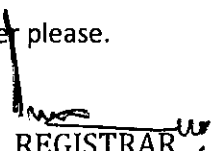

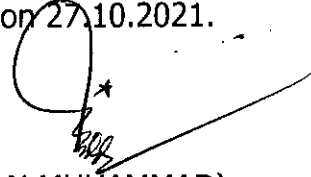


FORM OF ORDER SHEET

Court of _____

Case No.- 7474 /2021

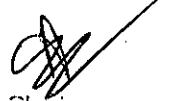
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2021	<p>The appeal of Mr. Raees Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.10.2021	<p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that the learned counsel for the appellant is busy before the Peshawar High Court, Peshawar in some other cases. Adjourned. To come up for preliminary hearing before the S.B on 27.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

27.10.2021

Counsel for the appellant present. Preliminary arguments have been heard. Memorandum of appeal and the copies of record annexed there with has been perused.

Vide notification dated 04.03.2021, the appellant was transferred and posted as Physical Supervisor at North Waziristan vice Rasool Marjan, Physical Supervisor of the said office whose services were placed at the disposal of Director E&SE, Khyber Pakhtunkhwa for further posting. The notification dated 04.03.2021 to the extent of transfer of Mr. Rasool Marjan, was withdrawn/cancelled vide order dated 24.03.2021 after taking over charge of the post in his place by the appellant as purported in the appeal. The appellant filed departmental appeal on 25.03.2021 after date of issuing of the impugned order however instead of approaching this Tribunal within statutory period of limitation, the appellant filed writ petition before the Peshawar High Court, Bannu Bench which having remain pending for a certain period when heard in limine was dismissed with the observation as to lack of jurisdiction vide order dated 08.09.2021. Thereafter the appellant has been approach this Tribunal on 24.09.2021 through present service appeal. The transfer of the appellant one Rasool Marjan was made vice-versa but in view of the cancelation/withdrawal of the transfer of latter, the former seems to have been kept in victim when there is no specific order of the transfer on record. This appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.11.2021 before the D.B.

The appeal is also accompanied by an application seeking the suspension of the impugned order dated 24.03.2021 till final decision of the appeal. Notice of said application be also given to the respondents for the date fixed.



25.11.2021

Learned counsel for the appellant present.

Appellant Deposited
Security & Process Fee


Learned counsel for the appellant submitted an application for extension of time to submit security and process fee. Application is allowed and the appellant is directed to deposit the same within three days, thereafter notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.01.2022 before S.B

(MIAN MUHAMMAD)
MEMBER (E)

18.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Nisar Focal Person for official respondents 1 to 3 present. None present on behalf of private respondent No.4, hence proceeded ex-parte.

Reply/comments on behalf of official respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 08.03.2022.


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

8-3-22

Due to retirement of the Hon, ble chairman
- the case is adjourned to 29-6-22

Yaqub
Reade

29.06.2022

Mr. Izaz Khan, junior of learned counsel for the appellant present. Mr. Muhammad Ishaq, Focal Person alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Comments on behalf of respondents No. 2 & 3 submitted, which are placed on file.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for rejoinder, if any, as well as arguments on 15.09.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

15.09.2022

Junior to counsel for the appellant present.

Muhammad Adeel, learned Additional Advocate General alongwith Muhammad Nisar, Focal Person for respondents present.

Former requested for adjournment as learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 28.11.2022 before D.B.



(Fareeha Paul)
Member (E)





(Rozina Rehman)
Member (J)

28th Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Granted. To come up for arguments on 30.01.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman