



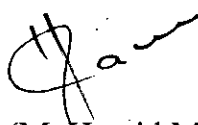
126/2016

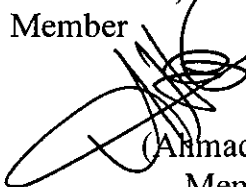
16.08.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard. To come up for order tomorrow on 17.08.2017 before the Larger Bench.


Chairman


(M. Amin Kundi)
Member



(M. Hamid Mughal)
Member



(Ahmad Hassan)
Member


17.08.2017

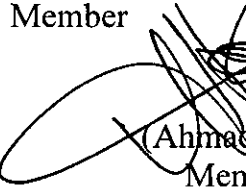
Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard and record perused.

Vide our detailed judgment of today, in connected service appeal No. 41/2016, entitled "Zubair Ahmad Vs. the Appellate Judge through Registrar, Peshawar High Court, Peshawar etc." this Tribunal has the jurisdiction to entertain the appeal. To come up for arguments before D.B on 26.10.2017.


Chairman


(M. Amin Kundi)
Member


(M. Hamid Mughal)
Member


(Ahmad Hassan)
Member

A. No. 126/2016

06.2.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney for the official respondents present. Private respondent No. 6 has not been proceeded against ex-parte. Therefore, notice be given to private respondent No. 6 for 22.3.2018 before the D.B.


Member


Chairman

21.03.2018

Learned counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 16.04.2018 before D.B

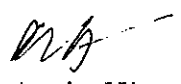

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

16.04.2018

Counsel for the appellant and Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 23.04.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

A. No. 126/2018

23.04.2018 Learned counsel for the appellant present. Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 31.05.2018 before D.B


(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

31.05.2018 Neither appellant nor his counsel present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Case to come up for arguments on 04.09.2018 before the D.B.


Member


Chairman

04.09.2018 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 19.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

19.10.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 27.11.2018 before D.B.


(Hussain Shah)
Member


(Ahmad Hassan)
Member

27.11.2018

Appellant alongwith counsel and Mr. Muhammad Riaz Painsa Khel, Asstt. AG for the respondents present.

In the instant matter private respondents No. 5 and 7 were proceeded against ex-parte on 12.4.2016 and 01.06.2016, respectively, however, private respondent No. 6 is still part of proceedings but is not present today. Notice be issued to him through registered post for 03.01.2019 on which date appeal shall be taken up for hearing.


Member


Chairman

03.01.2019

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment to furnish joint seniority list of the official eligible for the post of superintendent. Granted. Case to come up for such record and arguments on 30.01.2019 before D.B.


Member

Member

30.01.2019


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Arguments heard. To come up for order on 12.02.2019 before D.B.


Member


Member

12.02.2019

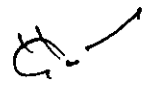
To come up before proper D.B on 01.03.2019.


(M. Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

01.03.2019 Appellant in person present. Some points need further consideration. Adjourn. To come up for arguments on 13.03.2019 before D.B


Member


Member

13.03.2019

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 09.04.2019 before D.B


Member


Member

09.04.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the official respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 16.04.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

16.04.2019

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for argument on 26.04.2019 before D.B



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

26.04.2019

Clerk to counsel for the petitioner and Astd: AG for the respondents present.

Due to general strike on the call of Bar Association instant matter is adjourned to 30.04.2019 before D.B.


(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

30.04.2019

Appellant in person and Mr. Riaz Ahmad Pinda Kheil, Assistant AG for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned to 15.05.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

15.05.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Notice be issued to appellant for attendance and arguments for 17.06.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

17.06.2019

Hassan UK Afridi Advocate appeared and submitted Wakalat Nama in favor of appellant. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.08.2019 before D.B.


Member


Member

09.08.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come for arguments on 01.10.2019 before D.B.


Member


Member

01.10.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 25.11.2019 before D.B.


Member


Member

25.11.2019

Due to general strike of the bar, the case is adjourned. To come up on 28.01.2020 before D.B.


Member


Member

28.01.2020


None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 26.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

26.03.2020

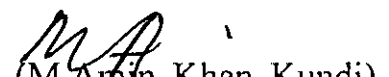
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.


Reader

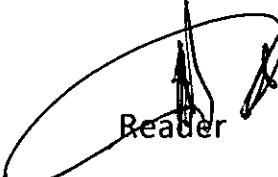
15.06.2020

No one present on behalf of appellant. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Private respondents are also not present. Notice be issued to the appellant and respondents as well as their counsels. Adjourned. To come up for attendance and arguments on 27.08.2020 before D.B.


(Rozina Rehman)
Member



(M. Amin Khan Kundi)
Member

27.08.2020 Due to summer vacation, the case is adjourned to
03.11.2020 for the same as before.


Reader

03.11.2020 Junior to counsel for the appellant and Addl. AG for
the respondents present.

The Bar is observing general strike, therefore, the
matter is adjourned to 13.01.2021 for hearing before the
D.B.


(Mian Muhammad)
Member


Chairman

13.01.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19, the case is adjourned for the same on 20.04.2021 before D.B.


READER

20.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 12.08.2021 for the same as before.


Reader

12.08.2021

Appellant present for arguments

Junior to counsel learned Addl. AG for respondents present.

Proceeding was adjourned in the absence of the appellant, the case is adjourned to 12.12.2021 for arguments before D.B.

(Signature)
Member

(Signature)

12.08.2021

Nemo for appellant.

Javid Ullah learned A.A.G for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 29.12.2021 for arguments before D.B.



(Rozina Rehman)
Member (J)


Chairman

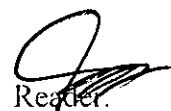
29/12/2021.

Due to winter vacations The Case is adjourned to 18/3/2022 for The same as before.



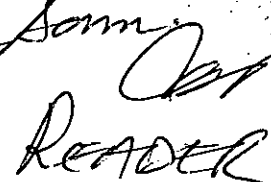
18.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.06.2022 for the same as before.


Reader.

10.6.2022

Bench is incomplete. Therefore the case is adjourned to 22.07.2022 before the same.


Reader

22.07.2022

Appellant in person present. Noor Muhammad Advocate present and submitted Wakalat Nama in favor of appellant.

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

Being freshly engaged, learned counsel for appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 26.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

26.09.2022

Appellant alongwith his counsel present.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Respondents are required to produce joint seniority list with a proper structure in order to apprise this Bench in respect of the procedure for appointment of Superintendent.

Adjourned to 02.11.2022 for production of record and arguments before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

2nd Nov., 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 14.12.2022 before the D.B.



(Fareeha Paul)

Member (E)

14th Dec. 2022



(Kalim Arshad Khan)

Chairman

Due to strike of the Bar and Mrs. Rozina Rehman,

learned Member (J) being on leave, this matter is adjourned to 22.02.²⁰²³ before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

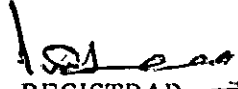

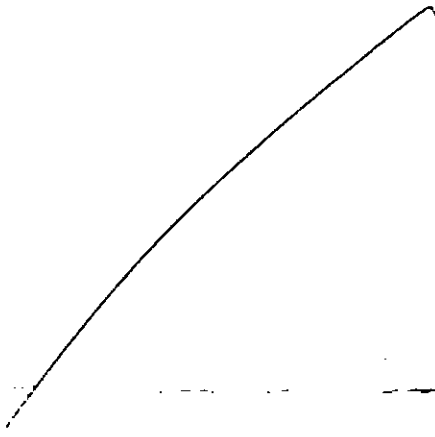


(Fareeha Paul)
Member(E)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 126/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.02.2016	<p style="text-align: center;">The appeal of Syed Azmatullah Shah presented today by Mr. Kushdil Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>8-2-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

A. No. 126/2016

08.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Assistant/Reader in the Establishment of District and Sessions Judge, Kohat and being senior most was entitled for consideration to promotion to the post of Superintendent (BPS-17). That vide impugned order dated 22.12.2015 three Readers were promoted against the post of Superintendent (BPS-17) despite the fact that the appellant was to be considered against one of the said posts being senior most where-against he preferred departmental appeal on 12.1.2016 which was rejected on 23.1.2016 and hence the instant appeal on 3.2.2016.

That the method of recruitment adopted by respondents is violative to the Peshawar High Court (Subordinate Court Staff) Recruitment Rules, 2003 according to which the post of Superintendent is to be filled in by promotion on the basis of seniority-cum-fitness irrespective of any test and interview as adopted by the respondents in the case in hand and, furthermore, vide letter dated 15.12.2015 7 District and Sessions Judges were requested to ask the senior most Assistants for appearance for test and interview for the said posts and District Kohat was purposely ignored so as to deprive the appellant of his due right of promotion.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.4.2016 before S.B. Notice of stay application be also issued for the date fixed.

Appellant Deposited
Security & Process Fee

Chairman

12.04.2016

Appellant in person, Mr. Muhammad Yaseen, Asstt. and Muhammad Iqbal, English Clerk alongwith Addl. AG for the official respondents and private respondents No. 6 & 7 in person present. Written statement by respondents No. 1 & 2 submitted. None present for private respondent No. 5 despite issuance of notice, hence proceeded ex-parte. To come up for written reply/comments of the remaining respondents on 01.06.2016 before S.B.

A. No. 126/2016

01.06.2016

Appellant in person. Mr. Muhammad Iqbal, English Clerk alongwith Addl. AG for the respondents and private respondent No. 6 in person present. None present for private respondent No. 7 despite he was present on previous date. Proceeded ex-parte. Written reply by respondent No. 6 submitted. Written reply by respondents No. 1 & 2 already submitted. Learned Addl. AG relies on the same on behalf of respondent No. 4. The appeal is assigned to D.B for rejoinder and final hearing for 03.10.2016.


Chairman

03.10.2016

Since 3rd October, 2016 has been declared as public holiday on account of 1st Muharram therefore, case is adjourned for the same on 6-2-17.


Reader

A. No. 126/2016

06.02.2017

Clerk counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 4 present. Clerk counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 07.06.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

07.06.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Assistant AG for official respondents No. 1 to 4 also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 16.08.2017.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER