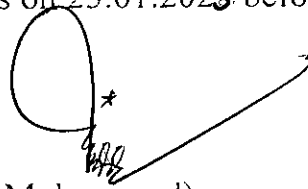


28.11.2022

Junior of learned counsel for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for
official respondents No. 1 to 4 present. Learned counsel for
private respondent No. 5 also present.

Junior of learned counsel for the appellant requested
for adjournment on the ground that learned counsel for the
appellant is busy before D.B-I. Adjourned. To come up for
arguments on 25.01.2023 before D.B.

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(Mian Muhammad)
Member (E)

A handwritten signature in black ink, consisting of a large, stylized 'S' with a horizontal line extending to the right and a vertical line extending downwards.

(Salah-ud-Din)
Member (J)

18.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.06.2022 for the same as before.


Reader.

21.06.2022

Appellant alongwith his counsel present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents No. 1 to 4 present. Learned counsel for private respondent No. 5 also 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 12.09.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

12.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for official respondents No. 1 to 4 present. Counsel for private respondents No. 5 present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 28.11.2022.


(Salah-Ud-Din)
Member (J)

23.06.2021

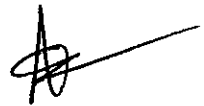
Appellant with counsel present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Mr. Junaid Ullah, Assistant for respondents present.

Mr. Taimur Ali Khan, Advocate submitted fresh Wakalatnama on behalf of respondent No.5 and seeks adjournment as he has not prepared the case being freshly engaged. Adjourned. To come up for arguments on 13.09.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

13.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 13.01.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

13.01.2022

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

Due to paucity of time arguments could not be heard. To come up for arguments on ~~21.03~~ 21.03.2022 before the D.B.



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

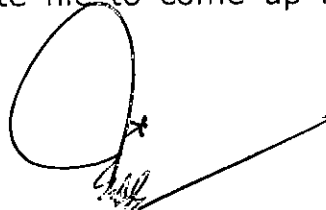


Chairman

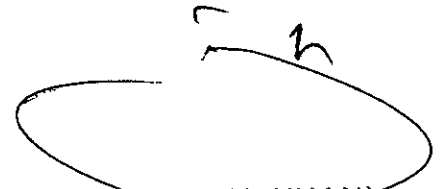
11.12.2020

Appellant in person alongwith Mr. Mir Zaman Safi, Advocate, are present. Mr. Muhammad Jan, Deputy District Attorney alongwith representatives of the department Mr. Shakeel, Computer Operator and Mr. Ajmeer, Junior Clerk, for the respondents are also present.

Learned counsel submitted that his senior is not available today and requested for adjournment. Adjourned to 13.01.2021 on which date file to come up for arguments positively before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

13.01.2021

~~Counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.~~

Due to COVID-19, the case is adjourned for the same on 21.04.2021 before D.B.



READER

21.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 23.06.2021 for the same as before.

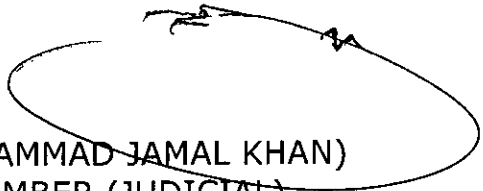


Reader

11.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Mehran, Junior Clerk, on behalf of official respondents No. 1 to 4 and private respondent No. 5, are also present.

Written replies on behalf of official respondents as well as private respondent submitted which are placed on record. File to come up for rejoinder and arguments on 30.11.2020 before D.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)


30.11.2020

Junior counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Hussain Akbar Assistant for respondents present.

Former made a request for adjournment as senior counsel is not available. Adjourned. To come up for arguments on 11.12.2020 before D.B. Status-quo be maintained till the date fixed.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

21.08.2020

Due to public holiday on account of 1st Moharram, the case is adjourned to 26.10.2020 for the same as before.


Reader

26.10.2020

Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hussain Akbar Assistant for respondents No.1 to 4 present. Private respondent No.5 present.

Written reply was not submitted on behalf of respondents. Representative of official respondents as well as private respondent No.5 made a request for adjournment; granted by way of last chance. To come up for written reply/comments on 11.11.2020 before S.B.



(Rozina Rehman)
Member (J)

20.07.2020

Mr. Amjid Ali, Advocate for appellant and appellant himself are present. Mr. Kabirullah Khattak, Learned Additional AG alongwith Mr. Ghareebullah, Junior Clerk on behalf of respondent No. 2 and private respondent No. 5 in person are also present.

Representative of respondent No. 2 as well as private respondent No. 5 seek further time to submit written reply/comments. Time granted. No one is present on behalf of respondents No. 1, 3 & 4 therefore, notices be issued to them for submission of written reply/comments for 07.08.2020 before S.B. The restraint order already granted vide order sheet dated 02.07.2020 shall continue till the next date.


(MUHAMMAD JAMAL KHAN)
MEMBER

07.08.2020

Mr. Amjid Ali, Advocate for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ghareebullah, Junior Clerk on behalf of respondents No. 1 to 4 are also present.

Representative of respondents No. 1 to 4 requested for further time to furnish written reply/comments. Time granted. While no one is present on behalf of private respondent No. 5, therefore, notice be issued to him for submission of written reply/comments. File to come up for written reply/comments on 21.08.2020 before S.B. The restraint order already granted vide order sheet dated 02.07.2020 shall continue till the next date.


(MUHAMMAD JAMAL KHAN)
MEMBER

02.07.2020

Appellant with counsel and Mr. Kabirullah Khattak learned Addl.AG for the respondents present.

At the outset learned AAG raised preliminary objection regarding maintainability of instant appeal. He was of the view that the appellant did not prefer any departmental appeal against the impugned order dated 19.12.2019, therefore, his service appeal was not to be entertained.

Learned counsel for the appellant referred to the departmental appeal submitted by Ajmeer Khan/private respondent No.5 on 25.06.2019 and contended that the impugned order was passed on an appeal and was, for all the purposes, an appellate order. The appellant was aggrieved of the order, therefore, he preferred instant appeal before this Tribunal.

Speaking about the merits of the case, learned counsel referred to the contents of impugned order. It was his argument that the appellant was directly affected from the passing of the order but he was never put on notice for hearing of appeal submitted by respondent No.5. In the circumstances, it could be safely said that the appellant was condemned unheard. He also referred to the seniority list and stated that the appellant was placed at a higher Sr. No. than the respondent No.5.

In view of the available record and arguments of learned counsel it is appropriate to admit the appeal in hand for regular hearing, subject to all just exception. Order accordingly. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 20.07.2020 before S.B.

Alongwith the appeal, there is an application for suspension of operation of impugned order dated 19.12.2019. Notice of the application be also giveⁿ to the respondents for the date fixed. In the meanwhile the operation of impugned order shall remain suspended if not already acted upon.

Appellant Deposited
Security & Process Fee


Chairman

10.06.2020

Counsel for the appellant and Addl. AG present.

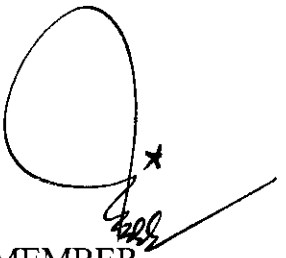
Learned AAG states that he has no notice of fixation of instant matter at pre-admission stage, therefore, requests for adjournment to prepare the brief.

Adjourned to 17.06.2020 before S.B.


Chairman

17.06.2020

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 29.06.2020 before S.B.


MEMBER

29.06.2020

The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on ~~08.07~~ 08.07.2020 before S.B.


Reader

28.02.2019

Learned counsel for the appellant present. Heard.

Admittedly the private respondent No.5 (Naib Qasid) is senior to the appellant. Appellant was promoted to the post of Junior Clerk while the appellant was ignored on the ground that he failed the test.

Learned counsel for the appellant remained unable to demonstrate that how the appellant was rightly promoted from the post of Class-IV to the post of Junior Clerk by ignoring the appellant when in the relevant promotion criteria, there is no provision for any test. Departmental appeal filed by private respondent No.5 has been accepted by the order dated 19.12.2019 made impugned in the present service appeal.

Let pre-admission notice be issued to the learned AAG for arguments. Adjourn. To come up for preliminary arguments on 25.03.2020 before S.B.



Member

08.06.2020

Junior to counsel for the appellant present. Requests for adjournment due to general strike of the Bar.

Adjourned to 10.06.2020 before S.B.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 532 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	22/01/2020	<p>The appeal of Mr. Farzand Ali presented today by Mr. Amjid Ali Mardan 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> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/02/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>