
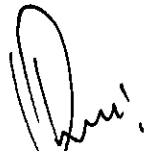




## FORM OF ORDER SHEET

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

Case No.- 1201/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2019	<p>The appeal of Mr. Noor-ur-Rehman resubmitted today by Mr. Ibad-ur-Rehman 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 <i>ew 27/9/19</i></p>
2-	30/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	01.11.2019	<p>Appellant present in person.</p> <p>Appellant requests for adjournment due to indisposition of his learned counsel. Adjourned to 11.12.2019 before S.B.</p> <p style="text-align: right;">Chairman </p>
	11.12.2019	<p>Appellant present in person and requests for adjournment due to general strike of the Bar today.</p> <p>Adjourned to 20.01.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;">Chairman </p>

20.01.2020

Appellant present in person.

Requests for adjournment due to general strike of the Bar. Adjourned to 04.03.2020 before S.B.

  
Chairman

04.03.2020

Appellant alongwith his counsel present. Learned counsel for the appellant seeks adjournment. Adjourned to 01.04.2020 for preliminary hearing before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

01.04.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 25.06.2020 before S.B.


  
Reader

25.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Junior Clerk on 01.06.1974 and thereafter promoted as Senior Clerk and then to the post of Assistant. That against 33% quota, the appellant was allowed Selection Grade (BPS-15) with effect from 11.02.2000 vide order dated 31.05.2000. The post of Assistant was upgraded from BPS-11 to BPS-14 vide notification dated 28.07.2007. The competent authority accorded sanction for grant of one special increment to the Assistants, Auditors, Senior Clerks and Junior clerks vide notification dated 04.04.2009. The Regulation wing of Finance Department further clarified that one special increment was also admissible to the employees who were holding Selection Grade prior to the upgradation of their post, vide notification dated 31.12.2013. The appellant while attaining the age superannuation retired from service on 21.01.2015 whereas the Accountant General's office ~~was~~ stated recovery from the monthly pension of the appellant vide letter dated 31.03.2014. He preferred departmental appeal on 15.05.2019 which was not responded within the stipulated statutory period of ninety days, hence the present service appeal on 13.09.2019. The learned counsel for the appellant contended that under 2018 SCMR 64 "grievance in respect of pensionary benefits was a recurring cause, consequently limitation could not come in the way of such relief". Similarly, 2020 SCMR 188 was also placed as in support of his argument on "the principle of estoppel".

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.08.2020 before S.B.

Appellant Deposited  
Security & Process Fee  
25/6/20

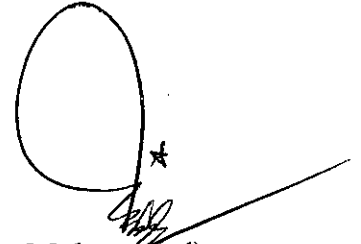
  
(MAIN MUHAMMAD)  
MEMBER

17.08.2020

Appellant in person present. Mr.Ziaullah, DDA alongwith Mr. Muhammad Shamim, SO for respondents No.1 and Mr. Nasir Ul Mulk, Senior Auditor for respondents No.2 present.

Written reply not submitted. Representative of respondents seeks time to submit the same on the next date of hearing.

Adjourned to 19.10.2020 before S.B.

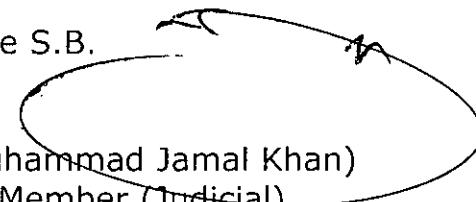


(Mian Muhammad)  
Member(E)

19.10.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional AG alongwith representatives of the department Mr. Sajid, Superintendent and Kazim, Senior Auditor, are also present.

Written reply on behalf of respondents not submitted. Representatives of the department requested for further time to furnish written reply/comments. Adjourned to 08.12.2020 on which to come up for written reply/comments before S.B.



(Muhammad Jamal Khan)  
Member (Judicial)

08.12.2020 Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem Khan S.O and Noor Alam Senior Auditor for respondents present.

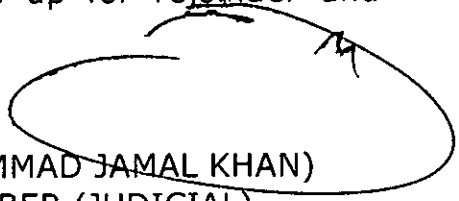
Written reply on behalf of respondent No.1 submitted. Representative of respondent No.2 seeks time to furnish reply/comments; granted. To come up for written reply/comments on 28.01.2021 before S.B.

  
(Rozina Rehman)  
Member (J)

28.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Sajid, Superintendent, on behalf of respondent No. 2 and Mr. Farooq Jan, Assistant Account Officer, on behalf of respondent No. 2, are also present.

Representative of respondent No. 2 submitted written reply on behalf of the said respondents while written reply on behalf of respondent No. 1 has already been submitted. Adjourned to 14.04.2021 on which date file to come up for rejoinder and arguments before D.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

14.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.08.2021 for the same as before.

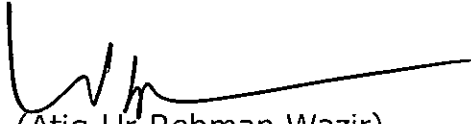
  
READER

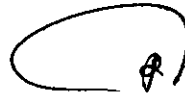
02.08.2021

Appellant in person present.

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

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.11.2021 before D.B.

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

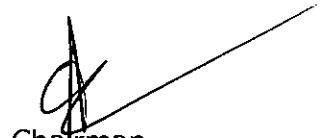
  
(Rozina Rehman)  
Member (J)

04.11.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant requests for time to prepare the arguments. Request is accorded. To come up for arguments on 09.02.2022 before the D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

9-2-2022

Due to retirement of the Honble Chairman the case is adjourned to come up for the same as before on 2-6-2022

  
Reader.

02.06.2022

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.


Lawyers are on general strike, therefore, case is adjourned to 10.08.2022 for arguments before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

10-8-2022

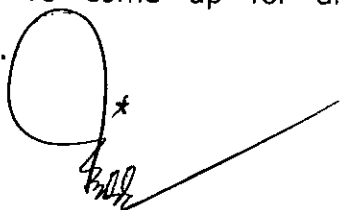
Proper DB not available the case  
is adjourned to 22-9-22


  
Ready

22.09.2022

Junior of learned counsel for the appellant present. 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 that learned counsel for the appellant has proceeded to his home due to some domestic engagement. Adjourned. To come up for arguments before the D.B on 04.11.2022.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

4<sup>th</sup> Nov. 2022

Lawyers are on strike today.

To come up for arguments on 14.12.2022 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)

  
(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)