

Form- A

FORM OF ORDER SHEET

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

Case No. 888/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/07/2018	<p>The appeal of Dr. Mubarak Khan presented today by Mr. Hidayatullah Khattak 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;"><i>[Signature]</i> REGISTRAR 12/7/18</p>
2-	13-7-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-8-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
07.08.2018		<p>Neither appellant nor his counsel present. Case to come up for preliminary hearing on 28.09.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

28.09.2018

Appellant Dr. Mubarak Khan alongwith his counsel Mr. Hidayatullah Khattak, ~~Advocate~~ present and heard to some extent. Let comments be sought from the respondents for 14.11.2018 before S.B.

  
Chairman

14-11-2018 Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 2-1-2019

  
Reader

02.01.2019

Counsel for the appellant present. vide order sheet dated 28.09.2018 comments was sought from the respondents but no one is present on behalf of the respondents therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit comments on the next date positively. Adjourned. To come up for comments on behalf of respondents on 12.02.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

12.02.2019

Appellant absent. Learned counsel for the appellant absent. Comments not submitted. Notice be issued to the respondents for 25.03.2019 with direction to furnish comments on the date fixed before S.B.

  
Member

26.03.2019

Learned counsel for the appellant present. Written reply not submitted. Mr. Hazrat Shah Superintendent representative of the respondent department absent. Notice be issued to him for the next date fixed as 24.04.2019 before S.B. To come up for preliminary hearing on the date fixed.

  
Member

24.04.2019

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for preliminary hearing on 13.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

13.06.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present.

Respondent No. 4 & 5 have already submitted their reply to the appeal. The respondents No. 1, 2 & 3 shall be sent fresh notice for submission of their respective reply.

Adjourned to 11.07.2019 before S.B.

  
Chairman

11.07.2019

Counsel for the appellant and Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present.

Representative of respondents once again requests for adjournment. Adjourned to 04.09.2019 as a last chance for submission of written reply/comments by the respondents.

  
Chairman

888/18

04.09.2019

Counsel for the appellant present. Nemo for the respondents.

On the last date of hearing the respondents were allowed last chance for submission of written reply/comments. Despite, no representative of respondents is in attendance to do the needful.

Instant appeal is with the prayer for correction of seniority list dated 04.08.2017 by giving the appellant his due seniority. It is contended that the name of appellant was placed against a position below his juniors. Further, the probation period of one year~~s~~ was considered as two years in the case of appellant which was a discriminatory act on the part of the respondents. In that manner, the appellant was deprived of his legal right of promotion as CMO BPS-20.

In view of above, instant appeal is admitted for regular hearing subject to all just exceptions. 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 04.11.2019 before S.B.

Appellant Deposited  
Security & Process Fee

11/9/19

  
Chairman

04.11.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents for furnishing comments. Adjourned to 16.12.2019 on which date the requisite reply/comments shall positively be submitted.

Chairman 

16.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Sher Baz Khan, S.O for the respondents present.

Representative of the respondents requests for time to furnish the requisite reply/comments. Adjourned to 28.01.2020 on which date reply/comments shall positively be submitted.

  
Chairman

28.01.2020

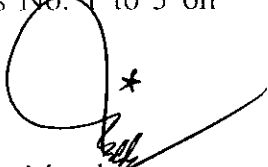
Clerk to counsel for the appellant present. Written reply not submitted. Sher Baz S.O representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 04.03.2020 before S.B.

  
Member

04.03.2020

Appellant in person and Addl. AG alongwith Sher Baz S.O for the respondents No. 1 to 3 present

Representative of the respondents seeks further time to submit reply/comments. Last opportunity is granted. To come up for written reply/comments of respondents No. 1 to 3 on 14.04.2020 before S.B.

  
Member

Appeal No. 888/2018  
Dr. Mubasir Khan vs Govt

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.



Reader

08.07.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hazrat Shah Superintendent for the respondents present.

Written reply on behalf of respondents is still awaited. Learned AAG requested for further time in order to submit written reply/comments. Another last chance is given but on cost of Rs.2000/-. To come up for written reply/comments on 01.09.2020 before S.B.




Member (J)

01.09.2020

Appellant in person and Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present.

The representative of respondents once again requests for adjournment to furnish reply/comments. On 08.07.2020 the respondents were burdened with cost of Rs. 2000/- which still remains to be paid.

In the circumstances, this appeal is posted for arguments before D.B on 09.11.2020.




Chairman

09.11.2020

Junior to counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Hazrat Shah Superintendent for respondents present.


The Bar is observing general strike, therefore, the matter is adjourned to 25.01.2021 for hearing before the D.B.

  
Chairman

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

25.01.2021

Due to pandemic of Covid-19, the case is adjourned to 12.03.2021 for the same.

  
Reader

12.3.21

*D.B is not available, therefore the case is adjourned to 16.6.2021 for the same.*

  
Reader

16.06.2021

Appellant in person present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 15.07.2021 before D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman



15.07.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional respondents present.

Former made a request for adjournment. Request To come up for arguments on 25.11.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

25.11.2021

Appellant with counsel present..

Mr. Riaz Khan Paindakheil, Assistant Advocate General respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 12.01.2022 before D.B.




(Rozina Rehman)  
Member (J)

12.01.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak,  
Additional Advocate General for the respondents present.

According to the proceedings reflected in order sheets dated 04.11.2019, 16.12.2019, 28.01.2020, 04.03.2020, 08.07.2020 and 01.09.2020, request was made for affording opportunity for submission of written reply/comments on behalf of the respondents but they despite afforded with repeated opportunities did not submit their written reply/comments. On dates subsequent to 01.09.2020, proceedings were adjourned with different reasons mostly because of the observance of strike, COVID-19 Pandemic and request on behalf of the appellant; however, none of the orders mentioned about specific direction for submission of written reply/comments. Respondents have already been afforded with sufficient opportunity to submit written reply/comments; and the last opportunity is again given to them for the same purpose but with the observations that they shall cease to have the right of submission of written reply/comments, if they fail to submit the same on or before the next date, and the appeal shall be heard on available record. To come up for arguments before the D.B on 02.03.2022.

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

  
Chairman

02.03.2022

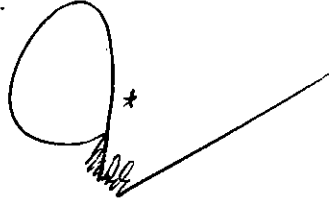
Due to retirement of the Worthy Chairman, the  
Tribunal is defunct, therefore, case is adjourned to  
31.05.2022 for the same as before.

  
Reader

31<sup>th</sup> May, 2022

Learned counsel for the appellant. Syed Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Arguments heard. To come up for order on 21.06.2022 before the D.B.



(Mian Muhammad)  
Member(E)

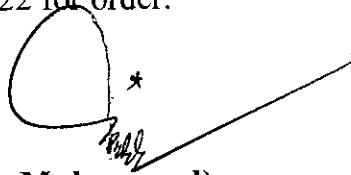


(Kalim Arshad Khan)  
Chairman

21<sup>st</sup> June, 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. Advocate General for the respondents present.

Because of the Departmental Selection Committee proceedings, we could not record the judgment. To come up on 20.07.2022 for order.



(Mian Muhammad)  
Member(E)





(Kalim Arshad Khan)  
Chairman

15<sup>th</sup> July, 2022

This appeal was fixed for 22.07.2022 but as the Division Bench of the Tribunal, which heard the appeal, was constituted for three days, therefore, it was deemed appropriate to fix this matter today for consideration.

In the meantime one of us (Hon'ble Chairman) remained busy in other administrative and developmental works as well as in the Departmental Selection Committee proceedings. Since some time has passed after hearing the arguments, therefore, in order to refresh our memories and on the request of learned counsel for the appellant and learned Asst: AG for the respondents to make some more submissions, the matter is adjourned for re-arguments on 15/9/2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

15.08.2022


Proper D.B is not available, therefore, case is adjourned to 13.10.2022 for the same as before.


  
Reader

13<sup>th</sup> Oct, 2022

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


Arguments could not be heard due to paucity of time. To come up for arguments on 23.11.2022 before D.B.

  
(Fareeha Paul)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman

23<sup>rd</sup> Nov. 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General alongwith Hassan Khan, XEN for the respondents present. Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 30.01.2023 before the D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman