

20th Oct, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG 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)

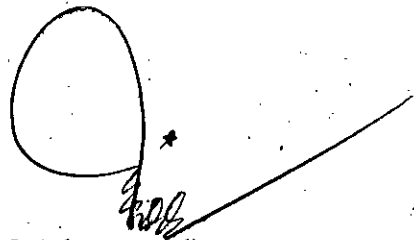


(Kalim Arshad Khan)
Chairman

20.12.2022

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

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 16.03.2023 before D.B.



(Mian Muhammad)
Member (E)




(Salah-ud-Din)
Member (J)

06.2022

Junior to counsel for the appellant present..

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


Written reply was not submitted. Representative of respondents requested for time to submit reply/comments. Last chance is given. If the reply/comments are not submitted on the next date, right of respondents for submission of comments shall be deemed as struck off. To come up for reply/comments on 27.07.2022 before S.B.


(Rozina Rehman)
Member (J)

27.07.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt. Additional Advocate General alongwith Mr. Faheem Khan. Assistant for official respondents present.

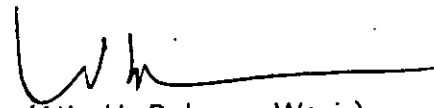
Written reply/comments on behalf of the respondents No. 1 to 3 submitted which is placed on file. A copy of the same is also handed over to learned counsel of appellant. To come up for rejoinder/arguments on 20.10.2022 before D.B.


(Fareeha Paul)
Member (E)

27.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Addl. AG for official respondents No. 1 & 3 present. None present on behalf of private respondents No. 4 to 16, hence proceeded ex-parte.

Reply/comments on behalf of official respondent are still awaited. Learned AAG sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 08.03.222.


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

08.03.2022

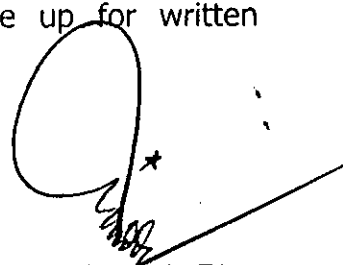
Due to retirement of the Hon'able Chairman, the case is adjourned to 29.03.2022 before S.B for the same.


Reader

29.03.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 10.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

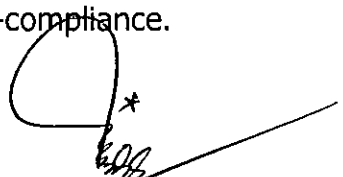
Khair Ullah, 839/2021

16.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that seniority list of Subject Specialist/Head Master (BS-17) issued by the respondents on 25.05.2017 indicates seniority of the appellant at serial No. 292 whereas in the subsequent seniority list issued on 13.12.2017 reflects seniority of the appellant at serial No. 686. The appellant filed departmental appeal and during pendency of his appeal he attained the age of superannuation on 14.09.2020, hence, the instant service appeal instituted for proforma promotion from BS-17 to BS-18. Learned counsel for the appellant was confronted with a pertinent question of limitation that the impugned seniority list was issued on 13.12.2017 whereas he submitted departmental appeal for rectification/correction on 10.09.2020. It was contended that limitation starts from the date of communication of an impugned order and in the instant case he was not communicated the impugned seniority list officially. A copy of the impugned seniority list was obtained from colleague when promotion of others (junior to him) came to his notice. Moreover, no limitation runs against recurring case of action and reliance is placed on 2002 PLC (CS) 1388. It was further contended that two cases of identical nature in service appeal No. 8140/2020 and 8141/2020 titled Akhtar Zaman-vs-E&SE Department Khyber Pakhtunkhwa and others are already admitted and fixed for regular hearing before D.B on 17.09.2021.

Points raised need consideration. The appeal is provisionally 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 27.01.2022 before the D.B.


(Mian Muhammad)
Member(E)

Appellant's Requested
Security & Process Fee

16.06.2021

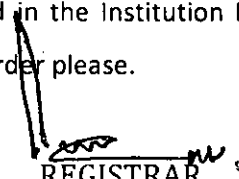

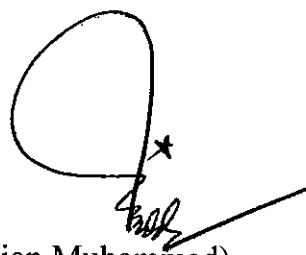
Junior to counsel for the appellant present and requests for adjournment due demise of mother of learned senior counsel. Adjourned to 16.09.2021 for preliminary hearing before S.B.


Chairman

FORM OF ORDER SHEET

Court of _____

Case No.- 839 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/01/2021	<p>The appeal of Mr. Khairullah 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 style="text-align: right;"> REGISTRAR</p>
2-	08.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mr. Afrasiyab Wazir, Advocate on behalf of the appellant. Mr. Noor Zaman Khattak, District Attorney for respondents present.</p> <p>Former requests for adjournment as learned senior counsel for the appellant is indisposed today.</p> <p>Adjourned to 16.06.2021 for further proceedings before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>