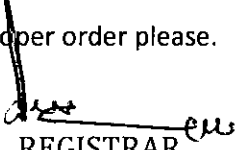



Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7847/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2021	<p>The joint appeal of Mr. Shabir Ahmad &amp; 16 others presented today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>01/02/22</u>.</p> <p> CHAIRMAN</p>

01.02.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the instant service appeal of 16 appellants stated in the main appeal of the appellant that he was appointed as Driver on fixed pay in the project MNCH on 29.10.2010. His services were regularized under Section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 vide notification dated 24.05.2019, w.e.f 07.03.2018 i.e from commencement of the Act. Consequent upon his regularization of services, the respondent-department started service book but without entries of previous service. It was on receipt of pay slip for the month of July 2021 when date of entry mentioned as 07.03.2018 instead of 2010. Feeling aggrieved, the appellant submitted departmental appeal on 09.08.2021 however no appellate order was passed on the departmental appeal within the statutory period where-after the service appeal was submitted in the Service Tribunal on 06.12.2021. It was further contended that the appellant is eligible and duly entitled for all back benefits of counting of previous service under Rule-2.3 of the West Pakistan Civil Services Pension Rules 1963 and Article-371(A)(i) of the Civil Services Regularization. Attention of the learned counsel for appellant was drawn to the promulgation of Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021 under which the Khyber Pakhtunkhwa Pension Rules,1955 have been repealed. On this point, learned counsel for the appellant submitted that it will be properly addressed when arguments on main appeal are to be heard by the D.B.

The appeal is admitted to regular hearing subject to all just legal objections including limitaiton. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 31.03.2022 before S.B.

Appellant Deposited  
Security & Process Fee

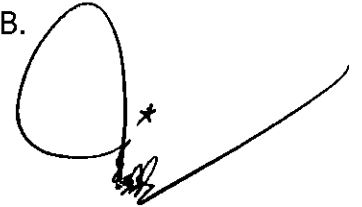
10/2/22

(Mian Muhammad)  
Member(E)

31.03.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Syed Tariq Shah, Senior Auditor for respondent No. 4, Mr. Jafar Shah, Assistant, Mr. Tufail, SO and Mr. Sajid, Supdt for respondents No. 1 to 3 present.

Written reply/comments on behalf of respondent No.4 submitted which is placed on file. A copy of the same is handed over to the learned counsel for the appellant. Representatives of respondents No. 1 to 3 seek time to submit the same on the next date. Adjourned. To come up for written reply/comments of respondents No. 1 to 3 on 17.06.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER(E)

17<sup>th</sup> June 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Safiullah Focal Person for the respondents present.

Despite two opportunities given to the respondents, they have not submitted reply. The respondents are given last opportunity to submit reply within 07 days from today, failing which their right to file reply shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 28.07.2022. The case will not be adjourned on the ground of non-filing of reply/comments.



(Kalim Arshad Khan)  
Chairman

Late Diary

17<sup>th</sup> June 2022

Syed Tariq Shah, Senior Auditor turned up later and submitted reply on behalf of respondent No. 4, which is placed on file.



(Kalim Arshad Khan)  
Chairman

28<sup>th</sup> July, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant submitted that as the respondents have not yet filed reply, therefore, he could not prepared the case. He submits for a short adjournment for arguments. As the defense has already been struck off vide order sheet dated 17.06.2022, therefore, to come up for arguments on 24.10.2022 before the D.B. P.P given to the parties and their counsels.



(Salah Ud Din)  
Member(Judicial)

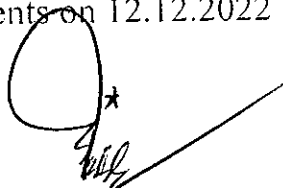


(Kalim Arshad Khan)  
Chairman

24.10.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. 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

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. Adjourned. To come up for  
arguments on 03.02.2023 before the D.B.

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)