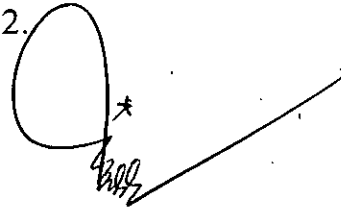


27.10.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Clerk 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 arguments before the D.B on 06.12.2022.



(Mian Muhammad)  
Member (E)

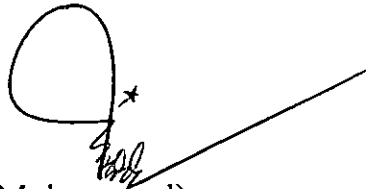


(Salah-ud-Din)  
Member (J)

06.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.02.2023 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

29.03.2022

Counsel for the appellant present. Mr. Muhammad Sajjad, Litigation Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 & 2 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 07.06.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

7.6.22


*proper D.B. is not ready, therefore the case is adjourned to 25-8-22 for Rozina -*



25.08.2022

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Sajjad, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 27.10.2022 before the D.B.

  
(Salah-Ud-Din)  
Member (Judicial)

334/20

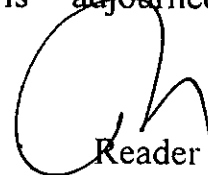
02.02.2021

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Saggad, Litigation Officer for the respondents No. 1 & 2 present.

Representative of the said respondents has furnished reply/comments. Placed on record. Nemo present on behalf of respondent No. 3 nor his written reply received, hence proceeded against ex-parte. The matter is assigned to D.B for arguments on 10.05.2021. The appellant may furnish rejoinder, within one month, if so advised.

10.05.2021

Due to demise of the Worthy Chairman, <sup>Chairman</sup> the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.

  
Reader

30.08.2021

Due to summer vacations, the case is adjourned to 14.12.2021 for the same as before.

  
READER

14-12-21

*DIB is on Tour case to come up?  
For the same on Dated. 29-3-22*

*B.  
Reader*

31.12.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant contended that the impugned order dated 09.01.2019 passed by respondent No.1 allowing to consider private respondent No.3 for promotion to the post of Kanongo, effected the present appellant, hence, the service appeal instituted against that appellate order on 14.01.2020. Since the appellant has been effected by the impugned order in capacity as appellate authority, therefore, no further departmental appeal was required to the respondent-department. He relied on CP 500-P/03 titled "Habib Ahmad-vs-Presiding Officer, Revenue Court No.3 and others" decided on 27.04.2005. He further argued that his case for promotion was considered in DPC meeting on 24.10.2017 and deferred due to Voluntary Return under Section-25(A) of the NAB Ordinance 2001 and his junior appearing at serial No.10, Sultan Mir, serial No.14, Noor Muhammad and serial No.20 Sher Ali Khan were cleared/recommended for promotion as regular Kanongo(BS-11). On exoneration in his case of voluntary return on 20.03.2019, the appellant is eligible to be promoted from the date when his erstwhile juniors were promoted. The learned counsel for the appellant relied and quoted 2007 SCMR 1355, 2000 SCMR 645, 2006 SCMR 1938, 2016 PLC (569), 2016 SCMR 1784 and Peshawar High Court judgement in writ petition No.4970-P/2018 dated 19.03.2019.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 02.02.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
31/12/20

  
(MAIN MUHAMMAD)  
MEMBER

22.06.2020

Counsel for the appellant present and requested for adjournment. Record shows that three (03) adjournments were granted to the learned counsel on his request while the case was adjourned twice due to general strike, therefore, last opportunity is given to counsel. To come up for preliminary hearing on 19.08.2020 before S.B.


  
(Rozina Rehman)  
Member (J)

19.08.2020

Junior to counsel for the appellant present.

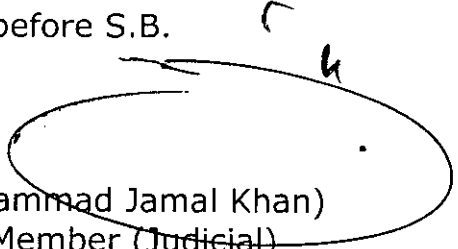
Former requests for adjournment as learned senior counsel is not available today.

Adjourned to 23.10.2020 before S.B.

  
(Mian Muhammad)  
Member(E)

23.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 31.12.2020 on which date to come up for preliminary arguments before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

31.01.2020

Junior to counsel for the appellant present and seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 12.02.2020 before S.B.



Member

12.02.2020

Appellant with counsel present. Learned counsel for the appellant seeks adjournment. Adjourned to 26.02.2020 at the request of learned counsel or the appellant, for preliminary hearing before S.B.



Member

25.02.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 30.03.2020 before S.B.



Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 22.06.2020 before S.B.



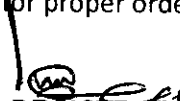



Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 334/2020 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2020	<p>The appeal of Mr. Habib-ur-Rehman presented today by Mr. Muhammad Asif Yousafzai 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 14/01/2020</p>
2-	<u>15/01/20</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/01/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned to 21.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	21.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned to <del>31.01.2020</del> before S.B.</p> <p style="text-align: right;"> Chairman</p>