

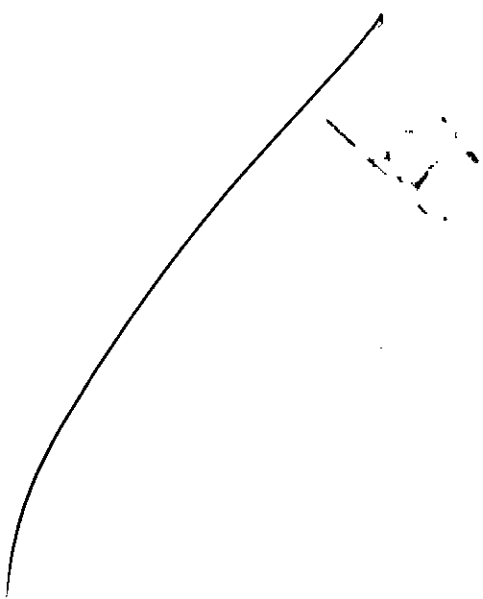


Form-A
FORM OF ORDERSHEET


Court of _____

Case No. 1023/2017

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 13/09/2017 | <p style="text-align: center;">The appeal of Mr. Dawood Iqbal 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- | 15-9-17 | <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-9-17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"></p> |

28.09.2017


Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 11.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

11.10.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Homeo Doctor on contract basis vide notification dated 17.05.2007. After promulgation of Khyber Pakhtunkhwa Tibb & Homeopathic Employees (Regularization of Services) Act, 2014 services of all Homeo doctors and Tabeebs were regularized w.e.f the date of initial appointment on contract basis i.e 17.05.2007. The appellant preferred departmental appeal for fixation of his pay w.e.f 17.05.2007 instead of 17.05.2014 but was not responded within stipulated period, hence, the instant service appeal. Attention was also invited to the judgment of this Tribunal dated 02.07.2010 relating to a case of identical nature.

Appellant Deposited
Security & Process Fee



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 22.11.2017 before S.B.


(AHMAD HASSAN)
MEMBER



Service Appeal No. 1023/2017

22.11.2017

Appellant with counsel present. Mr. Usman Ghani, District Attorney for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with direction to direct the representative to attend the court and submit written reply on the next date. Adjourned. To come up for written reply/comments on 19.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


19.12.2017

Learned counsel for the appellant present. Mr. Riaz Pinda Kheil, learned Assistant Advocate General for the respondents present. None present on behalf of the respondents. Reply not submitted. To come up for written reply/comments on 04.01.2018 Before S.B


(Muhammad Hamid Mughal)
MEMBER

04.01.2018

Clerk of the counsel for appellant present and Assistant AG alongwith Muhammad Arshad, SO for the respondents present. Written reply on behalf of respondents not submitted. Requested for adjournment. Adjourned. Last opportunity granted. To come up for written reply/comments on 19.01.2018 before S.B.


(Gul Zeb Khan)
Member (E)

19.01.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional Advocate General alongwith Mr. Jaffar Assistant, for respondents present. Written reply not submitted. Representative of the respondents requested for time to file written reply/comments. Another last opportunity is granted subject to cost of Rupees. 500/- to be paid by the representative of the respondent department to the appellant. Adjourned. To come up for reply/comments on 01.02.2018 before S.B



(Muhammad Hamid Mughal)
MEMBER

01.02.2018

Clerk to counsel for the appellant and Mr. Usman, Ghani, District Attorney alongwith Mr Jafar Ali, Assistant for respondents present. Written reply submitted. Cost of Rs. 500/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 11.04.2018.



(Ahmad Hassan)
Member(E)

11.04.2018

Junior to counsel for the appellant and Mr. Ziaullah, DDA alongwith Hazrat Shah, Supdt. for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 14.5.2018 before the D.B.



Member



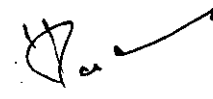
Chairman

14.05.2018. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up on 31.07.2018.


READER


31.07.2018 Learned counsel for the appellant and learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

26.09.2018 Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 23.10.2018 before D.B.


(Hussam Shah)
Member


(Muhammad Hamid Mughal)
Member

23.10.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 00.12.2018.


Reader

10.12.2018

Junior to counsel for the appellant Mr. Riaz Paindakhel Asstt. AG for the respondents present.

It is stated that learned senior counsel for the appellant is busy before Hon'ble Peshawar High Court in many cases. A request for adjournment is made. Adjourned to 29.01.2018 before D.B.


Member


Chairman

29.1.2019

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

Once again a request for adjournment is made due to pre-occupation of learned senior counsel before Hon'ble High Court.

Adjourned to 09.04.2019 before the D.B.


Member


Chairman

09.04.2019

Appellant absent. Learned counsel for the appellant absent. However junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant request for adjournment. Adjourn. To come up for arguments on 25.06.2019 before D.B


Member


Member

25.06.2019

Counsel for the appellant and Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 27.08.2019 before D.B.



Member



Member

27.08.2019

Junior to counsel for the appellant and Mr. Riaz Paindakheil learned AAG present. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 11.11.2019 before D.B.



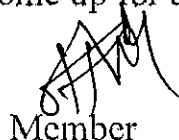
Member



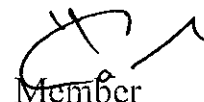
Member

11.11.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.01.2020 before D.B.



Member



Member

13.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 13.03.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

13.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.05.2020 before D.B.


Member


Member

15.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.


Reader

18.08.2020

Due to summer vacations, the case is adjourned to 20.10.2020 for the same.

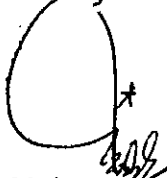

Reader

20.10.2020

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

The Bar is observing general strike today, therefore, the matter is adjourned to 31.12.2020 for hearing before the D.B.

29.12.2020


(Mian Muhammad)
Member
Due to summer vacation, case is adjourned to 31.03.2021 for the same as before.


Chairman


Reader

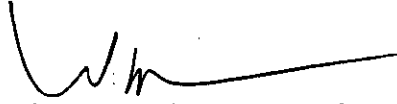
Relayed Page

31.03.2021

Appellant in person present.

Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, case is adjourned to 04.06.2021 for arguments before the D.B.



(Atiqur Rehman Wazir)
Member(E)



(Rozina Rehman)
Member(J)

04.06.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Nisar Assistant for respondents present.

After hearing the arguments for certain length when a query was made by the bench that what difference was caused in between salary of the appellant for the last month before the regularization and his salary as received by him for the first month after regularization. Obviously, this is a pertinent point for the reason that under-lying relief in the appeal pertains to fixation of the pay which can only be determined after ascertainment of difference of pay in between the salary of aforementioned last and the first month. Learned counsel for the appellant could not assist the Tribunal from the available record and requested for time for production of the pay slips. The appellant is directed to provide his all pay slips when he started to received the salary after his appointment on contract basis till the first month of the salary receive by him after regularization. Adjourned to 02.09.2021 for arguments before the D.B.



(Rozina Rehman)
Member (J)



Chairman

02.09.2021

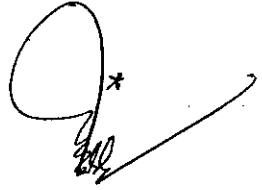
Due to summer vacations, the case is adjourned to 25.10.2021 for the same as before.


READER

25.10.2021

Appellant in person present. Mr. Javed Ullah, Assistant Advocate General along with Mr. Salman, Assistant for respondents present.

Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 26.11.2021.




(MIAN MUHAMMAD)
MEMBER (E)

26.11.2021

Appellant in person present.

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

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 17.01.2022 before D.B.

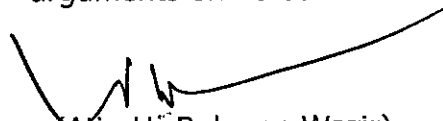


(Rozina Rehman)
Member (J)

17.01.2022

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Counsel for the appellant seeks adjournment for further preparation. Request accorded. To come up for arguments on 10.05.2022 before the D.B.



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



Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 22.07.2022.



(Fareeha Paul)
Member (E)



Chairman

22.07.2022

Junior to counsel for appellant present.

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

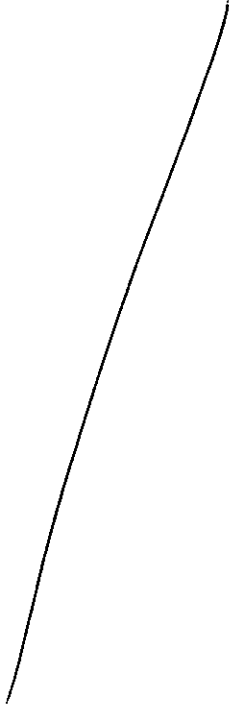
Former requested for adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 26.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)



26.09.2022

Appellant present through counsel.

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

From the record it is evident that according to the Act of 2014, services of the employees were regularized w.e.f 2010 when the Finance Department created posts but the Notification dated 27.05.2014 regularized the services w.e.f 2007 which needs to be clarified; the respondents have not made it clear as to whether there was any gap in the service of appellant from 2010 to 2014; if there was a gap, how he was regularized in the year 2014 with further direction to the respondent Department to provide the exact date of completion of the project. To come up for full arguments including the above-mentioned points on 04.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

4th Nov. 2022

Lawyers are on strike today.

To come up for arguments on 15.12.2022 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

15.12.2022

Due to general strike of the Bar, case is adjourned to
06.03.2023 before D.B. Office is directed to notify the next date
on notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)