

21<sup>st</sup> Dec, 2022

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

This case was heard by a bench comprising of one of us Mr. Kalim Arshad Khan, Chairman and Ms. Fareeha Paul learned Member (Executive), therefore, let it be fixed before the same bench. To come up for arguments on 15.02.2023 before the D.B.



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

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

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

This case was heard by us on 25.05.2022 and judgment was reserved for 15.06.2022, but because of non-availability of the bench on 15.06.2022 the order could not be recorded and announced. The matter was fixed for today but in view of the judgment of the august Supreme Court of Pakistan reported as 1996 SCMR 669, the matter was to be reheard. Therefore,, the appeal be fixed for its rehearing by fixing on 09.11.2022 before D.B.



(Fareeha Paul)  
Member(Executive)



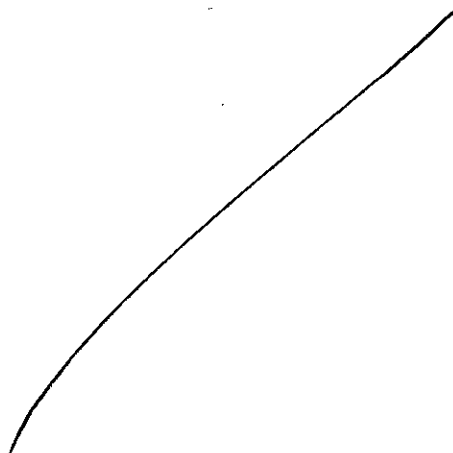
(Kalim Arshad Khan)  
Chairman

9.11.2022

Since 9<sup>th</sup> November has been declared as public holiday, case is adjourned to 21.12.2022 for the same as before.



Reader



05.09.2022


The worthy Chairman is on leave, therefore, the case is adjourned to 12.09.2022 for the same.

  
Reader

12.09.2022

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

Since the bench is not available/complete, therefore, the order could not be announced today. Adjourned. To come up for order on 11.10.2022 before D.B.

  
(Fareeha Paul)  
Member (E)

15<sup>th</sup> June 2022


The concerned DB is not available. The matter will be fixed to the concerned DB and the parties be informed accordingly. To come up on 23-6-22

  
Superintendent

23<sup>rd</sup> June, 2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG for the official respondents present and Junior to counsel for private respondents No. 4 to 6 and 8 to 13 present.

Because of the Departmental Selection Committee proceedings, we could not record the judgment. To come up on 08.07.2022 for order.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

8-7-22

*Due to Public holiday on account of Eid-ul-Adha Therefore the case is adjourned for the same on 3-8-22 before the order*

*Reader*

3-8-2022

*Proper DB not available the case is adjourned to 5-9-2022*

*Reader*

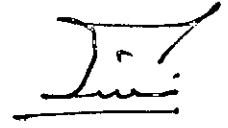
17.05.2022

Appellant alongwith his counsel present. Mr. Imran Ahmed, Assistant and Mr. Muhammad Asif, Junior Clerk alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Junior of learned counsel for private respondents No. 4 to 6 & 8 to 11 also present.

Learned Additional Advocate General requested that last opportunity may be granted for compliance of directions issued vide order dated 18.12.2020 by this Tribunal. Adjourned. To come up for compliance of directions mentioned in order sheet dated 18.12.2020 as well as arguments before the D.B on 25.05.2022.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

25.05 .2022

Counsel for the appellant present. Mr. Noor Zaman Khan, District Attorney General alongwith Mr. Imran Akbar, Assistant and Mr. Arshad Kamal, Sup<sup>rk</sup> for official respondents No. 1 to 3, Mr. Zubair Shah, Advocate for private respondent No. 7 and Mr. Gul Rehman, Advocate for private respondents No. 4,5,6,8,9,10,11,12 and 13 present.

Arguments heard. To come up for order on 15.06.2022 before D.B.



(Fareeha Paul)  
Member(E)

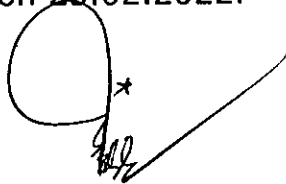


(Kalim Arshad Khan)  
Chairman

19.11.2021

Appellant alongwith her counsel namely Ms. Naila Jan, Advocate, present. Mr. Arshed Kamal, Superintendent alongwith Mr. Javed Ullah, Assistant Advocate General for official respondents No. 1 to 3 present. Private respondents No. 9 & 11 alongwith their counsel present.

4. Both the parties jointly made a request for adjournment. *mentioned in order shut dt 18/12/20*  
Adjourned. To come up for record as well as arguments before the D.B on 25.02.2022.



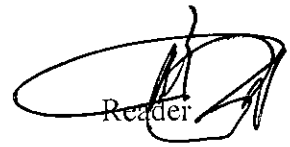
(Mian Muhammad)  
Member (E)



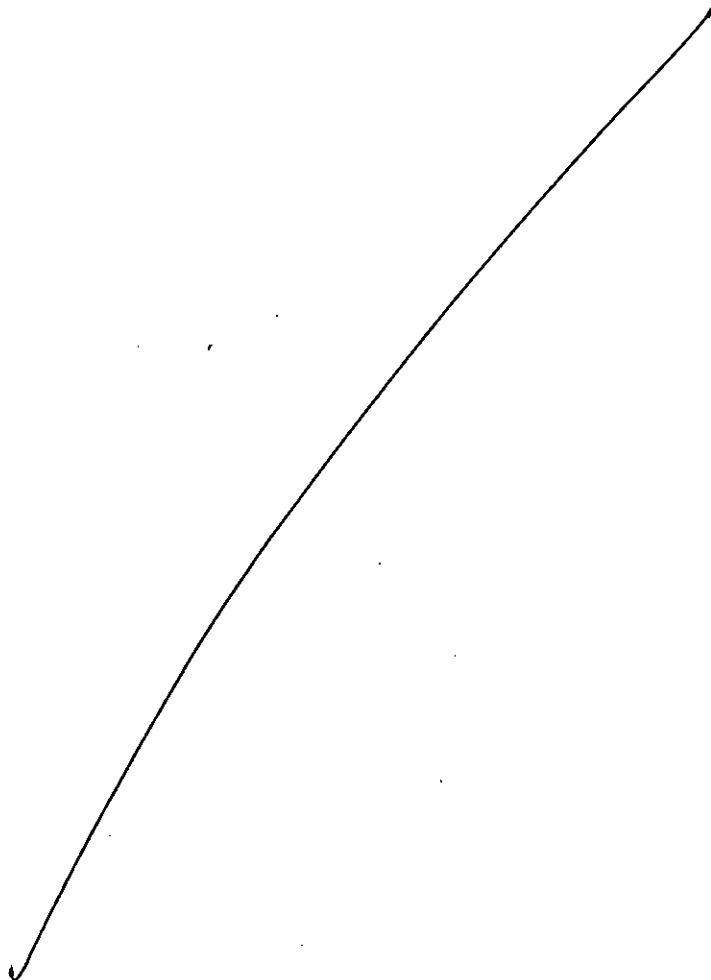
(Salah-Ud-Din)  
Member (J)

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.



Reader



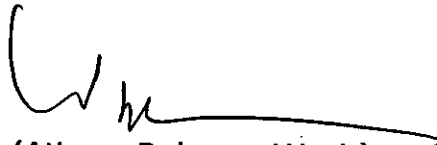
25.05.2021

Appellant with counsel present.

Javid Ullah learned Assistant Advocate General for official respondents present. Counsel for private respondent No.7 present. Remaining private respondents No. 4 to 6 & 8 to 13 are absent. They/their counsel be put on notice for the next date.

Perusal of order sheet dated 18.12.2020 shows that the parties argued the matter at some length when it was felt that the examination of original record was necessary for just decision and certain record properly mentioned in the mentioned order sheet was ordered to be produced for perusal. Today, neither representative nor the original record was produced, therefore, learned A.A.G is directed to make sure the presence of representative of official respondents and the entire original record for just decision of the case.

Adjourned to 10/8/2021 before D.B for hearing.

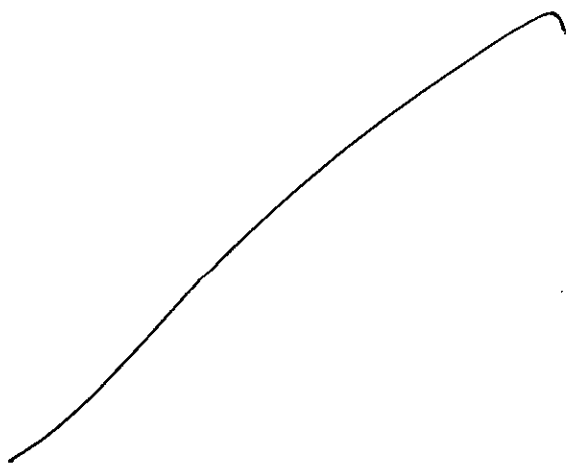
  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

10.08.2021

Since, 1<sup>st</sup> Moharram has been declared as public holiday, therefore case is adjourned to 19/11/2021 for the same as before.

  
Reader



10.02.2021

Due to COVID-19, the case is adjourned for the same on 28.04.2021 before D.B.

  
READER

28-04-2021

Due to demise of the worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 25-05-2021

Reader



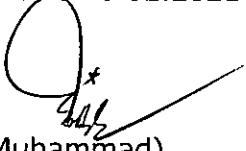
18.12.2020 Counsel for the appellant, Mr. Muhammad Jan, DDA alongwith Muhammad Haroon, Asstt. for official respondents and counsel for private respondents no. 4 to 6, 7 and 8 to 11 present.

Learned counsel for the parties argued the matter at some length when it was felt that the examination of following original record shall be necessary for just decision:-

- (i) ACRs/Character Roll of the appellant namely Kiramat Shah for the years 2004 to 2016.
- (ii) The ACRs of respondents No. 4, 6 and 7 namely Tahir Ahmad, Mushtaq Ahmad and Muhammad Haroon Jamal which were considered by the Departmental Promotion Committee in its meeting held on 29.09.2017.
- (iii) Instrument whereby the ACRs of respondents were confirmed to be genuine by the Ex-DOR Mr. Abdul Shakoor Dawar/respondent No. 12.

The representative of respondents is required to produce the requisite record on next date of hearing positively.

Adjourned to 10.02.2021 before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

26.11.2020

Counsel for the appellant and Zara Tajwar, DDA alongwith M/S Muhammad Asif, Assistant & Zahidur Rahman, Superintendent for the official respondents and junior to counsel for respondents No. 4 to 6 and 8 to 11 present.

Learned counsel for the private respondents has sent an application for adjournment on the ground that he is engaged in the forthcoming election of Khyber Pakhtunkhwa Bar Council. On the other hand, Learned counsel for the appellant states that the pending application for grant of status quo requires to be decided at an early occasion. The apprehension of appellant is that the posts of Girdawar are being filled by the respondents and the appeal may become infructuous before its decision. The representative of respondents categorically denied the process of promotion to the said post.

In the circumstances, the matter in hand requires decision at an early date. It is, therefore, adjourned to 18.12.2020 for arguments before the D.B.

  
(Mian Muhammad)  
Member(E)

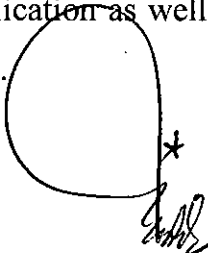
  
Chairman

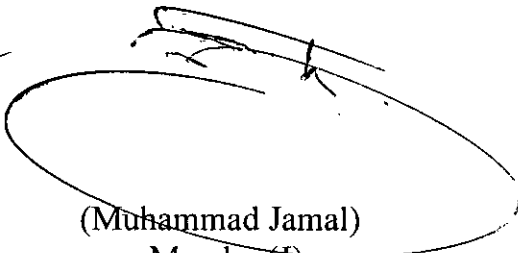
24.09.2020

Appellant alongwith his Counsel Miss. Naila Jan Advocate is present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General alongwith Mr. Muhammad Arif, Supdt and Mr. Zahid Ur Rehman, Supdt for official respondents No. 1 to 3 is present. Mr. Abdul Jalil, Advocate counsel for private respondents No. 4 to 6 and 8 to 11 is present.

Record reflects that private respondent No.7 is not before the Tribunal although he has appeared earlier and his respective counsel has filed power of attorney which is part of record and similarly, respondent No.13 is also not in attendance today. The aforesaid respondents as well as his counsel be noticed. The record further revealed that notice of application for issuance of status-quo order was ordered to be served on the official respondent but that very order has not been complied with. Nor record in this regard is available on file. The learned Asst: AG was formally informed at the bar to submit reply and in this regard they be officially intimated for reply on application.

File to come up for reply as well as arguments on the application as well as merit of the case on 26.11.2020 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal)  
Member(J)

02.09.2020

Appellant alongwith counsel present.

Mr. Muhammad Jan learned Deputy District Attorney for official respondents No.1 to 3 present. Respondent No.4 in person present. Remaining respondents No.5 to 11 are not before the Tribunal.

Respondents No.12 & 13 i.e. impleaded respondents No.1 & 2 Abdul Shakoor and Mian Asfandiyar were also summoned and reply on behalf of impleaded respondent No. 2 (respondent No.13 Mian Asfandiyar has been placed on file but today he is not available. Notice be issued to all the absent respondents i.e. respondents No.5 to 13 for the date fixed. An application was filed by learned counsel for appellant with a request that status quo may be granted in order to refrain the official respondents from further promotion till final disposal of the above mentioned appeal. Notice of this application be served upon official respondents for 24.09.2020 before D.B



(Attiq ur Rehman)  
Member (E)



(Rozina Rehman)  
Member (J)

10-4.2020

Due to COVID19, the case is adjourned to

08/07/2020 for the same as before.

  
Reader

08.07.2020

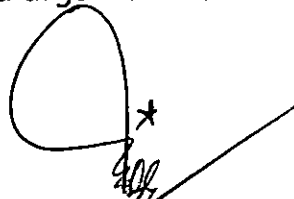
Due to COVID19, the case is adjourned to 02.09.2020 for

the same as before.

  
Reader

06.03.2020

Appellant with counsel present. Addl: AG alongwith Mr. M. Arif, Supdt and Mr. Zahid Ur Rehman, Supdt for official respondents and counsel for private respondent no. 4 to 11 with private respondent no. 10 in person present. Private respondent no. 12 not present nor his written reply submitted, hence, proceeded ex-parte. Representative of the respondents seeks time to furnish record mentioned in order sheet dated 19.11.2019. Adjourned. To come up for such record and arguments on 10.04.2020 before D.B.

  
Member

  
Member

11.12.2019

Appellant in person present. Addl: AG alongwith Mr. M. Arif, Supdt for respondents present. Appellant seeks adjournment due to general strike of the Bar the case is adjourned. To come up for arguments on 06.02.2020 before D.B.

  
Member

  
Member

06.02.2020

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. M. Arif, Supdt for respondent no.1 present. Record mention in order sheet dated 19.11.2019 has not been submitted. Representative of the respondents are strictly directed to furnish record on the next date of hearing. Adjourned. To come up for such record and arguments on 06.03.2020 before D.B.

  
Member

  
Member

A.No. 1404/2017, Kisanat Shah


19.11.2019

Appellant with counsel present. Mr. Riaz Painsdakhel learned Assistant Advocate General alongwith Mr. M. Arif Superintendent for the official respondent No.1 and counsel for Private Respondents No. 4 to 11 present.

During the course of arguments it was pointed out that ACRs of the appellant, Private respondents Tahir Ahmed, Mushtaq Ahmed & Haroon Jamal were sent for verification for the purpose of promotion to the countersigning officer i.e. respondent No. 12 Abdul Shakoor Ex- DOR Charsadda. He reported his signature on ACRs ~~as~~ <sup>for</sup> Bogus, therefore, the appellant was not considered for promotion due to the aforesaid reason vide Minutes of Departmental Promotion Committee held on 29.09.2017 but the Private Respondents namely Tahir Ahmed, Mushtaq Ahmed & Haroon Jamal were promoted despite the fact that there ACRs were also declared on verification by the countersigning officer i.e. Respondent No.12 as forged. It was stated by the learned counsel for the private respondents that the ACRs of the private respondent were later on found genuine by the countersigning officer i.e. Respondent No.12, therefore, in order to reached just conclusion, we deemed it appropriate to personally summoned respondent No. 12 Abdul Shakoor Ex-DOR Charsadda for clarification for next date. Respondent are also directed to direct the representative to furnish all the relevant record of promotion of the private respondents including ACRs of the appellant and private respondents as well as working paper of DPC on the next date positively. Adjourned. To come up for arguments on 11.12.2019 before D.B.



(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member



18.10.2019

Appellant with counsel present. Asst: AG alongwith Mr. M. Arif, Supdt for official respondents and counsels for private respondent no.4 to 11 present. Learned counsel for private respondents seeks adjournment. Adjourned. To come up for arguments on 19.11.2019 before D.B.



Member



Member

21.06.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Learned counsel for private respondents No.4 to 6 and 8 to 11 present. Learned counsel for private respondent No.7 also present. Learned counsel for the appellant seeks adjournment having not prepared the brief. Adjourn. To come up for arguments on 23.07.2019 before D.B.



Member



Member

23.07.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for official respondents No. 1 to 3 present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 16.09.2019 for arguments before D.B.



(HUSSAIN SHAH)  
MEMBER



(M. AMIN KHAN KUNDI)  
MEMBER

16.09.2019

Clerk to counsel for the appellant present. Addl: AG for official respondents and private respondents no. 6 and 7 in person present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 18.10.2019 before D.B.



Member



Member

21.03.2019

Appellant in person, Addl: AG for official respondent no.1 and 3 and private respondent no.13 in person present.

The private respondents has submitted reply to the appeal which is placed on record.

To come up for arguments before D.B on 08.05.2019 before D.B.

  
Member

  
Chairman

08.05.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Arif, Supdt and Zahid Ur Rehman, Supdt for official respondents present.

Learned counsel for private respondent no.7 has submitted an application for adjournment due to his domestic engagements.

Adjourned to 21.06.2019 for arguments before D.B.

  
Member

  
Chairman

11.02.2019

Appellant alongwith counsel present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Arif, Superintendent for official respondents No. 1 to 3 and private respondents No. 5, 10 & 11 in person present.

Earlier learned counsel for appellant has submitted application for impleadment of one Abdul Shakoor Dawar, Ex-DOR Charsadda, presently Garhi Hameed Gul Mian, Charsadda and Mian Asfandyar, Ex-Tehsildar Charsadda, presently House No. 20-A, new Hakeem Bukhari Colony Gulbahar No. 3, Peshawar in the panel of respondents as necessary party.

Today learned Assistant AG expressed no objection on acceptance of impleadment application.

Accordingly the impleadment application is accepted and the Muharrar is directed to make entry of the above mentioned respondents in the panel of respondents. Appellant is also directed to furnish two spare copies of the appeal. Notice be also issued to the newly impleaded respondents for attendance and reply for 21.03.2019 before D.B.



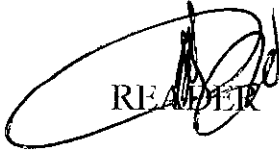
(HUSSAIN SHAH)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

25.10.2018

Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 12.11.2018 before D.B

  
READER

12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on ~~12.11~~ 16.01.2019.

  
READER

16.01.2019

Counsel for the appellant present. Mr. Javed, Assistant alongwith Mr. Muhammad Jan, DDA for official respondents no. 1 to 3 present. None for private respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. To come up for arguments on 11.02.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

07.06.2018

Appellant in person and Mr. Kabir Ulla Khattak learned Additional Advocate General along with Zahid Rehman Superintendent for official respondents present. Learned counsel for private respondents No. 4 to 6 and 8 could present. Private respondent No. 7 in person present. Adjournment requested. Adjourned. To come up for arguments on 02.08.2018 before D.B

(Ahmad Hassan)  
(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
(Muhammad Hamid Mughal)  
Member

02.08.2018

Appellant with counsel and Mr. Kabir Ulla Khattak learned Additional Advocate General present. Learned counsel for the appellant submitted application for impleadment of Mr. Abdul Shakoor Ex-DOR Charsadda and Mr. Mian Asfandyar Ex-Tehsildar Charsadda as respondents. To come up for reply and arguments on the said application and for further proceedings on 07.09.2018 before D.B.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

07.09.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 3 and counsel for private respondents No. 4 to 6 & 8 to 11 present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for reply and arguments on impleadment application and further proceedings on 25.10.2018 before D.B.

(Shah Hussain)  
Member

(Muhammad Amin Khan Kundi)  
Member

Service Appeal No. 1404/2017

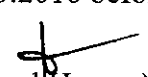
14.02.2018

Appellant in person present. Mr. Kabirullah Khattak, Additional alongwith Mr. Zahid-ur-Rehman, Superintendent for official respondents No. 1 to 3 and private respondents No. 4 to 6 and 8 to 11 in person also present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 28.02.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member (J)

28.02.2018

Counsel for the appellant and Addl:AG alongwith Mr. Iqbal Ahmad, Tehsildar for official respondents present. Written reply on behalf of official respondents no. 1 to 3 submitted. Private respondent no.7 in person present. None present on behalf of private respondent no. 4 to 6 and 8 to 11. Notices be issued to them. To come up for written reply on 29.03.2018 before S.B.

  
(Ahmad Hassan)  
Member (E)

29.03.2018

Appellant alongwith counsel & Mr. Kabir Ullah Khattak, Additional AG for official respondent present, and junior counsel for private respondent No. 4 to 6 & 8 to 11 present and submitted fresh wakalat nama on behalf of private respondents. and junior counsel for private respondent No. 7 present and submitted fresh wakalat nama which is placed on file. Written reply already submitted on behalf of official respondent No. 1 to 3. Now written reply submitted on behalf of private respondent No. 4 to 7 & 8 to 11. To come up for rejoinder. if any, arguments on 07.06.2018 before D.B.

  
Chairman

08.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Patwari on 15.05.2002. It was further contended that Departmental Promotion Committee was constituted and meeting of Departmental Promotion Committee was held on 29.09.2017 and eight officials were considered for promotion from the post of Patwari to Girdawars. It was further contended that the appellant is shown at serial no. 17 in the seniority list whereas Patwaris shown at serial No. 1 to 14 were not considered for promotion on the ground that the Patwaris shown serial No. 2, 4, 7, 8, 9 and 12 were already retired from service while the remaining have not passed the concerned examination. It was further contended that the appellant was not considered for promotion on the ground that he has not produced the ACRs required for the period concerned. It was further contended that production of ACRs is not the responsibility of the appellant rather it was the responsibility of the department to requisition the same from concerned quarter. It was further contended that despite the fact the appellant also produced attested copy of the ACRs of 2014, the appellant was not considered malafidely therefore, the impugned promotion order of the other private respondents are illegal and liable to be rectified.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 14.02.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member





Form-A

FORM OF ORDERSHEET

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

Case No. 1404/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/12/2017	<p>The appeal of Mr. Kiramat Shah resubmitted today by Mr. Asad Jan Durrani Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;">                       REGISTRAR 22/12/17                 </p>
2-	29/12/17.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/18.</u></p> <p style="text-align: right;">                       CHAIRMAN                 </p>