



**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 211/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/2/2019	<p>The appeal of Mr. Ali Khan presented today by Roeda Khan 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 15/2/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		


22.03.2019 Learned counsel for the appellant present. Preliminary arguments heard.

Appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 29.11.2018 whereby the name of the appellant was not consider for promotion to the rank of DSP while his colleagues were promoted vide same order. Being aggrieved the appellant submitted departmental appeal on 30.11.2018 which was rejected on 15.01.2019. Rejection order was conveyed to the appellant on 25.01.2019

The learned counsel for the appellant argued that the reason for not granting the promotion was his five (05) months service in the investigation branch CTD, Special Branch as one year service is required.

The learned counsel further argued that it was the responsibility of the department not to post him in the CTD, Investigation Branch at due time. As such the appellant has been victimized for not of his own fault.

Points raised need consideration. The appeal is admitted for regular hearing. Subject to all legal objections. The appellant is directed to deposit security and process fee within ten (10) days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 06.05.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee

  
Member

06.05.2019 Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned to 26.06.2019 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.06.2019

Appellant in person present. Written reply not submitted. Sulaiman H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 19.08.2019 before S.B.

  
Member

19.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Naeem Hussain Inspector for the respondents present.

Representative of respondents requests for further time for submission of written reply. Adjourned to 17.09.2019 on which date the requisite reply shall positively be submitted.

  
Chairman

17.09.2019

Counsel for the appellant present. Nemo for the respondents.

Fresh notices be issued to the respondents by way of last chance for submission of written reply/comments on 09.10.2019 before S.B.

  
Chairman

A- No- 211/2019

09.10.2019

Counsel for the appellant and Addl. AG alongwith Suleman H.C for the respondents present.

Representative of respondents has furnished Parawise comments of the respondents. Placed on record. The appeal is assigned to D.B for arguments on 18.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

  
Chairman

18.12.2019

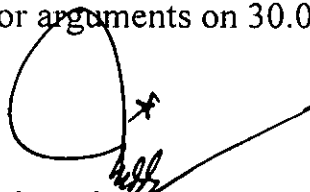
Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Wisal H.C present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.02.2020 before D.B.

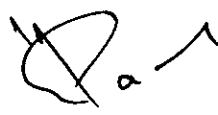
  
Member

  
Member

19.02.2020

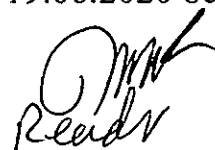
Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Wisal, H.C for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.03.2020 before D.B.

  
Member

  
Member

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.06.2020 before D.B.

  
Member

19.06.2020

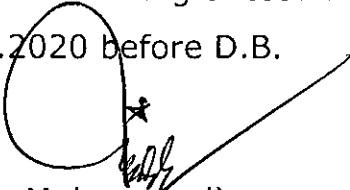
Due to public holiday on account of COVID-19 the case is adjourned for the same on 09.09.2020 before D.B.


  
Reader

09.09.2020

Miss. Roheeda Khan, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Wisal, Head Constable are also present.

According to the learned counsel appellant is not in contact with her, therefore, she requested for adjournment so that she could contact her client. Request is plausible. Adjournment is granted. File to come up for arguments on 26.11.2020 before D.B.

  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

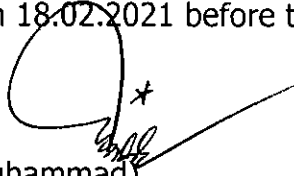
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26.11.2020

Counsel for the appellant and Zara Tajwar, DDA alongwith Wisal H.C for the respondents present.

Learned counsel for the appellant has produced copy of notification dated 24.08.2020, whereby, the appellant, amongst other, has been promoted to the rank of Deputy Superintendent of Police (B.S-17) with immediate effect. It is the contention of learned counsel that to the extent of prayer for promotion the appeal in hand has become infructuous, however, in the second part of the prayer promotion w.e.f. 29.11.2018 has been solicited. This part of the grievance of appellant is yet to be decided by the Tribunal.

The memorandum of appeal clearly suggests that the appellant has prayed for consideration of his name for promotion but from the date when his other colleagues were promoted i.e. 29.11.2018. Instant appeal to that extent requires decision, therefore, the parties are required to address their respective arguments regarding the proposition on 18.02.2021 before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

*Due to pandemic of Covid-19;  
the case is adjourned to 27-05-21*


  
Reader

27.05.2021

Appellant present through counsel.

Muhammad Adeel Butt Additional Advocate General alongwith Tariq Umer Inspector for respondents present.

Partial arguments heard but certain relevant documents are not available, therefore, counsel for appellant was directed to make sure the availability of relevant documents i.e. Seniority List and Minutes of DPC meeting before date. To come up for arguments on 28.06.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

28.06.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 29.09.2021 before the D.B.

  
(Rozina Rehman)  
Member(J)

29-9-21


DB is on leave case to come up  
For the same on Dated. 20-1-22

  
Reader

20.01.2022

Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Due to general strike of the Bar, counsel for the appellant is not in attendance. Case to come up for arguments on 13.05.2022 before the D.B.

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

  
Chairman


13.05.2022

Counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former seeks adjournment. Adjourned. To come up for arguments on 20.05.2022 before D.B.

(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)



20.05.2022

Learned counsel for appellant present.

Mr. Muhammad Rasheed learned Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation of the instant appeal. Adjourned. To come up for arguments on 19.07.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

19.07.2022

Counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Former requested for adjournment as she has not prepared the brief. Adjourned. To come up for arguments on 22.09.2022 before D.B.



(Fareeha Paul)  
Member(E)

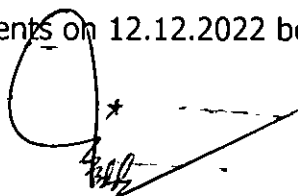


(Rozina Rehman)  
Member (J)

22.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground to further prepare the brief. Adjourned. To come up for arguments on 12.12.2022 before the D.B.



(Mian-Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

12.12.2022

Learned counsel for the appellant present.

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

Learned counsel for the appellant requested for adjournment  
in order to further prepare the brief. 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)