



20<sup>th</sup> Oct, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Mukarram Shah, SO for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20.12.2022 before D.B.

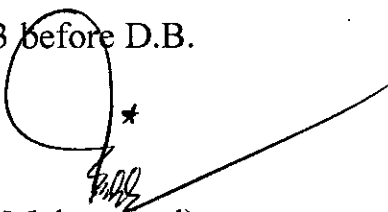
  
(Fareeha Paul)  
Member(Executive)

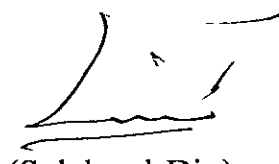
  
(Kalim Arshad Khan)  
Chairman

20.12.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.


Learned counsel for the appellant requested that as similar nature Service Appeal bearing No. 11498/2020 has been fixed for arguments on 26.01.2023, therefore, the same may also be fixed for the said date. Adjourned. To come up for arguments on 26.01.2023 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)


25.08.2022

Mr. Noor Muhammad Khattak, Advocate for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 07.09.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

7<sup>th</sup> September, 2022


Counsel for the appellant present and requested for adjournment. Last opportunity granted for preliminary hearing. To come up for preliminary hearing on 10.10.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman

10.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant submits that against the same impugned order a number of appeals have already been fixed for 20.10.2022 before D.B for final arguments. In this appeal reply had already been received, therefore, let this appeal be admitted. Appellant is directed to deposit security and process fee within 10 days. In view of the above statement this appeal be also fixed on 20.10.2022 for arguments before D.B.

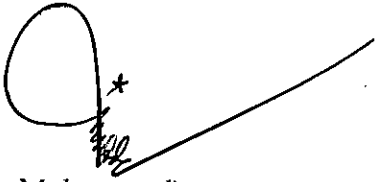
  
(Kalim Arshad Khan)  
Chairman

18.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Asif Assistant for the respondents present.

Notices issued  
for 04/08/2022

Reply/comments on behalf of respondents submitted which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 19.10.2022 before S.B.




(Mian Muhammad)  
Member (E)

04.08.2022

Junior to counsel for the appellant present.

Written reply had already been submitted. Junior counsel for the appellant requested for adjournment on the ground that senior counsel is not available today. Adjourned. To come up rejoinder/ preliminary argument on 25.08.2022 before S.B.



(Fareeha Paul)  
Member (E)

10.10.2022

D.F.A

Counsel for the appellant present. Mr. Kabir Ullah  
Khattak, Additional Advocate General for respondents  
present.

Learned counsel for the appellant submits that against  
the same impugned order a number of appeals have already  
been fixed on 20.10.2022 before D.B for final arguments. In  
this appeal reply had already been received, therefore, let this  
appeal ~~is~~ admitted. Appellant is directed to deposit security  
and process fee within 10 days. In view of the above  
statement this appeal be also fixed on 20.10.2022 for  
arguments before D.B.

(Kalim Arshad Khan)  
Chairman

**Service Appeal No. 5736/2021**

Mr. Amin Ur Rehman Yousafzai, Advocate for the appellant present.  
Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 04 pages, we have arrived at a conclusion that the name/position of the appellant has not been mentioned in the Schedule-I attached with the Provincial Planning Service Rules, 2018. We are of opinion that making rules and specifying the positions for which those rules are framed is a prerogative of the Provincial Government. It is upto the Provincial Government to include or delete any position in the rules without compromising the rights of others. This Tribunal can not force the Provincial Government to include the name/position of the appellant in the schedule-I of the PPS Rules 2018. In view of the above, the appeal in hand is dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 7<sup>th</sup> day of September, 2022.*

**(KALIM ARSHAD KHAN)**  
Chairman

**(FAREEHA PAUL)**  
Member (E)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.6.2022. for the same as before.



Reader.

07.06.2022

Clerk to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Naseem Khan Section Officer and Asif Khan Assistant for respondents present.

Reply of respondents is still awaited. Respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 18.07.2022 before S.B.



(Rozina Rehman)  
Member (J)

SCANNED  
KPST  
Peshawar

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

20.10.2021

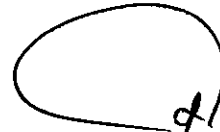
Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents is still awaited. Learned A.A.G made a request for time to submit reply/comments; granted with direction to furnish reply within 10 days in office. If the reply/comments are not submitted within stipulated time, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 12.01.2022 before D.B.



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

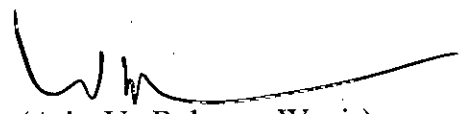


(Rozina Rehman)  
Member (J)

12.01.2022

Learned counsel for the appellant present.

Learned counsel for the appellant have not been submitted spare copies of appeal, therefore, he is directed to submit the same within 10 days in the office. Thereafter, notice be issue to respondents for submission of reply/comments before the S.B on 15.03.2022.



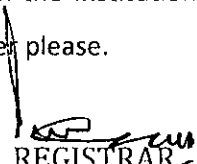



(Atiq-Ur-Rehman Wazir)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 12220 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/10/2020	<p>The appeal of Mr. Fazal Hayat resubmitted 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> REGISTRAR</p>
2-	07.12.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/12/2020</u>.</p> <p> CHAIRMAN</p> <p>Junior counsel for appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 25.02.2021 for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (J)</p>
25.02.2021		<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.</p> <p> Reader</p>



15.06.2021

Appellant present in person. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.10.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

The appellant has also submitted an application for interim relief. Notice of application be also issued to the respondents.

  
Chairman