

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7821/2021

Date of institution 02.12.2021

Shoaib-ur-Rahman, Chowkidar (BPS-03) Deputy Commissioner Office
Nowshera.

VERSUS

Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar and 04
others.

ORDER
08.12.2022


Mr. Muhammad Arif Jan, Advocate, for the appellant present.
Mr. Naseer-ud-Din Shah, Assistant Advocate General for official
respondents No. 1 to 3 present.

During the course of arguments, learned counsel for the appellant
as well as learned Assistant Advocate General stated that as the
departmental appeal of the appellant has not been decided, therefore, the
same may be remitted to the appellate Authority for decision. The facts
and circumstances of the case also necessitates that the departmental
appeal of the appellant may first be decided by the appellate Authority.

In view of the above, the departmental appeal of the appellant is
remitted to the appellate Authority to decide the same through a speaking
order strictly in accordance with law/rules within a period of 60 days of
receipt of copy of this order. Parties are left to bear their own costs. File
be consigned to the record room.

ANNOUNCED
08.12.2022


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

18.10.2022

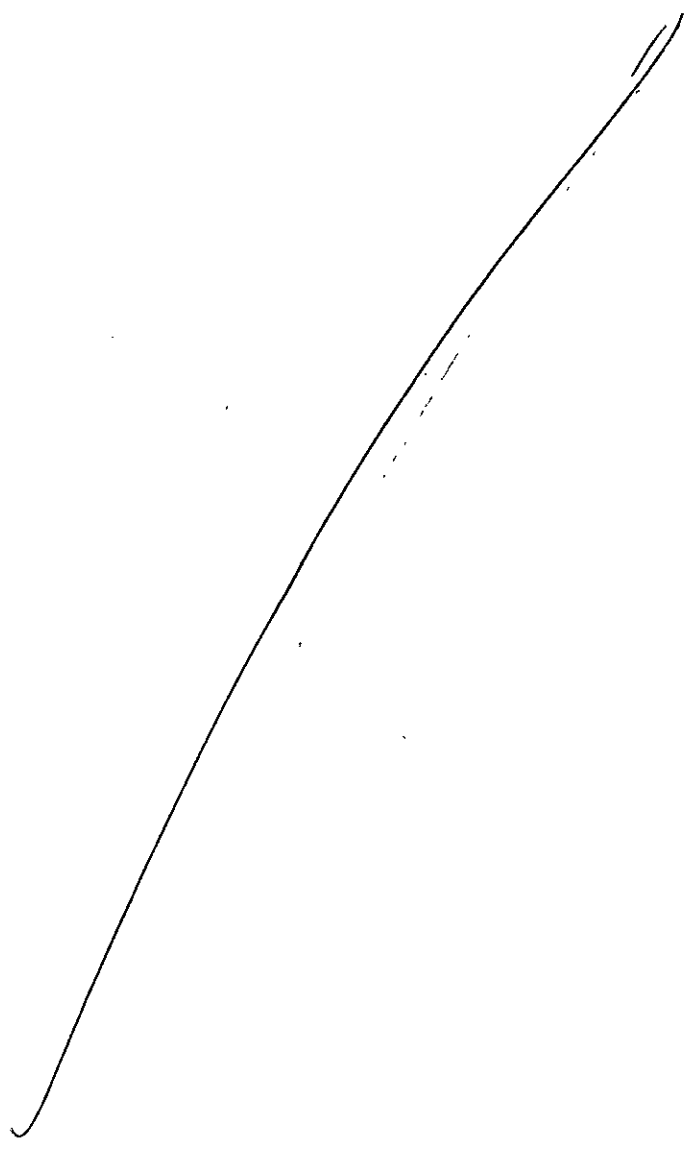
Appellant present through counsel.

Muhammad Jan, learned District Attorney for respondents present.

Former made a request for adjournment as he has not made preparation of the brief. Adjourned. To come up for arguments on 08.12.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)



05th July, 2022

Appellant in person present. Mr. Kabir Ullah Khattak, Additional AG alongwith Zahid-ur-Rehman Superintendent for respondents present.

Official respondents as well as private respondents No.4 & 5 have not submitted written reply/comments. Representative of official respondents seeks time for submission of written reply/comments. Last chance is given to official respondents as well as to private respondents No.4 & 5 for submission of written reply/comments. To come up for written reply/comments on 07.09.2022 before S.B.

SCANNED
KPST
Peshawar



(Kalim Arshad Khan)
Chairman

07.09.2022

Appellant present in person. Mr. Muhammad Adeel Butt, Additional AG alongwith Arshad Kamal, Superintendent for official respondents present.

Despite last opportunity, no one present on behalf of private respondents No. 4 & 5, hence they are proceeded as ex-parte.

Written reply/comments on behalf of official respondent 1 to 3 submitted, which is placed on file. A copy of the same is handed over to the appellant. To come up for rejoinder/arguments 18.10.2022 before D.B.

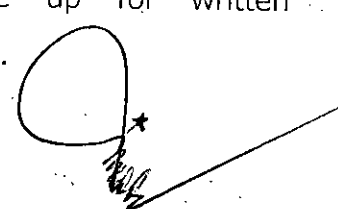


(Fareeha Paul)
Member (E)

23.05.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Zahid-ur-Rehman Superintendent for official respondents present. None present on behalf of private respondents No. 4 & 5.

Written reply/comments on behalf official respondents as well as private respondents No. 4 & 5 not submitted. Representative of official respondents seeks time to submit written reply/comments. Previous date was changed on the strength of Reader note, therefore, notice be issued to the private respondents No. 4 & 5 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 05.07.2022 before S.B.


(Mian Muhammad)
Member (E)

~~05th July, 2022~~

Appellant in person present. Mr. Kabir Ullah Khattak, Additional AG alongwith Zahid-ur-Rehman Superintendent for respondents present.

Info needs
Official respondents as well as private respondents No.4 & 5 have not submitted written reply/comments. Representative of official respondents seeks time for submission of written reply/comments. Last chance is given to official respondents as well as to private respondents No.4 & 5 for submission of written reply/comments. To come up for written reply/comments on 07.09.2022 before S.B.

~~(Kalim Arshad Khan)
Chairman~~

17.01.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the office order dated 15.07.2021, whereby private respondents No. 4 & 5 were promoted from (BS-03) to the post of Junior Clerk (BS-11) while the appellant being senior to them was ignored despite the fact that the appellant stands at serial No. 26 of the seniority list of Class-IV employees as stood on 31st December 2020 while names of the private respondents No. 4 & 5 are reflected at serial 28 and 38 respectively. Having aggrieved with the said promotion order, the appellant preferred departmental appeal on 17.08.02021, but it was not responded to within the statutory period hence instant service appeal was filed in the service Tribunal on 02.12.2021.

Appellant Deposited
Security & Process Fee

17/1/22

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within ten (10) days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments before the S.B on 03/03/2022.

(Mian Muhammad)
Member (E)

3-3-22


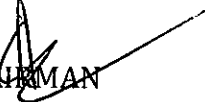
Due to retirement of the Hon'ble
Chairman the case is adjourned to
come up for the same before
on 23/5/2021
@
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7821 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/12/2021	<p>The appeal of Mr. Shoaib-ur-Rehman presented today by Mr. Muhammad Arif Jan 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 there on <u>17/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>