

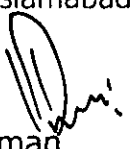


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 9313/2019

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 22/07/2019 | <p>The appeal of Mst. Nuzhat Afshan submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | | <p>This case is entrusted to SB for preliminary hearing to be put up there on <u>26-9-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 26.09.2019 | <p>Mr. Wali Khan, Advocate on behalf of learned counsel for the appellant present.</p> <p>Request for adjournment is made as learned counsel is engaged today before the Apex Court at Islamabad. Adjourned to 14.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p> |

1-12

14.11.2019

Counsel for the appellant present.

Contends that the appellant was promoted to the post of Senior Arabic Teacher (BPS-16) through notification dated 07.04.2014 while the respondent No. 4 attained the position of Senior Arabic Teacher through notification dated 24.02.2018. The seniority of appellant above the respondent No. 4 was also reflected in the list pertaining to Female SAT/AT of District Mohmand as on 31.12.2018. Despite, on 29.03.2019 the respondent No. 4 was promoted as SAT while the appellant was ignored for the purpose. In the said manner the impugned notification dated 29.03.2019 had resulted in jeopardizing the valuable rights of appellant, it was added.

In view of available record and arguments of learned counsel, instant appeal is admitted to regular hearing. 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 06.01.2020 before S.B.

Appellant Deposited
Security & Process Fee
27-11-19



Chairman

06.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Javed, Litigation Officer for the respondents present.

Representative of respondents requests for time to furnish reply/comments. Adjourned to 17.02.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

17.02.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish reply/comments. Adjourned to 11.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

11.03.2020

Mr. Habibullah, husband of the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed, Litigation Officer on behalf of respondent No. 2 present. Representative of respondent No. 2 submitted written reply on behalf of respondent No. 2 which is placed on record. Neither written reply on behalf of respondents No. 1, 3 & 4 submitted nor their representatives are present, therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Last chance is given. To come up for written reply/comments on behalf of respondents No. 1, 3 & 4 on 20.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 14.07.2020 for the same. To come up for the same as before S.B.



Reader

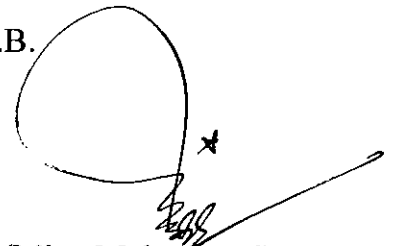
14.07.2020

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

Learned counsel for the appellant has submitted an application for suspension of letter/order dated 14.02.2020 and restraining respondents from making recovery from the petitioner. Notice of this application be issued to the respondents for reply/arguments on the next date.

Written reply on behalf of respondents No. 1,3 and 4 not submitted. Notices be issued to respondents No. 1,3 and 4 for submission of written reply/comments by way of last chance.

Adjourned to 15.09.2020 before S.B.

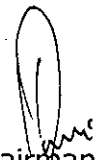


(Mian Muhammad)
Member(E)

15.09.2020

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

Respondent No. 2 has already furnished parawise comments. Respondents No. 1, 3 and 4 have not furnished requisite reply/comments despite last opportunity. The matter is posted to D.B for arguments on 01.12.2020. The appellant may furnish rejoinder to the parawise comments of respondent No. 2, within a fortnight, if so advised.



Chairman

~~06.12.2020~~

Due to pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same as before.



Reader

22.2.2021

Due to COVID-19, the matter is adjourned to 31.05.2021 for the same.


Reader


31.05.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present

Former submitted rejoinder which is placed on file and made a request for adjournment; adjourned. To come up for arguments on ~~16.09~~ 16.09.2021 before D.B.


(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

16.09.2021

Counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents No.1 to 3 present. None present on behalf of respondent No.4.

It appears from the order dated 15.09.2020 that comments were furnished on behalf of respondent No.2 while respondent No.1, 3 & 4 were given last opportunity. Learned D.D.A stated that respondent No.1 & 3 will be conducted for furnishing of comments on or before the next date. The notice was sent to the respondent No.4 twice, through Registered Post but it is not clear whether the same was received by her or not. The appellant is directed to furnish registered envelope alongwith acknowledgement for sending notice to the respondent No.4 for the next date. If comments on behalf of respondents No.1 & 3 are not available o file, their right shall be deemed as struck off. It has also been appointed out on behalf of appellant that she has been transferred from his present place of posting. The appellant shall also furnish the correct address. To come up on 18.01.2022 before D.B.



(Rozina Rehman)
Member (J)


Chairman

18.01.2022

Counsel for the appellant present. Mr. Muhammad Rasheed, DDA for official respondents present. Mr. Habibullah Mohmand, Advocate for private respondent No. 4 present and submitted Wakalatnama which is placed on file.

Learned counsel for the private respondent No. 4 sought adjournment. Learned counsel for the appellant has raised no objection on adjournment. Therefore, Case is adjourned to 18.03.2022 for arguments before the D.B.

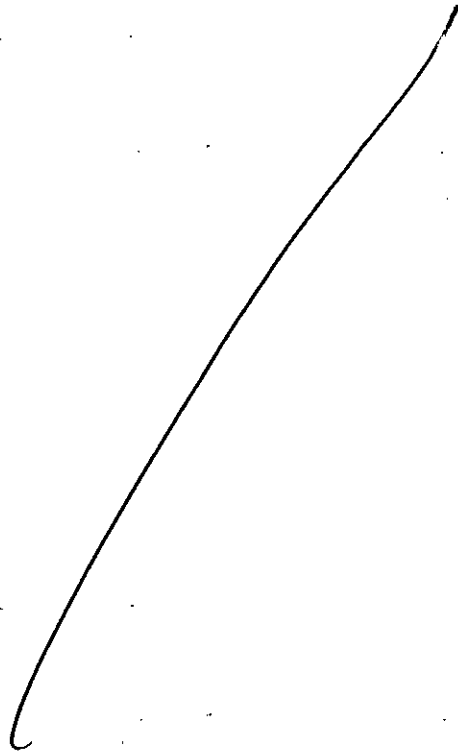

(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

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

Learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents present. Mr. Habib Ullah Mohmand, Advocate for private respondent No. 4 present.

Comments on behalf of official respondent No. 2 have already been submitted, while right of submission of reply/comments of official respondents No. 1 & 3 has been struck off.

Learned counsel for private respondent No. 4 stated at the bar that he rely on the comments already submitted by official respondent No. 2. 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. Naseer-Ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present. Learned counsel for private respondents No. 4 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)

28th Nov. 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the official respondents and counsel for private respondent No. 4 present.

Learned counsel for private respondent No. 4 seeks adjournment in order to further prepare the brief. This being old case of 2019, last opportunity is granted to both the parties. To come up for arguments on 15.02.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman