground that his counsel is not available today. Last opportunity is granted for arguments. Adjourned. To come up for arguments on 16.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

16.08.2018


Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of another last chance. To come up for arguments on 02.10.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

02.10.2018

Appellant in person and Mr. Riaz Ahmed Paindakhel Assistant AG for the respondent present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 11.10.2018


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

11.10.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Arguments of learned counsel for appellant heard at some length and it appeared that the Executive Engineer Swabi Irrigation Division-II Swabi should also have been impleaded as party in the present case. Consequently the same is hereby arrayed as respondent No.5 in the calendar of respondents and notice be issued to the newly added respondent No.5 for 26.11.2018. To come up for further proceedings/arguments on the date fixed before D.B.



Member



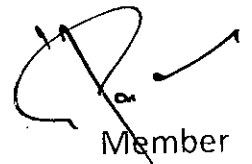
Member

26.11.2018

Appellant with counsel and Mr. Muhammad Jan learned Deputy District Attorney present. Private respondent No.4 with counsel also present. None present on behalf of respondent No.1 & 5. Notices be issued to respondents No.1 & 5 for 08.01.2019. To come up for further proceedings/arguments on the date fixed before D.B.



Member



Member

08.01.2019

Appellant in person and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Sohail SDO for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 21.02.2019 before D.B



Member



Member

21.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl; AG for the respondents present.

Due to paucity of time the matter is adjourned to 02.04.2019 before D.B


Member


Chairman

02.04.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the official respondents and counsel for the private respondent No.4 present.

Mst. Naseem Begum special attorney for the appellant has submitted power of attorney in her favor which is placed on record. Learned counsel for the appellant states that he could not prepare the brief due to non availability of record pertaining to posting of appellant and respondent No.4 in Swabi Division 1 & 2. He, therefore, requests for adjournment.

Adjourned to 06.05.2019 before D.B. The respondent No.3 shall be given notice of the next date to produce the relevant record positively.


Member


Chairman

06.05.2019

Counsel for the appellant and Mr. Ziaullah DDA for the respondents present.

The representative of the respondents has failed to produce the record required through last order. Learned DDA undertakes to instruct the respondents for production of requisite record on next date of hearing.

Adjourned to ~~12~~ 06.2019 before D.B.

Member

Chairman *[Signature]*

12.06.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

The record required through order dated 02.04.2019 is still not submitted. The respondents No. 1 and 2 shall be given notice for personal appearance alongwith copy of order dated 02.04.2019 for production of record on the next date.

Adjourned to 08.07.2019 for arguments before the D.B.

Member

Chairman

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on fresh page.*

139/2014

12.06.2019

Counsel for the appellant and Mr. Usman Ghani,
District Attorney for the respondents present.

The record required through order dated 02.04.2019
is still not submitted. The respondents No. 1 and 2 shall be
given notice for personal appearance alongwith copy of
order dated 02.04.2019 for production of record on the next
date.

Adjourned to 08.07.2019 for arguments before the
D.B.


Member


Chairman

08.07.2019

Counsel for the appellant, Mr. Muhammad Jan, DDA for
official respondents and counsel for private respondent no.4
present.

Record not produced despite directions to this effect time
and again, while the service appeal is lingering from 2014. The
salary of respondent no.1 and 2 is attached till further order.
Fresh notices be issued to respondent no. 1 and 2 with the
directions to furnish complete record pertaining to posting of
appellant and private respondent no.4 in Swabi Division 1 & 2.
Case to come up for record and arguments on 27.08.2019
before D.B.


Member


Member

27.08.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Neither warrant of attachment of salary of respondents No.1 & 2 as per preceding order sheet has been issued nor any notices issued to them. Concerned official/Muharrir to offer explanation to this effect. Notice be issued to respondents No.1 & 2 with direction to furnish complete record pertaining to posting ^{of} appellant and private respondent No.4 in Swabi Division 1 & 2. Similarly warrant of attachment of salary of respondents No.1 & 2 be also issued ^{accordingly} to them ~~for~~ ^{for the date fixed.} Adjourn. To come up for further proceedings/arguments on 30.09.2019 before D.B.


Member


Member

30.09.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 30.10.2019 for further proceeding/arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

17.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General on behalf of official respondents No. 1 to 3 & 5 present. Junior of learned counsel for private respondent No. 4 present and requested for adjournment on the ground that learned counsel for private respondent No. 4 is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 31.05.2022 before the D.B.

The appeal pertains to the year 2014, therefore, learned counsel for the parties shall make sure their appearance ^{on} for the date fixed.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

31th May, 2022

Attorney for the appellant present. Kabirullah Khattak, Addl: AG for official respondents No. 1 to 3 and 5 and Mr. Amad Nasir Kundi, Advocate for private respondent No.4 present.

Attorney for the appellant seeks adjournment on the ground that learned counsel for the appellant is indisposed today and could not appear before the Tribunal. The instant appeal pertains to the year 2014, it seems that learned counsel is not interested in disposal of this appeal, therefore, case to come up for order before the D.B on 05.07.2022. Learned counsel for the appellant may argue the case before the announcement.



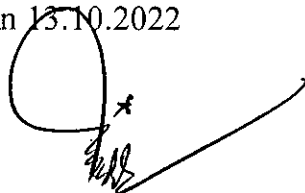
(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman

05.07.2022

Mr. Muhammad Adam Khan, Advocate for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 and 5 present. Mr. Amad Nasir Kundi, Advocate (Junior) of learned counsel for private respondent No. 4 present and requested for adjournment on the ground that learned counsel for private respondent No. 4 has proceeded for performing of Hajj. Adjourned. To come up for arguments before the D.B on 13.10.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13th Oct., 2022

Counsel for the appellant present. M. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

None of the representative of the department is present to assist the Tribunal or the learned AAG, who stated that he was unable to argue the case without the documents, which were not provided by the department. This is the case of 2014 and it is noted with great concern that this government department like other government departments is not bothering to process court cases. Last opportunity is granted. This appeal is adjourned on the cost of Rs. 20000/- (Rupees Twenty thousand) to be paid by the respondents from their salaries in equal share. To come up for arguments on 23.11.2022 before the D.B.




(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman

23rd Nov. 2022 Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel: AG alongwith Mr. Hassan Khan, XEN Swabi for respondents present.


Representative of the respondents paid cost of Rs. 20000/- and receipt given to him. Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned as last chance. To come up for arguments on 29.11.2022 before the D.B.


(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

29th Nov. 2022 Mst. Naseem Begum w/o appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Noor Rehman, Deputy Collector for the respondents present.

Wife of appellant got recorded her statement, stating therein that learned counsel for the appellant had already completed his arguments. Statement is placed on file. Arguments of learned Assistant Advocate General heard. To come up for consideration on 02.12.2022 before this D.B.

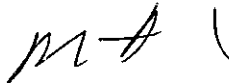

(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

11.02.2020


Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Alamzeb SDO for the respondents present. Representative of the respondent department submitted DPC meeting held on 04.02.2013, which is placed on record. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.03.2020

Wife of the appellant present. Mr. Ziaullah, DDA alongwith Mr. Alamzeb, SDO for official respondents and private respondent No. 4 in person present. Due to general strike on the call of Peshawar Bar Council, the instant case is adjourned. To come up for arguments on 18.05.2020 before D.B.


(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

18-5 .2020

Due to COVID19, the case is adjourned to

10/8/2020 for the same as before.

Reader

10.08.2020

Due to summer vacations case to come up for the same on
12.10.2020 before D.B.

Reader

12.10.2020

Appellant present through counsel.

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

Former made a request for adjournment. Adjourned. To come up for arguments on 03.12.2020 before D.B.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

03.12.2020

Bench is incomplete. Therefore, case is adjourned to
22.12.2020 for the same as before.

Reader

03.12.2020

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

22.12.2020

Son of the appellant and Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Abdul Rasheed Sub Divisional Accountant for respondents present.

Due to COVID-19, the case is adjourned for the same on 05.02.2021 before D.B.


Reader

05.02.2021

On account of Public Holiday (Kashmir Day), the case is adjourned to 08.03.2021 for the same.



Reader

08.03.2021

Counsel for appellant present.

Noor Zaman Khan Khattak learned District Attorney alongwith Rooh ul Amin Inspector for respondents present.

Due to non-availability of D.B, case is adjourned to 07.06.2021 for the same as before.


Reader