

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1070 /2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/08/2018	<p>The appeal of Mr. Zia Ullah presented..today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	31-8-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-9-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
3-	22-9-2018	<p>Due to Muharram, holidays, case was not heard on 21-9-18. Adj for <u>03-10-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> (Referee)</p>

03.10.2018

Counsel for the appellant Zia Ullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Assistant (BPS-16). It was further contended that the appellant was directed to report for to Program Coordinator MNCH Program FATA which is project post. It was further contended that the appellant filed departmental appeal which was rejected, hence, the present service appeal. It was further contended that when a civil servant is transferred from regular post to a project post than the willingness of the civil servant is must but the respondent-department has transferred the appellant from the regular post of to project post without willingness of the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the 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 17.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of operation of impugned order. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till he date fixed.

Appellant Deposited
Security & Process Fee




(Muhammad Amin Khan Kundi)
Member

17.10.2018

Counsel for the appellant present. Mr. Siraj Ud Din, alongwith Mr. Kabirulalh Khattak, Addl: AG for respondents present. Written reply on behalf of respondent no.4 submitted which is placed on file. Case to come up for written reply/comments of the remaining respondents on 30.10.2018 before S.B. In the meanwhile status-quo be maintained till the date fixed.


(Ahmad Hassan)
Member

30-10-18

*Due to Retirement of Honorable
Chairman the Tribunal is now
functional therefore the case is
adjourned to come up for the same
on 12-11-2018*


12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 28.11.2018. Written reply received on behalf of respondents No.1 to 4 by Mr. Shah Nawaz Litigation Assistant and placed on file. Written reply on behalf of respondent No.5 is still awaiting.


Reader

28.11.2018


Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Written reply is still awaiting on behalf of respondent No.5. Mr. Zaki Ullah Senior Auditor representative of respondent No.5 absent. Adjourn. To come up for written reply/comments on behalf of respondent No.5 on 10/01/2019 before S.B.


Member

10.1.2019


Counsel for the appellant and Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present.


Learned AAG has submitted copy of application submitted by respondent No. 5 which indicates that the said respondent is not interested in contesting the appeal in hand. The comments of said respondents are therefore, not necessary while the other respondents have already submitted their respective reply/comments. The appeal, therefore, shall be laid before the D.B for arguments on 28.03.2019. The appellant may submit rejoinder within a week, if so advised.


Chairman

28.03.2019

Due to general strike of the bar, the case is adjourn. To come up for rejoinder/arguments on 11.04.2019 before D.B.


Member


Member

11.04.2019

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, ^{on the call} Additional AG for the respondents present. Due to strike of Pakistan Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for rejoinder and arguments on 03.05.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

03.05.2019

Appellant alongwith his counsel and Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder seeks adjournment for arguments. Adjourned to 21.06.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

21.06.2019

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Asstt: Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.08.2019 before D.B.


Member


Member

21.08.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daniyal Ahmad, Store Keeper for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.10.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.10.2019

Mir Zaman Advocate present on behalf of learned counsel for the appellant. Mr. Zia Ullah learned Deputy District Attorney present. Mir Zaman Advocate seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 20.11.2019 before D.B.



Member


Member

20.11.2019

Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Daniyal Ahmad, Storekeeper for the respondents present. Representative of the department present in the court is strictly directed to furnish the record of the appellant adjusted against regular vacant post of Assistant in Directorate of Health Services FATA by the competent authority vide order No. 16956 dated 01.08.2014 under the Finance Notification No. FD(SOSR-I) dated 12.07.2014, Scale adjustment from BPS-14 to BPS-16 in the light of Govt. of Khyber Pakhtunkhwa Finance Department Regularization Wing letter No. FD-SO(FR)10-22 2014 dated 20.05.2014 and transfer order from MNCH of the appellant dated 01.08.2014 on the next date positively. Case to come up for record and arguments on 15.01.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

15.01.2020

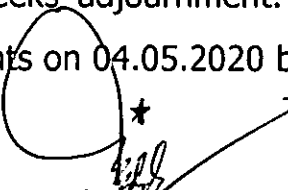
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 04.03.2020 for further proceedings/arguments before D.B.


Member


Member

04.03.2020

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.05.2020 before D.B.


Member


Member

4-5 .2020

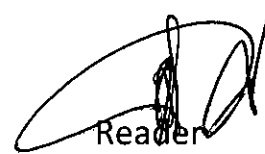
Due to COVID19, the case is adjourned to 15/7 /2020 for the same as before.


Reader

15.07.2020 Due to COVID19, the case is adjourned to 28.08.2020 for the same as before.

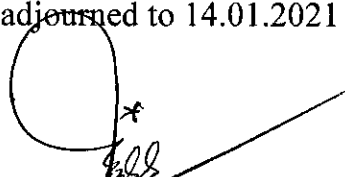

Reader


28.08.2020 Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.


Reader

05.11.2020 Junior to counsel for the appellant present. Zara Tajwar, Deputy District Attorney for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.


(Mian Muhammad)
Member (E)


Chairman

14.01.2021

Counsel for appellant and Kabirullah Khattak learned AAG for respondents present.

Due to COVID-19, the case is adjourned to 01.04.2021 for the same as before.



READER

01.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 02.07.2021 for the same.

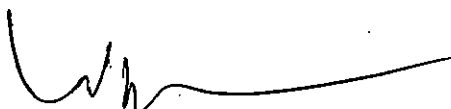


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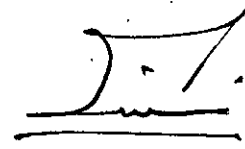
02.07.2021

Mr. Maaz Madani, Advocate, for the appellant present. Mr. Ziaullah, Law Officer and Mr. Jaffar Shah, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and submitted record consisting of four sheets, which are placed on file.

Learned counsel for the appellant sought adjournment for preparation of arguments. Adjourned. To come up for arguments before the D.B on 01.09.2021.



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

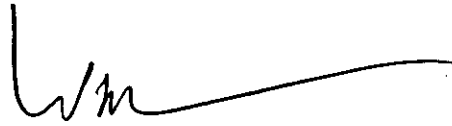


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.09.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Jaffar Ali, Assistant alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that due to some domestic engagements, he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 25.11.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

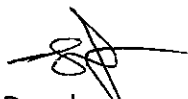


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.11.2021

Proper DB is not available, therefore, the case is
adjourned to 01/03/22 for the same before ~~DB~~ ^{as}.

1-3-22 due to Retirement of the Hon,ble Chairman
The case is adjourned to come before the same
as before on 15-6-22

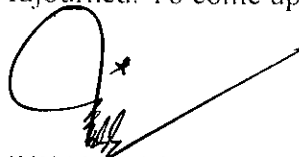

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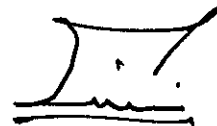
15.06.2022

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

Learned counsel for the appellant sought adjournment on the ground that
due to some domestic engagement he is unable to make preparation for
arguments. Adjourned. To come up for arguments on 02.08.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

2-8-2022


Proper DB not available the case is
adjourned to 31-10-2022


Reader

31st Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned To come up for arguments on 13.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

13.12.2022

Counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. This being old case of 2018, last opportunity is granted To come up for arguments on 01.03.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)