



Form- A

# FORM OF ORDER SHEET

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

Case No.- 7436 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/09/2021	<p>The appeal of Mr. Niaz Gul presented today by Mr. Adnan Aman 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

15.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant contended that the appellant was appointed as Assistant Librarian (BS-17) in the respondent department (Provincial Assembly) vide Notification dated 29.01.2010. Name/nomenclature of the post of Assistant Librarian (BS-17) was later on changed as Librarian on 29.08.2011. A post of Director Library and Research has fallen vacant due to the retirement of its incumbent (Tilawat Khan). The respondents were, therefore, required to have followed

the Service Rules of the Provincial Assembly Secretariat dated 25.09.2007 which prescribe the mode of filling that post under serial-9 of the rules ibid (by promotion on the basis of seniority from Librarians with 7 years as such or 12 years service as Librarian in BS-17 and above). However, to the utter violation of the service rules, the appellant was ignored for promotion and private respondent No. 7 was promoted against the post of Director Library and Research (BS-19) despite the fact that she belongs to Research cadre. Feeling aggrieved of the impugned Notification dated 07.05.2021, the appellant preferred departmental appeal dated 28.05.2021 to Speaker Provincial Assembly, the Governor Khyber Pakhtunkhwa and the Chief Secretary Khyber Pakhtunkhwa simultaneously, However, no response has been received on his departmental appeal from any of the quarter approached for relief and remedy on departmental level, hence the instant service appeal was filed under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 on 21.09.2021

Appellant Deposited  
Security & Process Fee

The instant appeal is admitted to 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 respondents for submission of reply/comments. To come up for reply/comments on 25.01.2021 before S.B.

  
(Mian Muhammad)  
Member(E)

25.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Alamzeb Senior Clerk for official respondents No. 5 to 6 present and submitted reply/comments which are placed on file and copy of the same is handed over to the appellant.

Clerk of Advocate Mr. Hasnain Tariq present and submitted Wakalatnama in favor of private respondent No. 7 and seek time to submit reply/comments. Granted. To come up for reply/comments before the S.B on 24.03.2022.



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

24.03.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Alam Zeb, Senior Clerk for official respondents and Counsel for private respondent No.7 present.

Written reply/comments on behalf of respondents No. 7 not submitted. Learned counsel for private respondent No.7 seeks time to submit the same on the next date. Adjourned but as a last chance. To come up for written reply of private respondent No.7 on 30.05.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER(E)

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

Appellant alongwith Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 7 present. Mr. Zafar Tahir Khali, Advocate present and submitted wakalat Nama on behalf of private respondent No.7. and seeks time to submit written reply/comments on the next date. Granted. To come up for written reply/comments of private respondent No.7 on 21.06.2022 before the S.B.



(Kalim Arshad Khan)  
Chairman

21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 6 present. Clerk of private respondent No. 7 present and submitted reply/comments, which is placed on file. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 08.09.2022 before the D.B.



(Mian Muhammad)  
Member (E)

08.09.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Alamzeb S.C for official respondents No.1 to 6 present. Private respondent No.7 present through counsel.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 04.10.2022 before D.B.


  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member(J)

04.10.2022

Appellant present in person. Mr. Muhammad Adeel Butt, learned Additional Advocate General for official respondents present. Private respondent No.7 present through counsel.

Appellant requested for adjournment on the ground that his learned counsel is not available today. Adjourned. Last opportunity was granted. To come up for arguments on 05.12.2022 before D.B.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman

05<sup>th</sup> Dec. 2022

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General alongwith Fakhre Alam, Law Officer for the official respondents and learned counsel for private respondent No. 7 present.

Arguments heard at length. Learned Assistant Advocate General seeks time to produce seniority list and working papers alongwith other documents. Learned counsel for the appellant also wants to place on file some other documents. Adjourned. To come up for further arguments on 14.02.2023 before this D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman