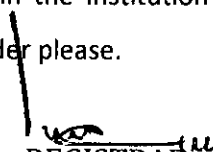

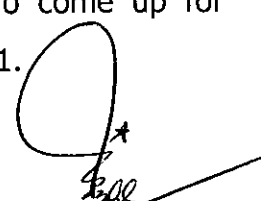


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7437 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/09/2021	<p>The appeal of Dr. Ayub Khan presented today by Mr. Noor Muhammad Khattak 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.09.2021	<p>Junior of counsel for the appellant present.</p> <p>Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on <u>13.10.2021</u>.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

Dr. Ayub Khan 7437/2021

13.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 23.08.2021 whereby private respondent No.4 has been posted against the post already occupied by the appellant, for the purpose of actualization of his up-gradation whereas the appellant does not appear anywhere in the impugned general order(notification) dated 23.08.2021. Contention of the learned counsel for the appellant is that the appellant has not been allowed to complete his normal tenure of posting as he was posted on the present position vide earlier notification dated 29.07.2020 i.e issued only thirteen (13) months ago. Moreover, his claim is also covered under wedlock policy of the Provincial Government as his wife is working as WMO (BS-17) and presently posted at THQ Hospital Dogra Picket Barra District Khyber. The impugned order is, therefore, issued in violation of Clause(i), (iv) and (ix) of the Posting/Transfer Policy 2003. The appellant is further aggrieved for having not ^{been} posted anywhere which is a glaring violation of 2013 PLD 195 (AneetaTurab case). Feeling aggrieved with the said impugned notification, the appellant preferred departmental appeal on 25.08.2021 which is not responded as yet, hence the instant Service Tribunal on 21.09.2021.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 10.11.2021 before the D.B.

Alongwith the service appeal an application for suspension of operation of impugned notification dated 23.08.2021. Notice of this application be also issued to the respondents for submission of written reply/comments for the date fixed. Till then the operation of impugned notification dated 23.08.2021 is suspended to the extent of appellant only, till the date fixed.


(Mian Muhammad)
Member(E)

Appellant Deposited
Security & Process Fees

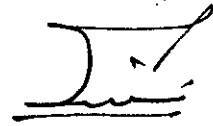
18/10/21

10.11.2021

Mr. Said Khan, Advocate junior of learned counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for the official respondents No. 1 to 3 present and sought time for submission of reply/comments. None present on behalf of private respondent No. 4, therefore, notice be issued to private respondent No.4 for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 07.12.2021. The operation of the impugned notification dated 23.08.2021 shall remain suspended to the extent of appellant only, till the date fixed.



(ATIQ UR REHMAN WAZIR)
MEMBER (E)

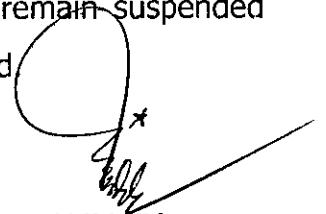


(SALAH-UD-DIN)
MEMBER (J)

07.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Jafar Ali, Assistant for official respondents No. 1 to 3 present. None present on behalf of private respondent No.4.

Written reply/comments not submitted. Representative of the respondents No. 1 to 3 seeks time to submit written reply/comments on the next date. Notice be also issued to the private respondent No.4. Adjourned. To come up for written reply/comments on 20.12.2021 before S.B. The operation of the impugned notification dated 23.08.2021 shall remain suspended to the extent of appellant only, till the date fixed.



(MIAN MUHAMMAD)
MEMBER (E)

20.12.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG for the official respondents present. None present on behalf of private respondent no.4, hence proceeded against ex-parte.


The official respondents have not furnished reply/comments. Learned AAG seeks further time to contact the respondents. Let the respondents be afforded with last opportunity with the warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 14.01.2022 before the D.B. The restraint order dated 13.10.2021 shall remain operative till next date.


Chairman

14.01.2022

Junior to counsel for the appellant present. Mr. Muhammad Rasheed, DDA alongwith Jaffar, Assistant for the respondents present.

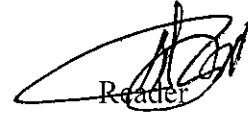
Written reply of official respondents submitted. Placed on file. To come up for arguments on 25.02.2022 before the D.B. The restraint order dated 13.10.2021 shall remain operative till next date.


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


Chairman

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.



Reader

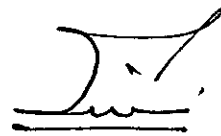
30.03.2022

Junior of counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned with direction to junior counsel for the appellant to furnish Member Copy of the instant appeal on the next date. To come up for arguments on 11.05.2022 before D.B.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

11-5-22

Proper DB not available the case is adjourned on 26-7-22

26-7-2022

Proper DB not available the case is adjourned to 22-9-2022

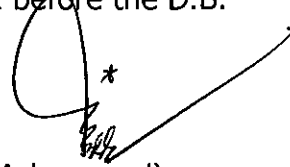
*Salah
Ud-Din*


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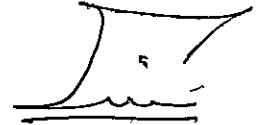
22.09.2022

Junior of learned counsel for the appellant present. Mr. Shahnawaz, Assistant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground learned counsel for the appellant is not available today. 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

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Former made a request for adjournment in order to further prepare the brief. Last chance is given. To come up for arguments on 11.01.2023 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)