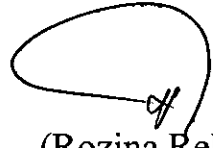


29.11.2022 Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak Additional Advocate General for official respondents present. Private respondent No.6 present through counsel.

Reportedly Noor Muhammad Khattak Advocate is busy before Hon'ble Peshawar High Court and not in a position to attend the Tribunal, therefore, case is adjourned. To come up for arguments on 19.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

10th Nov, 2022

Due to public holiday on account of Allama Iqbal Day, the case is adjourned to 10.11.2022 for the same as before.


Reader

10th Nov, 2022

Appellant in person present. Mr. Muhammad Jan, District Attorney alongwith Mr. Faisal Ismail, Additional Assistant Commissioner Daggar (Buner) for official respondents No. 1 to 5 and private respondent No. 6 in person present.

Appellant saying that in this case arguments were heard by a bench comprising of Ms. Rozina Rehman and Ms. Fareeha Paul learned Members, the said bench is not available and is not likely to be available soon, therefore, this appeal is sent to Peshawar bench on 29.11.2022. The office is directed to constitute a bench of the above learned members for the date fixed.



(Salah Ud Din)
Member (Judicial)
Camp Court Swat

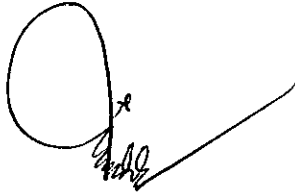


(Kalim Arshad Khan)
Chairman
Camp Court Swat

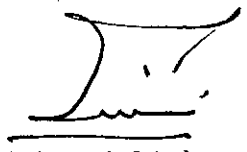
05.09.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 5 present. Private respondent No 6 in person present. Learned counsel for the appellant as well as learned counsel for private respondent No. 6 are absent due to strike of lawyers.

Arguments were partially heard by a bench comprising of learned Member Judicial Ms. Rozina Rehman and learned Member Executive Miss. Fareeha Paul, therefore, the appeal in hand may be fixed for further arguments/clarification and order before the concerned D.B on 04.10.2022 at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

04.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 5 present. Private respondent No 6 in person present.

Arguments were partially heard by a bench comprising of one of us (Ms. Rozina Rehman learned Member Judicial) and learned Member Executive Miss. Fareeha Paul, therefore, the appeal in hand be fixed for further arguments/clarification and order before the concerned D.B on 09.11.2022 at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



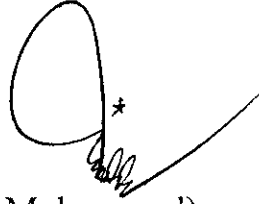
(Salah-Ud-Din)
Member (J)
Camp Court Swat

SCANNED
KPST
Peshawar

8th June, 2022

Appellant in person present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Counsel are on strike. To come up for arguments on
06.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

Appellant alongwith his counsel present.

Noor Zaman Khattak, learned District Attorney for official
respondents No.1 to 5 present. Private respondent No.6 alongwith
his counsel present.

Partial arguments heard. To come up for further
arguments/clarification and order on 05.09.2022 before this D.B at
Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat





(Rozina Rehman)
Member (J)
Camp Court, Swat

12.05.2022

Appellant alongwith Mr. Maaz Madni, Advocate (junior of learned counsel for the appellant) present. Mr. Saif-ur-Rehman, Superintendent alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 alongwith his counsel present.

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. Another last opportunity given. Adjourned. To come up for arguments on 06.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

06.06.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for official respondents and private respondent No. 6 present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 09.06.2022 before the D.B at camp court Swat. .


(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat


07.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.


Reader

04.04.2022 Appellant in person present. Mr. Saif-ur-Rehman, Superintendent alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 in person present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. Last chance given. To come up for arguments on 12.05.2022 before the D.B at Camp Court Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.


(Rozina Rehman)
Member (J)
Camp Court Swat


(Salah-ud-Din)
Member (J)
Camp Court Swat

09.12.2021

Appellant present in person.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for official respondents present. Private respondent No.6 present.

Former made a request for adjournment as his counsel is not available today. Opportunity is granted. To come up for arguments on 07.01.2022 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



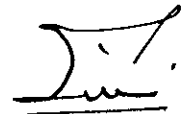
(Rozina Rehman)
Member (J)
Camp Court, Swat

07.01.2022

Appellant in person present. Mr. Farhad, Computer Operation alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 in person present and requested for adjournment on the ground that his counsel is out of station today. Adjourned. To come up for arguments before the D.B on 07.02.2022 at Camp Court Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.



(Mian Muhammad)
Member (E)
Camp Court Swat



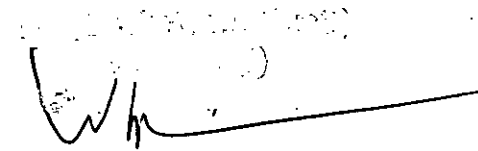
(Salah-ud-Din)
Member (J)
Camp Court Swat

06.10.2021

Appellant alongwith his counsel present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Saif-Ur-Rehman Superintendent for official respondents No. 1 to 5 and private respondents No.6 alongwith his counsel present.

Learned counsel for the appellant requested for adjournment; granted. To come up for arguments on 04.11.2021 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

04.11.2021

Appellant in person present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 present and requested for adjournment on the ground that his counsel has taken his ailing son to Lahore for medical treatment. Appellant submitted an application for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 09.12.2021 at Camp Court Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.



(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court, Swat

07/04/2021


Due to COVID-19, the case is adjourned to
09/06/2021 for the same.


READER

10.08.2021 Since 1st Moharram has been declared as Public holiday,
therefore, case is adjourned to 30.08.2021 for the same as before.


Reader

Due to non availability of
DB to come up for the same on
24/11/21

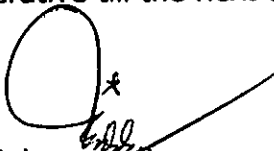

Reader


02.03.2021

Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney alongwith Saif ur Rehman Superintendent for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Lawyers community is on strike, therefore, case is adjourned. To come up for arguments on 7/4/2021 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.


(Mian Muhammad)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

8/12/20

Due to COVID-19 case is adjourned
to 02-02-2021

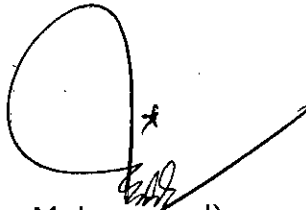
CPW
Reader

02.02.2021

Appellant present through counsel.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Private respondent No.6 made a request for adjournment as his counsel is busy before Dar-ul-Qaza; granted. To come up for arguments on 02.03.2021 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.



(Mian Muhammad)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

05.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary on behalf of respondents No. 1 to 3, Mr. Saif-ur-Rehman, Superintendent on behalf of respondents No. 4 & 5 and private respondent No. 6 alongwith his counsel Mr. Mushtaq Ahmad Khan, Advocate are present. Written replies on behalf of respondents submitted which are placed on record. File to come up for rejoinder and arguments on 03.11.2020 before D.B at Camp Court, Swat. In the meanwhile the order of maintenance of status-quo shall remain operative till next date.

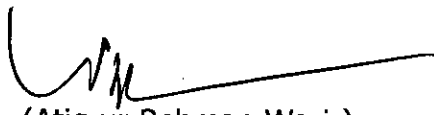

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT


03.11.2020

Appellant in person present.

Muhammad Jan learned Deputy Attorney for respondents No.1 to 5 present. Private respondent No.6 in person present.

Lawyers are on general strike, therefore, case is adjourned to 08.12.2020 for arguments, before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of of status-quo shall remain operative till next date.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat

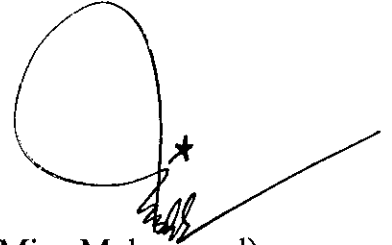

(Rozina Rehman)
Member (J)
Camp Court, Swat

13.07.2020

Counsel for the appellant and Addl: AG alongwith Mr. M. Arif, Supdt for respondents No.1 and 2 present.

Written reply not submitted. Representative of respondents No. 1 and 2 seeks further time. Last opportunity granted. Notices be issued to respondents No. 2, 4 and 5.

Adjourned to 28.7.2020 before S.B. Status-quo be maintained till the next date.



(Mian Muhammad)
Member(E)

28.07.2020

Counsel for the appellant, Mr. Munawar Shah, A.A.C for respondent No. 3 and Munawar Shah, AAC for respondent No. 5 alongwith Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for respondents present.

The representatives of respondents No. 3 & 5 request for further time to submit reply/comments.

One Iftikhar Ali has submitted application for impleadment as respondent in the appeal. Learned counsel for the appellant does not object to the impleadment as requested for. Even otherwise the applicant appears to be a necessary party in the circumstances of the case.

Application is allowed. Office shall endorse the name of Iftikhar Ali Tehsil Revenue Accountant (TRA) Mandanr District Bunier as respondent No. 6 in the memorandum of appeal.

To come up for submission of reply/comments by the respondents on 06.08.2020 before S.B at Camp Court, Swat. In the meanwhile the order of maintenance of status quo shall remain operative.



Chairman

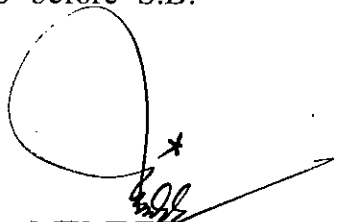
17.03.2020 Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. Learned Addl. AG request for time to contact the respondents and procure the requisite reply/comments. Adjourned to 01.05.2020 on which date reply/comments shall positively be submitted. In the meanwhile, status-quo be maintained till the next date.


Member

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.


Reader


24.06.2020 Appellant in person present. Addl:AG alongwith Mr. M. Arif, Supdt for respondents present. Written reply not submitted. Mr. Mushtaq Ahmad Khan Alizai, Advocate submitted application for impleadment in the instant appeal. To come up for written reply on main appeal as well as reply/arguments on application on 13.07.2020 before S.B. Status-quo be maintained till the next date.


MEMBER

promotion order of the appellant was withdrawn by the respondent-department vide order dated 17.12.2019 on the ground that the promotion order of the appellant was not issued by the competent authority in accordance with law although the appellant was promoted on the recommendation of departmental promotion committee. It was further contended that neither any notice nor chance of personal hearing was granted to the appellant, therefore, the impugned order is illegal. It was further contended that the appellant filed review petition against the said order but the same was rejected vide order dated 17.02.2020 hence, the present service appeal. It was further contended that since the appellant was regularly adjusted as Tehsil Revenue Accountant (BPS-7) and his promotion order from the post of Tehsil Revenue Accountant (BPS-7) to the post of District Revenue Accountant (BPS-14) was issued on the recommendation of Departmental Promotion Committee, therefore, the respondent-department has illegally set-aside the promotion order of the appellant, therefore, the impugned order is illegal and liable to be set-aside. It was further contended that the appellant is still working his duty on the post of District Revenue Accountant and has not relieved from the said post, therefore, also prayed for suspension of impugned order.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.03.2020 before S.B. Learned counsel for the appellant also submitted application for suspension of operation of impugned order. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile, status-quo be maintained till the next date.

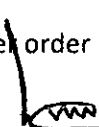


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


Security & Process Fee

FORM OF ORDER SHEET

Court of _____

Case No.- 1083 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/02/2020	<p>The appeal of Mr. Muhammad Irfan presented 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. decrease</p> <p style="text-align: right;"> REGISTRAR 18/2/2020</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	02.03.2020	<p>Counsel for the appellant Muhammad Irfan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Patwari vide order dated 28.09.2009 on the recommendation of Departmental Selection Committee. It was further contended that the appellant was transferred against the post of Tehsil Revenue Accountant Daggar vide order dated 01.12.2014. It was further contended that vide order dated 15.02.2016, he was adjusted as Tehsil Revenue Accountant (BPS-7) on regular basis by the competent authority and his nomenclature from Patwari to Tehsil Revenue Accountant was permanently changed. It was further contended that copy of final seniority list of Tehsil Revenue Accountants (BPS-7) of District Buner is available wherein only the appellant is shown as Tehsil Revenue Accountant (BPS-7) in the final seniority list. It was further contended that the respondent-department promoted the appellant from Tehsil Revenue Accountant to the post of District Revenue Accountant (BPS-14) on the recommendation of Departmental Promotion Committee vide order dated 21.08.2019. It was further contended that copy of recommendation of Departmental Promotion Committee is also available on the record. It was further contended that the</p>

02.03.2021

Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney alongwith Saif ur Rehman Superintendent for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Lawyers community is on strike, therefore, case is adjourned. To come up for arguments on 7/4/21 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.

(Mian Muhammad)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

06.10.2021

Appellant alongwith his counsel present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Saif-Ur-Rehman Superintendent for official respondents No. 1 to 5 and private respondents No.6 alongwith his counsel present.

Learned counsel for the appellant requested for adjournment; granted. To come up for arguments on 04.11.2021 before D.B at Camp Court, Swat.

(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

03.11.2020

Appellant in person present.

Muhammad Jan learned Deputy Attorney for respondents No.1 to 5 present. Private respondent No.6 in person present.

Lawyers are on general strike, therefore, case is adjourned to 08.12.2020 for arguments, before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till next date.

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

02.02.2021

Appellant present through counsel.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Private respondent No.6 made a request for adjournment as his counsel is busy before Dar-ul-Qaza; granted. To come up for arguments on 02.03.2021 before D.B at Camp Court, Swat. In the meanwhile, the order of maintenance of status-quo shall remain operative till the next date.

(Mian Muhammad)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

02.03.2021

Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney alongwith Saif ur Rehman Superintendent for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Lawyers community is on strike, therefore, case is adjourned. To come up for arguments on _____ before D.B at Camp Court, Swat.

(Mian Muhammad)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat