

31st Oct., 2022 Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for respondents present.


Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned To come up for arguments on 29.11.2022 before the D.B.



(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

29.11.2022 Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 26.01.2023 before D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

03.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl. AG the respondents present.

Umar Khayam Naib Clerk on behalf of respondents No. 1, 4, and 5 present and submitted written reply/comments alongwith with amount of cost Rs. 1000/- which is paid to the counsel of the appellant and receipt is also placed on file. A copy of the reply/comments handed over to the counsel of the appellant. To come up for rejoinder/arguments on 22.08.2022 before D.B.



(FAREEHA PAUL)
Member (E)

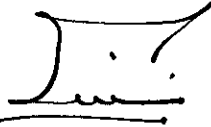
22.08.2022

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

File to come up alongwith connected Service Appeal No.52/2019 titled "Mst. Rohi Bibi Vs. Government of Khyber Pakhtunkhwa" on 31.10.2022 before D.B.



(Rozina Rehman)
Member(J)

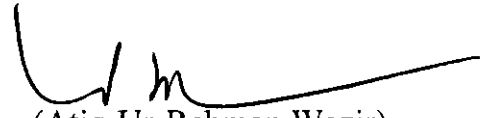


(Salah-Ud-Din)
Member(J)

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

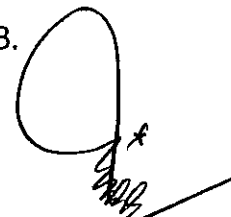
Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Another last opportunity is Granted. To come up for reply/comments before the S.B on 31.03.2022.


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

31.03.2022

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

Written reply/comments on behalf of respondents not submitted despite last opportunity. Today no one is present on behalf of the respondents. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. Adjourned. To come up for written reply/comments before the S.B on 03.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

07.07.2021

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

Learned AAG seeks further time to submit reply/comments. He is required to contact the official respondents and submit reply/comments in office within 10 days, 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 on 30.11.2021 before the D.B.

Stipulated period has passed and reply has not been submitted.


Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

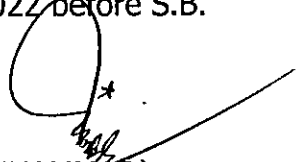



Chairman

30.11.2021

Clerk of learned for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks further time to contact the respondents for submission of written reply/comments. Request is acceded to but as a last chance. Adjourned. To come up for written reply/comments on 31.01.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

18.01.2021

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General present.

Written reply of respondents was not submitted. Case is adjourned on the request of learned A.A.G. To come up for written reply/comments on 11.03.2021 before S.B.



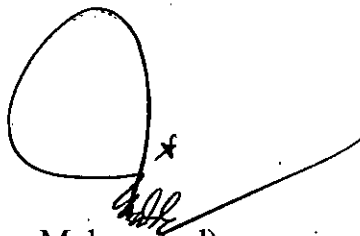
(Rozina Rehman)
Member (J)

11.03.2021

Junior to counsel for the appellant present. Addl: AG for respondent present.

Written reply on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

26.11.2020


Miss. Rooeda Khan, Advocate, for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents, is also present.

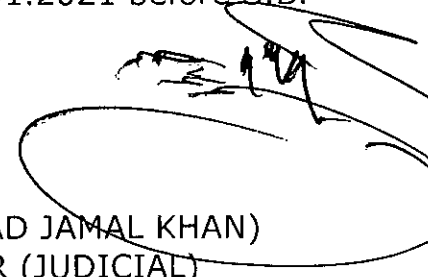
Arguments on restoration application heard and record perused.

The record reflects that despite having been noticed on account of her absence recorded on 13.05.2019 the petitioner did not appear nor her counsel attended the Tribunal in pursuance thereof, to deposit security and process fee within the stipulated period of time, therefore, the appeal was dismissed for non deposit of fee and charges as well as for default in appearance whereas the restoration application has been submitted on 22.07.2019 which is time barred. The reasons assigned by the petitioner are that she appeared through her counsel who marked her attendance before the Reader who was informed to deposit the process fee by handing him over 17.07.2019 as the next date of hearing but surprisingly when on that date of hearing the petitioner was communicated information with regard to dismissal of her appeal in default.

While keeping in view the facts of the case and the right involved on the one hand and the fact that the appeal is in its initial stage on the other and when the merit of the case has not been touched so far, and the reasons assigned for the restoration application are accepted however, for the purpose of admonition cost of Rs. 2000/- is imposed directing appellant to be vigilant in future. On realization of the cost it be delivered to the other party on obtaining receipt to be placed on file. File to come up for written reply/comments on 18.01.2021 before S.B.

*Rs. 2000/- deposited as cost by appellant
on 04-12-2020. entry made in the
Process fee register at Sr. No. 13.*




(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

20.04.2020

Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.


Reader

20.07.2020

Mr. Naseer-ud-Din Shah, Advocate, is present. Since no notice to the respondents has been issued and consequently served, therefore, arguments on application for restoration could not be heard. Office is directed to issue notice to the respondents directing them to submit their reply. To come up for reply and arguments on restoration application on 29.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

29.09.2020

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

The record shows that requisite notices in accordance with last order were issued to the respondents. It is already past 1.40 P.M and no representative of respondents has turned up despite repeated calls. Learned DDA is, therefore, required to take up the matter with the respondents and facilitate the submission of reply on next date of hearing.

Adjourned to 26.11.2020 before S.B.


Chairman

29.10.2019

Counsel for the petitioner present.

Learned counsel requests for time to further prepare the brief. Adjourned to 11.12.2019 before S.B.

Chairman 

11.12.2019

Junior to counsel for the petitioner present.

Requests for adjournment due to general strike of the Bar. Adjourned to 20.01.2020 before S.B.

Chairman 

20.01.2020

Junior to counsel for the petitioner present.

Requests for adjournment due to general strike of the Bar. Adjourned to 04.03.2020 before S.B.

Chairman 

04.03.2020

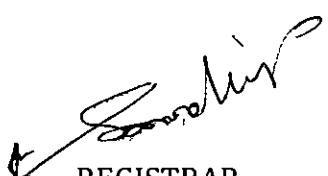


Miss. Roeeda Khan, Advocate present and submitted her Vakalatnama in favour of the appellant. The same is placed on record. Newly engaged learned counsel for the appellant seeks adjournment. Adjourned to 20.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Restoration application No. 279 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/07/2019 20/08/19.	<p>The application for restoration of appeal No. 54/2019 submitted by Mr. Nasir ud Din Shah Advocate, may be entered in the relevant register and put up to the Court for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This Restoration application be put up before S.B on <u>13/09/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.09.2019	<p>Mrs. Shabana Tanoli, Advocate on behalf of learned counsel for the petitioner present.</p> <p>A request for adjournment is made due to indisposition of learned counsel for the petitioner.</p> <p>Adjourned to 29.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

54/19

30.05.2019

Nemo for the appellant.

Instant appeal was admitted for regular hearing on 26.03.2019 and the appellant was required to deposit the security and process fee within 10 days. The requisite fee, however, was not deposited within the prescribed period. Further, the appellant was not represented on 13.05.2019, therefore, notice to her was ordered on the last date. The record shows that a notice was duly issued through registered post to the appellant for appearance today. Similar notice was issued to her learned counsel also which was received by him on 28.05.2019. Despite the exercise, no one is in appearance today on behalf of the appellant nor the requisite security and process fee is deposited till date.

The appeal is therefore, dismissed for non-deposit of fee and charges as well as for default in appearance by the appellant.

Chairman



ANNOUNCED

30.05.2019

26.03.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (PST) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 on the ground that juniors to the appellant have been promoting to the post of SPST while ignoring the appellant; that upon approaching the competent authority the appellant was told that the rest of the teachers shall be promoted soon however no action was taken so far; that the departmental representation of the appellant also went un-responded.

Points urged need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 13.05.2019 before S.B


Member

13.05.2019

No one present on behalf of appellant. Security and process fee not deposited. Notice be issued to the appellant and her counsel for 30.05.2019 before S.B.

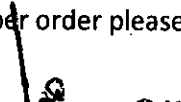

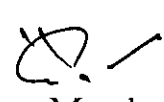

Member

Security fee
16/5/19

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 54/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2019	<p style="text-align: center;">The appeal of Mst. Sabiha Khanum resubmitted today by Mr. Naseer-ud-Din Shah 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 11/1/19</p>
2-	16-1-19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.02.2019	<p style="text-align: center;">Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 26.03.2019 S.B.</p> <p style="text-align: right;"> Member</p>