



Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 259/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.06.2019	<p>The application for restoration of appeal No.43/2018 submitted by Mr. Fazal-e-Haque Kohidamani Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/6/19</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>29/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

29.07.2019

Counsel for the applicant present.

An application for restoration of appeal has been preferred wherein it is noted that the learned counsel for the appellant was engaged before the Hon'ble High Court, Peshawar on 13.06.2019 in a number of cases. He, therefore, could not make it to the Tribunal in the morning session, however, upon enquiry after the break it was revealed to him that the appeal was dismissed for non-prosecution.

The application in hand was preferred on 26.06.2019 which is within time prescribed for the purpose and the grounds noted therein justify its acceptance.

Resultantly, the application is allowed and service appeal no. 43/18 is restored to its original number. The matter shall come up for preliminary arguments before S.B on 05.09.2019.


Chairman

05.09.2019

Mrs. Naureen Advocate on behalf of learned counsel for the appellant present.

Requests for adjournment as learned senior counsel for the appellant is not available today.

Adjourned to 22.10.2019 for preliminary hearing.

Chairman 

Service Appeal No: 43/2019

22.10.2019

Appellant in person present.

Requesty for adjournment as his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 21.11.2019 for preliminary hearing.

Chairman 

21.11.2019

Appellant present in person.

Once again requested for adjournment on the ground that his learned counsel is engaged before the Honourable High Court today.

Adjourned to 06.01.2020 but as last chance.

Chairman 

06.01.2020

Counsel for the appellant present.

Contends that the appellant is aggrieved of order dated 22.05.2018 whereby some juniors to him were promoted to the post of Naib Tehsildar (B.S 14) while the appellant was ignored for the purpose. Learned counsel also referred to seniority list of Junior Clerks of Deputy Commissioner office Peshawar as stood on 31.12.1992 and argued that the name of the appellant appeared at S.No. 81 while the respondent Zulfiqar Khan is shown at S.No. 101 of the list. Similarly, the date of first entry into government service as noted against the appellant is 07.02.1990 while that of respondent is 15.11.1991.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 06.03.2020 before S.B.

Appellant has deposited
Security & Process Fee

13/1

Chairman

06.03.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG alongwith M/S Arif Superintendent and Sajid Superintendent for the official respondents and private respondent No.8 in person present. None present on behalf of private respondent No. 7, 9 & 10. Representatives of official respondents and private respondent No.8 seeks time to file written reply/comments. Fresh notice be issued to private respondents No. 7, 9, & 10 for attendance and submission of written reply/comment. Adjourned. To come up for written reply/comments on 15.04.2020 before S.B.

(Hussain Shah)
Member

15.04.2020.

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.


Reader


09.07.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General present.

Nemo for the respondents.

Written reply on behalf of respondents is still awaited. Notice be issued to all the respondents for written reply/comments. To come up for written reply/comments on 08.09.2020 before S.B.


Member (J)

08.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Mukhtiar Ali, Assistant Secretary for respondents No. 1 & 2 and Sajid, Superintendent for respondent No. 6 present Nemo for respondents No. 3, 4 and 5 and 7 to 10.

Representatives of respondents 1, 2 and 6 request for time. Fresh notices be issued to respondents No. 3, 4, 5 and 7 to 10. Adjourned as last chance to 07.10.2020 for written reply/comments of all the respondents.


Chairman

07.10.2020

Junior to counsel for the appellant. Addl. AG alongwith Muhammad Arif, Superintendent and Sajid Superintendent 1 to 3 and 6 present and furnished parawise comments. Placed on record.

Nemo on behalf of respondents No. 7 to 10, hence proceeded against ex-parte. The matter is assigned to D.B for arguments on 09.12.2020. The appellant may furnish rejoinder, in the meanwhile.


Chairman

09.12.2020

Due to COVID-19, case is adjourned to 02.03.2021 for the same as before.


Reader

02.03.2021


Due to COVID-19, the case is adjourned for the same on 02.06.2021 before D.B


READER

02.06.2021

Appellant in person present. Mr. Muhammad Haroon, Assistant alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents No. 1 to 6 present.

Appellant requested 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 13.09.2021.

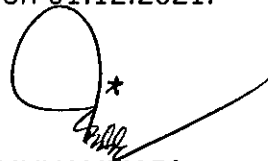

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

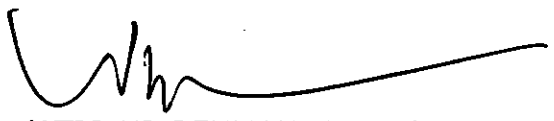

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.09.2021

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Muhammad Haroon Assistant for the respondents present.

Learned counsel for the appellant requested for adjournment that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments before the D.B on 01.12.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

01.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Haroon Assistant for respondents present.

Arguments were heard at some length, however, the available record is not sufficient for decision of case, therefore, counsel for appellant is directed to submit additional documents before the next date. The representative of respondents is also directed to submit seniority list from 1992 till the date of promotion of private respondents. To come up for arguments on 29.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

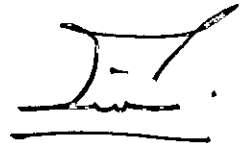
29.03.2022

Nemo for the appellant. Mr. Imran, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 6 present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on 06.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

6th June. 2022

Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.



Reader

23.08.2022

Counsel was informed telephonically for the date fixed on 25/10/22

Nemo for the appellant. Mr. Muhammad Imran, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 6 present.

Previous date was changed on Reader note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on 01.11.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

1st Nov., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

02. Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 12.12.2022 before the D.B.



(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

43/2019

12.12.2022

Appellant present in person.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present.

Former requested for adjournment due to engagement of his learned counsel in the Honourable High Court. Last opportunity is granted To come up for arguments on 09.02.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)