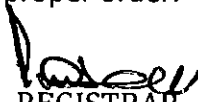



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 437/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.05.2015	<p>The appeal of Mr. Sajid Khan resubmitted today by Mr. Asad Jan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	25-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-5-15</u></p> <p> CHAIRMAN</p>

3

28.05.2015

Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned to 11.06.2015 for preliminary hearing before S.B.

  
Chairman

4

11.06.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the initial appointment order of the appellant was controverted by the respondents compelling the appellant to finally approach this Tribunal. That vide judgment dated 19.2.2015 this Tribunal directed the respondents to treat the service appeal as departmental appeal and pass order deemed appropriate. That vide impugned order dated 24.3.2015 the appellate authority has rejected the said appeal treated as departmental appeal and hence the instant service appeal.

That the appellant was lawfully appointed and the impugned order is against facts and law and therefore liable to be set-aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 21.9.2015. Notice of stay application be also issued for the date fixed.

Appellant Deposited  
Security & Process Fee



  
Chairman

5

21.09.2015

Agent of counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for further adjournment. To come up for written reply/comments on 26.11.2015 before S.B.

  
Chairman

26.11.2015


Agent of counsel for the appellant, M/S Muhammad Arif, SDO and Lal Paio Khan Khattak, Supdt. alongwith Addl: A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.4.2016.

  
Chairman

11.04.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Addl: AG. To come up for arguments on 1-8-16.

  
Member

  
Member

01.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 20.12.16 before D.B.

  
MEMBER

  
MEMBER

20.10.2016

Counsel for the appellant and Addl: AG for respondents present. During the course of arguments learned counsel for the appellant submitted that record of summary dated 30.04.2015 in case of Shams-uz-Zaman Director Technical Education who was exonerated may be requisition which is very material for proper decision in these appeals. The respondent-department is directed to produce the same record on the next date. To come up for such record and arguments on 26.01.2017.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER.

26.01.2017

Counsel for the appellant and Mr. Lal Pio Khattak, Supdt. alongwith Addl. AG for respondents present. Representative of the respondents failed to produce the record as requisition on previous order sheet and requested for adjournment. Last chance is given to him. Learned counsel for the appellant placed on file the summary vide which the officials were exonerated. 27.4.17



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

27.04.2017

None present on behalf of the appellant. Mr. Muhammad Hamid Zia, SDO alongwith Additional AG for the respondents present. Record not produced despite last chance. One more chance is granted at the cost of Rs. 100/- which shall be borne by the respondents from their own pockets. To come up for record, cost and final hearing on 06.07.2017 before D.B.

Member

Chairman

Note Below  
27.04.2017

Representative of the respondents turned up later on and submitted departmental record which is placed on file. To come up for cost and final hearing on 06.07.2017 before D.B.

Member

Chairman

12. 06.07.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG alongwith Mr. Zia Ahmad Khan, SDO for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 03.11.2017 before D.B.

(Gul Zeh Khan)  
Member

(Muhammad Hamid Mughal)  
Member

03.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl AG for the respondents present. The learned AAG seeks adjournment. To come up for arguments on 16.11.2017 before the D.B.

Member


Chairman

16.11.2017

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present.

The learned counsel for the appellant referred to a summary moved to the Chief Minister on the basis of which the persons responsible for appointment were exonerated. In order to decide this appeal, the annexures flagged with the summary are not before this Tribunal. The department is directed to produce the documents attached with the summary on the next date. To come up for arguments on 14.12.2017 before the D.B.


  
Member

  
Chairman

14.12.2017

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present. Departmental representative brought the file of disciplinary proceedings but during arguments, the file of meeting of DSC dated 14.1.2013 or any other date mentioned in the appointment order of the appellant should be produced on the next date. To come up for record and arguments on 09.01.2018 before the D.B.

  
Member

  
Chairman

09.01.2018

None present for the appellant and Mr. Kabir Ullah Khattak, AAG alongwith Mr. Muhammad Hamid Zia, SDO for the respondents present. Departmental representative produced record today. Copy provided to learned counsel for the appellant. Learned AAG seeks to study the record. To come up for arguments on 08.02.2018 before D.B.

  
Member

  
Chairman

08.02.2018

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present. Due to shortage of time, arguments could not be heard. To come up for arguments on 02.3.2018 before the D.B.

  
Member

  
Chairman

02.03.2018


Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present. Part arguments heard. This Tribunal reaches the conclusion that record pertaining to application of the class IV employees must to be produced in order to ascertain whether those applications were requisitioned through District Employment Exchange or not. To come up for further arguments and order on 30.03.2018 before this D.B.

  
(Ahmad Hassan)  
Member

  
Chairman

30.03.2018

Counsel for the appellant and Addl. AG for respondents present. On 02.03.2018, the appeal was partly heard and the department was directed to produce the application of class-IV employees but the department has not produced the application today. This appeal be fixed before the same bench who heard the case on 02.03.2018. To come up for such record and further arguments before the said bench on 03.05.2018.

  
Member

  
Chairman

03.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 19.07.2018 before D.B.

  
Reader

19.07.2018

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney, for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

10.09.2018

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant furnished photocopies of documents which are placed o file. Adjournment requested. Adjourned. To come up for arguments on 31.10.2018 before D.B

(Hussain Shah)

(Muhammad Hamid Mughal)



31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

READER

18.12.2018

Mr. Taimur Ali Khan, junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 25.01.2019 before D.B.



(Hussain Shah)



(Muhammad Amin Khan Kundi)

24.01.2019

Learned counsel for the appellant and Mr. Ullah learned Deputy Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.03.2019 before D.B

  
Member  
Member

27.03.2019

Mr. Taimur Khan, junior counsel for the appellant and Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned. To come up for arguments on 12.06.2019 before D.B.



(HUSSAIN SHAH)  
MEMBER



(M. AMIN KHAN KUNDI)  
MEMBER

12-6-2019

The Bench is incomplete therefore,  
Case is adjourned to 5-8-2019

  
Reader

Appeal No. 437/2015  
Sajid Khan vs P.B.M.C

05.08.2019

Junior to counsel for the appellant present. Mr. Zia Ullah

learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.09.2019 before D.B

  
Member

  
Member

27.09.2019

Counsel for the appellant present. Learned Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 04.10.2019 before D.B.

  
Member

  
Member

04.10.2019

Appellant in person present. Addl: AG alongwith Mr. Jawad Hamid, SDO for respondents present. On the previous date of hearing on the request of learned counsel for the appellant, the case was fixed for hearing today. Even previously, the case was previously adjourned on 18.12.2018, 24.01.2019, 27.03.2019 and 05.08.2019 on the explicit request of the learned counsel for the appellant. Today, the appellant informed that his counsel was busy before the august Supreme Court of Pakistan. Last opportunity is granted for arguments but at cost of Rs. 3000/- which to be paid by the appellant to the respondents. To come up for further proceedings on 07.11.2019 before D.B.

  
Member

  
Member

07.11.2019 Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 08.11.2019 before D.B.

Member

Member

08.11.2019 Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.12.2019 before D.B.

  
Member

  
Member

27.12.2019 Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.01.2020 before D.B.

  
Member

  
Member

27.10.2020

Proper D.B is on Tour, therefore, the case is  
adjourned for the same on 28.12.2020 before D.B.



Reeder

Appeal No. 437/2015  
Sajid Khan vs Govt

28.12.2020

Due to summer vacation, case is adjourned to  
15-3.2021 for the same as before.


  
Reader

15.03.2021

Counsel for the appellant and Mr. Muhammad Rashid,  
DDA for the respondents present.

Former requests for adjournment as he has not  
prepared the brief.

Adjourned to 29.04.2021 before D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

29.4.2021

Due to COVID-19, the case is adjourned  
to 31-8-2021 for the same.

  
Reader

31.08.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant submitted paper book consisting of 114 sheets, which is placed on record and copy of the same handed over to learned Deputy District Attorney, who sought time for adjournment to go through the paper book submitted by learned counsel for the appellant today. Adjourned. To come up for arguments before the D.B on 01.11.2021.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

01.11.2021

Junior to counsel/or appellant present.

Muhammad Azeel Butt, learned Additional Advocate General for respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.12.2021 before D.B.

  
Chairman

3.12.21

*Proposed D.B on 10-12-21, therefore case is adjourned to 16-2-22 for final*

16-2-22

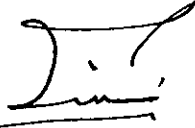
*Due to Retirement of the Hon.ble Chairman the case is adjourned to come up for the next D.B. 10-5-22*



Appeal No. 437/15  
Sajid Khan vs PBMC

25<sup>th</sup> July 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief of the instant appeal. Adjourned. To come up for arguments on 27.07.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

27<sup>th</sup> July 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Ms. Maham, SDO and Muhammad Owais, Superintendent for respondent present.

Arguments heard to a great extent. During the arguments, question of legality of the appointment order was seriously agitated and argued. The Tribunal put a query whether the appointment order issued to the appellant was cancelled/recalled, on which the representatives of the respondents and learned Additional Advocate General sought some time to dig out the record regarding the above fact because the office of SE C&W was shifted twice in the meantime. Let, in the interest of justice, time be given to them to produce any document showing that the orders of appointment of the appellants were recalled/cancelled and also to produce the copies of the other relevant record. To come up for production of record as well as remaining arguments on 20.09.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)




(Kalim Arshad Khan)  
Chairman

A. No. 437/2015  
Sajid Khan. vs Govt

20.09.2022

Learned counsel for the appellant present. Mr. Anees Kaleem, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Vide previous order sheet, time was granted to respondents for production of any order passed by competent Authority regarding recalling/cancellation of appointment order of the appellant as well as other concerned record, however representative of the respondents again sought time for production of the same. Last opportunity given. To come up for production of said record as well as remaining arguments before the concerned D.B on 12.10.2022.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

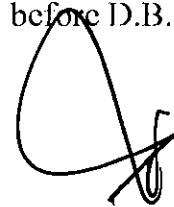
12<sup>th</sup> Oct. 2022

Learned counsel for the appellant. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Anees Kaleem, SDO for respondents present.

Arguments could not be heard due to paucity of time. To come up for arguments on 22.11.2022 before D.B.



(Farecha Paul)  
Member(Executive)





(Kalim Arshad Khan)  
Chairman



22<sup>nd</sup> Nov, 2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt: Addl: AG for respondents present.


Arguments to some extent heard. Learned AAG sought some time to further prepare the case. To come up for arguments on 28.11.2022 before D.B.

  
(Fareeha Paul)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman

28<sup>th</sup> Nov. 2022 Clerk of counsel for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant seeks adjournment due to engagement of learned senior counsel for the appellant in Honourable High Court today. Last opportunity is granted on payment of cost of Rs. 1000/- to be paid by the appellant on the next date. To come up for arguments and cost on 09.01.2023 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman