


31<sup>st</sup> Oct., 2022 Mr. Ubaid Shah, Assistant to learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

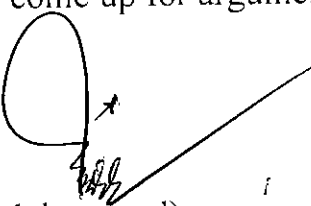
Request for adjournment was made due to non-availability of learned senior counsel for the appellant. Last chance is given to the appellant to ensure attendance of his learned counsel, failing which the appeal will be decided on the basis of available record without the arguments. To come up for arguments on 29.11.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

29.11.2022 Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney 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 up for arguments on 12.01.2023 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

23.08.2021

Clerk of learned counsel for the appellant present.  
Mr. Muhammad Rashid, DDA for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station. Adjourned. To come up for rejoinder as well as arguments before the D.B on 13.12.2021.

(MIAN MUHAMMAD)  
Member(E)

(SALAH-UD-DIN)  
Member(J)

13.12.21

DB is on tour, case to come up for the same on dated. 11-4-22

Reader

11-4-2022

Proper DB not available  
the case is adjourned 22-8-22

Reader

22.08.2022

Mr. Abdul Majeed Advocate, junior of learned counsel for the appellant present. Mr. Ubaid Ur Rehman ADEO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

File to come up alongwith connected Service Appeal No. 3299/2020 titled "Muhammad Israr Vs. Government of Khyber Pakhtunkhwa" on 31.10.2022 before the D.B.

(Rozina Rehman)  
Member(J)

(Salah-Ud-Din)  
Member(J)

18.11.2020

Junior to counsel for the appellant and Addl; AG for respondents present.

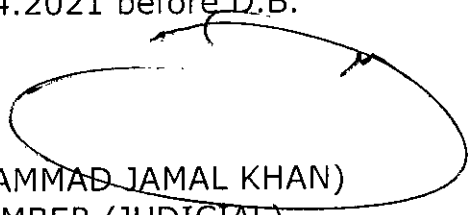
Learned AAG seeks time to furnish reply/comments. He is required to contact the respondents and facilitate the submission of reply/comments on 07.01.2021, as a last chance.

  
Chairman

07.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Iftikhar-ul-Ghani, DEO (Male), for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File to come up for rejoinder and arguments on 27.04.2021 before D.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

27.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 23.08.2021 for the same as before.

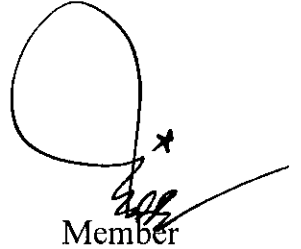
  
Reader

18.06.2020

Counsel for the appellant and Addl. AG for respondents present. Security and process fee not deposited. Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 04.08.202 before S.B.

Appellant requested  
Security & Process Fee

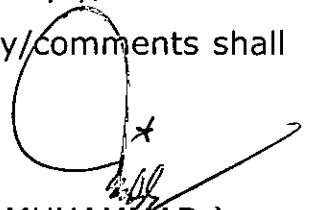
23/6/20

  
Member

04.08.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present.

Learned Additional AG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 28.09.2020 on which date reply/comments shall positively be furnished.

  
(MIAN MUHAMMAD )  
MEMBER(E)

28.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG again seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 18.11.2020 on which date the reply/comments shall be submitted without fail.

  
Chairman

08.05.2020

Learned counsel for the appellant present. Preliminary arguments heard.

It was contended by the learned counsel for the appellant that the respondent department published advertisement for the recruitment of Drawing Master etc. teacher. It was further contended that the appellant applied for the same and after interview, the appellant was shown entitled to be appointed as DM as per merit list but later on, the appellant was not appointed as DM on the ground that Drawing Master Degree obtained by him from the concerned university is not recognized. It was further contended that the appellant file writ petition against the respondent department for directing the respondent department to appoint the appellant as DM. It was further contended the writ petition of the appellant was accepted and the respondent department was directed to appoint the appellant against the post of DM immediately without further waste of time as the appellant has been languishing before the different courts of law for his lawful entitlement since long vide judgment dated 30.05.2018. It was further contended that the appellant also filed review petition before the Worthy Peshawar High Court for correction of consolidated judgment dated 30.05.2018 with further direction to respondent department to prepare joint seniority list. It was further contended that review petition was also accepted vide judgment dated 26.09.2018. It was further contended that the appellant was appointed by the respondent department on the basis of judgment of Worthy High Court but w.e.f the date of taking over charge vide order dated 26.11.2018. It was further contended that the appellant filed contempt of court application against the respondents on the ground mentioned in the contempt of court application but the contempt of court application was dismissed by the Worthy Peshawar High Court however it was observed that the petition is however at liberty to filed departmental representation before the respective authority in respect of their grievances and also to approach the Khyber Pakhtunkhwa Service Tribunal. It was further observed that this order shall not be hindrance in his way in any of the proceedings either before the departmental appeal or Khyber Pakhtunkhwa Service Tribunal vide judgment dated 16.12.2019. It was further contended that the appellant filed departmental appeal before the respondent department on 19.12.2019 for his antedated appointment with effect from the date when other categories of the teacher mentioned in the advertisement dated 05.01.2014 was appointed but the same was not responded hence the

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present service appeal on 22.04.2020. It was further contended that the respondent department appointed other category of teacher mentioned in the advertisement dated 05.01.2014k. In the year 2015 while the appellant was appointed on 26.11.2018 for no fault of the appellant as the writ petition of the appellant was accepted and the Worthy High Court directed the respondents to appoint the appellant as D.M and the objection of the respondent department for which the appellant was not appointed was rejected/overruled. It was further contended that similar employee also filed service appeal for antedate appointment which was also allowed by this Tribunal through common judgment and the respondent department was directed to prepare their seniority list according to law vide judgment dated 07.11.2016, therefore the appellant was discriminated and the respondent department is bound to pass an order for antedated appointment of the appellant from the date when the other category of the teacher mentioned in the advertisement date d05.01.2014 were appointed in the year 2015.

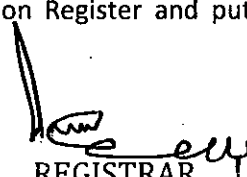

Points raised by the learned counsel, need consideration. The appeal is admitted to regular hearing subject to all just legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 18.06.2020 before S.B

  
(M. AMIN KHN KUNDI)  
(MEMBER-J)

Form- A

FORM OF ORDER SHEET

Court of 33/2  
Case No.-                                  /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 22/04/2020                | <p>The appeal of Said Bahar submitted today by Mr. Akhtar Ilyas, 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;"><br/>REGISTRAR</p> |
| 2-    |                           | <p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>08-05-2020</u></p> <p style="text-align: right;"><br/>MEMBER</p>  |

07.05.2020

Learned counsel for the appellant present. Written reply not submitted. None is present on behalf of respondents. Notice be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 29.05.2020 before S.B. In the meanwhile, status quo be maintained till the date fixed.

(M. AMIN KHN KUNDI)  
(MEMBER-J)