



Form- A

FORM OF ORDER SHEET

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

Case No.- 1369/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2019	<p>The appeal of Mr. Farid Iqbal resubmitted today by Mr. Hassan U.K Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p> REGISTRAR 17/10/19</p>
2-	22/10/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/11/19</u></p> <p> CHAIRMAN</p>

05.11.2019

Counsel for the appellant present.

Contends that in the final seniority list of Office Assistants/Auditors/Stenographers in Health Department Khyber Pakhtunkhwa, circulated on 22.05.2017, name of the appellant has been shown at S.No. 30 in accordance with the seniority from the date of appointment/promotion as Office Assistant i.e 30.05.2008. On the other hand, in the subsequent list the appellant has been pushed down to S.No. 79 while some of the respondents, having been appointed/promoted to the post of Office Assistant in the years 2012, 2011 and 2009, have been shown senior to him. The departmental appeal preferred by the appellant on 14.05.2019 also remained un-responded.

In view of the arguments of learned counsel and available record, instant appeal is admitted for 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 for submission of written reply/comments on 17.12.2019 before the S.B.

Appellant Deposited  
S.B. Process Fee  
13/11/19

  
Chairman

17.12.2019

Appellant in person. Addl. AG for official respondents and private respondents No. 10, 19, 25, 40, 47 and 50 in person present and seek further time. Nemo for the remaining respondents despite issuance of notices to them through registered post, hence placed ex-parte.

Adjourned to 29.01.2020 on which date requisite reply/comments shall positively be submitted.

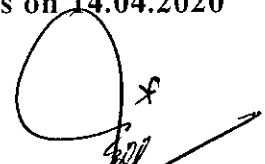
  
Chairman

29.01.2020 Appellant in person present. Written reply not submitted. Salim Javid Litigation Officer representative of official respondents, private respondent No.11 in person present requested for time to furnish written reply. Granted. To come up for written reply/comments on 05.03.2020 before S.B.

  
Member

05.03.2020 Appellant in person present. Nemo for the respondents. Fresh notices be issued to them by way of last chance.

To come up for written reply/comments on 14.04.2020 before S.B.

  
Member

14.04.2020 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 for official respondents No.1 to 3 present.

Written reply was not submitted. Last chance is given for submission of comments on 08.09.2020 before S.B

It is pertinent to mention here that private respondents No.10, 19, 25, 40, 47 and 50 attended the court on 17.12.2019 whereby they were directed to submit reply while the remaining respondents <sup>were</sup> placed ex-parte. They did not attend the court on 29.01.2020 and 05.03.2020. The preceding order sheet shows that the date was adjourned on Reader's note, therefore, notice be issued to the above mentioned respondents (respondents No. 10, 19,25, 40, 47 and 50) with direction to submit reply on or before the date fixed.

Member (J)

1369/19

08.09.2020

Appellant in person and Hazrat Shah, S.O for respondents No. 1 & 2 alongwith Addl. AG for respondents No. 1 to 3 present.

Respondents No. 1 & 2 have submitted reply which is placed on record.

Mr. Abdul Mabood Khattak, Advocate has submitted Wakalatnama on behalf of respondents No. 5, 8, 18, 19, 21, 23, 40, 41, 52, 56, 57 and 58 alongwith an application for setting aside ex-parte proceedings against the said respondents. It is duly noted in the application that the respondents did not receive any notice for appearance before the Tribunal. That, the appeal is still at the initial stage and it would be in the interest of justice to enable the respondents for contesting the appeal and defending their respective service rights.

In view of the contents of application and also the record, the application is allowed. The respondents enumerated herein above shall submit reply/comments to the appeal on next date of hearing. Similarly respondent No. 3 shall also provide the requisite reply/comments.

Respondents No. 10, 25, 40, 47 and 50 are not representing today. They are, therefore, proceeded against ex-parte. To come up for reply/comments on 26.10.2020 before S.B.

  
Chairman

26.10.2020

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents No.3, 5, 8, 18, 19, 21, 23, 40, 41, 52, 56, 57 & 58 is still awaited. Notice be issued to the said respondents by way of last chance, for submission of written reply/comments.

Adjourned to 10.12.2020 before S.B.



(Rozina Rehman)  
Member (J)

10.12.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for official respondents No. 1 to 3 present. Counsel for private respondents No. 5, 8, 18, 19, 21, 23, 40, 41, 52, & 56 to 58 present.

Counsel for private respondents No. 5, 8, 18, 19, 21, 23, 40, 41, 52, & 56 to 58 stated that he relies upon the reply submitted on behalf of official respondents No.1 & 2. Learned A.A.G made a request for time to submit reply on behalf of respondent No.3. Last chance is given. To come up for written reply/comments of respondent No.3, on 03.02.2021 before S.B.



(Rozina Rehman)  
Member (J)

03.02.2021


Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General for official respondents present. Counsel for private respondents No. 5, 8, 18, 19, 21, 23, 40, 41, 52 & 56 to 58 present.

Written reply on behalf of respondent No. 3 has not been submitted so far despite last chance while remaining respondents have already submitted their written replies, therefore, the appeal is posted to D.B for rejoinder and arguments for 11.05.2021.

  
CHAIRMAN

11.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.

  
Reader

31.08.2021


Due to summer vacations, the case is adjourned to 03.01.2022 for the same as before.

  
READER

03.01.2022

Clerk of counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the official respondents as well as counsel for private respondents present.

Former requests for adjournment due to non-availability of learned senior counsel for the appellant. Request accorded. To come up for arguments on 12.04.2022 before the D.B.


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

  
Chairman

12.04.2022

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

Former seeks adjournment due to non-availability of learned senior counsel for the appellant. Adjourned. To come up for arguments on 02.08.2022 before D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

2-8-2022

Proper DB not available the case is adjourned to 31-10-2022


  
Reader



31<sup>st</sup> Oct., 2022

Assistant to counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.


Request for adjournment was made due to engagement of learned senior counsel for the appellant before Honourable Peshawar High Court today. Adjourned To come up for arguments on 14.12.2022 before the D.B.

  
**(Fareeha Paul)**  
**Member (E)**

  
**(Kalim Arshad Khan)**  
**Chairman**

14<sup>th</sup> Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 02.03.2023 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)**