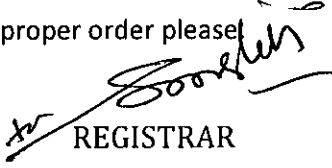



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 651/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/05/2019	<p>The appeal of Mr. Amjid Ali Khan resubmitted today by Mr. Noor Bad Shah Bangash 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-	21/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

A. No. 651/2019
Anjad Ali vs Govt

28.06.2019

Appellant with counsel present. The appellant who is basically a Patwari has filed the present service appeal for adjustment/promotion as DRA. Upon query by this Tribunal as to whether the Patwari is qualified to be promoted to the post of DRA, learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for preliminary hearing on 20.08.2019 before S.B.



Member

20.08.2019

Counsel for the appellant present.

Learned counsel has submitted an application for permission to amend the appeal. The ground noted in application is to the effect that the prayer contained in the appeal is not consistent with that of departmental appeal. In order to bring instant appeal in line with the departmental appeal the amendment in the former is essential.

The application is allowed subject to all just exceptions and the appellant may submit an amended appeal within a fortnight. To come up for preliminary hearing on 20.09.2019 before S.B.

Chairman 

651/2019

20.09.2019

Counsel for the appellant present.

On 20.08.2019 an application for amendment of appeal was submitted which was allowed and consequently the amended appeal was submitted which is placed on record.

Learned counsel for the appellant contends that in view of notification dated 23.01.2015 issued by Board of Revenue/Revenue & Estate Department Government of Khyber Pakhtunkhwa and the method of Recruitment provided therein, the post of Kanungo BPS-11 is to be filled by promotion from amongst Patwaris and Naib Office Kanungos of the district concerned with three years service as such. On the other hand, respondent No. 6 who was already serving as confirmed Tahsil Revenue Accountant was promoted as Kanungo. As such the appellant was discriminated and was denied promotion although he was fully qualified for the purpose.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.11.2019 before S.B.

Appellant Deposited
Security & Process Fee

20/9/19


Chairman

18.11.2019

Appellant alongwith counsel and Addl. AG alongwith Muhammad Arif, Superintendent and Asmatullah, Assistant for respondents No. 1 to 5 present and request for time to furnish reply/comments. Nemo for respondent No. 6.

Fresh notice be issued to respondent No. 6 through registered post. To come up for written reply/comments of all the respondents on 19.12.2019 before S.B.


Chairman

19.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Aftab Junior Clerk for respondent No. 2, Asmatullah, Assistant for respondents No. 4 and respondent No. 6 in person present.

Joint parawise comments on behalf of respondents No. 2 & 4 have been submitted which are placed on record. Respondent No. 6 seeks further time. Fresh notices be issued to respondents No. 1, 3 and 5. To come up for written reply/comments of respondents No. 1, 3, 5 and 6 03.02.2020.


Chairman

03.02.2020

Appellant in person present. Addl: AG alongwith Mr. M.Arif, Supdt, Mr. M. Zahid, Assistant for official respondents and private respondent no. 6 in person present. Written reply on behalf of respondents no. 1,3,5 and 6 not submitted. Requested for adjournment. Adjourned. To come up for written reply of respondents no. 1,3,5 and 6 on 16.03.2020 before S.B.


Member

16.03.2020

Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. Private respondent No.6 in person present. Written reply on behalf of respondent No. 2 & 4 already submitted. None present on behalf of respondent 1, 3 & 5 nor submitted written reply/comments. Fresh notice be issued to respondents No. 1, 3 & 5. Private respondent No.6 seeks time to file written reply/comments. Last opportunity is granted. To come up for written reply/comments of respondent No. 1, 3, 5 & 6 on 22.04.2020 before S.B.


Member

22.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 16.07.2020 for the same. To come up for the same as before S.B.

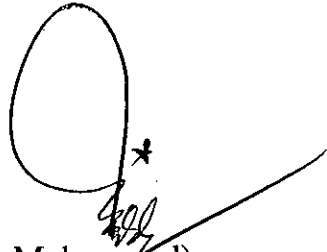

Reader

16.07.2020

Counsel for the appellant and Addl: AG alongwith Mr. M. Arif, Supdt for respondents No. 2 and 4 and Mr. Zahid, Assistant on behalf of respondents No. 3 and 5 present.

Written reply on behalf of respondents No. 2 and 4 have already been submitted while the representative of respondents No.3 and 5 relies on the same. Notice be issued to respondent No.6 for reply.

Adjourned to 22.09.2020 before S.B.


(Mian Muhammad)
Member(E)

16.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Zahid, Assistant for the official respondents present.

Learned AAG states that respondents No. 3 & 5 want to rely upon the joint parawise comments of respondents No. 2 & 4 submitted on 19.12.2019. Private respondent No. 6 in person present and has furnished reply, which is made part of the record. The matter is assigned to D.B for arguments on 02.12.2020. The appellant may furnish rejoinder, within one month, if so advied.


Chairman

02.12.2020

Due to pandemic of Covid-19, the case is adjourned to 23.02.2021 for the same as before.


Reader

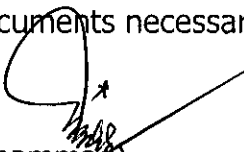
23.02.2021

Counsel for the appellant, Mr. Asif Masood, DDA alongwith Muhammad Ajmal Khan, Assistant Secretary & Muhammad Zahid, Assistant for respondents present.

During the course of arguments, a point was raised by the respondents regarding the passing of Patwar Examination by the appellant or otherwise.

It is the claim of appellant that he was appointed in pursuance to the order of Hon'ble Peshawar High Court dated 19.04.2005 in C.M No. 389/2004, in Writ Petition No. 50/2003. It is further claimed by the appellant that he had duly passed the requisite examination, a condition precedent to appointment as Patwari BPS-5. The claim of appellant is though denied by the respondents. The appellant, therefore, requests for time to produce before the Tribunal record pertaining to his passing of requisite examination. The respondents also want to revisit the official record and come up with a clear cut stance regarding the issue. The appellant is allowed to do the needful and also produce other record relevant to the case in hand which shall include the judgment by the Hon'ble High Court in Writ Petition No. 50/2003 and the application of appellant u/s 12(2) CPC in CM No. 389/2004.

Instant proceedings are adjourned to 31.05.2021. The parties shall be at liberty to bring on record, subject to all just exceptions, documents necessary for the case in hand.


(Mian Muhammad)
Member(E)


Chairman

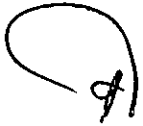
31.05.2021

Appellant present in person.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Zahid Superintendent and Noorul Amin Kanungo for respondents present.

Representative of the respondents submitted record which is placed on file. Appellant made a request for adjournment as his counsel is not in attendance; adjourned. To come up for arguments on 03.09.2021 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

03.09.2021

Due to summer vacations, the case is adjourned to 12.01.2022 for the same as before.


READER

12.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present.

Due to paucity of time, arguments could not be heard. Adjourned. Case to come up for arguments before the D.B on 02.03.2022.

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


Chairman

02.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.05.2022 for the same as before.



Reader

31.05.2022

Counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Zahid Assistant for official respondents No.1 to 5 present. Private respondent No.6 in person present.

Due to none availability of Member Copy, case was not argued. Learned counsel for appellant requested for adjournment; granted with direction to make sure the availability of Member Copy before the next date. To come up for arguments on 10.08.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

10-8-2022

Proper DB not available the case is adjourned to 2-11-2022



Reader


2nd Nov., 2022

Assistant to learned counsel for the appellant present.

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


Request for adjournment was made due to engagement of learned senior counsel for the appellant before Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 15.12.2022 before the D.B.



(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

15.12.2022

Due to general strike of the Bar, case is adjourned to 07.03.2023 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)