

01.11.2022

Mr. Umer Farooq, Advocate, junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments on 21.12.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

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

Junior of learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. To come up for arguments on 20.03.2023 before the D.B.



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 23.05.2022.



(Fareeha Paul)  
Member (E)



Chairman

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

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

Learned counsel for the appellant seeks adjournment in order to properly assist the court. Adjourned. To come up for argument on 01.08.2022 before the DB.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

1-8-2022

Proper DB not available the case is  
adjourned to 1-11-2022

  
Reader

29-9-21

D.B. is on Tour case to come up  
For the same on Dated. 25-11-21

<sup>+</sup>  
Reader

25.11.2021

Counsel for the appellant present.

Mr. Kabirulah Khattak, Additional Advocate General  
alongwith Mr. Sajid Superintendent for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is  
on leave, therefore, case is adjourned. To come up for arguments  
on 17.03.2022 before D.B.



(Rozina Rehman)  
Member (J)

17.03.2022

Due to retirement of the Worthy Chairman, the  
Tribunal is defunct, therefore, case is adjourned to  
21.03.2022 for the same as before.



Reader.

21.03.2022

Due to retirement of the Worthy Chairman, the  
Tribunal is defunct, therefore, case is adjourned to  
10.05.2022 for the same as before.



Reader.

27.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Zar Muhammad Assistant for respondents present.

Reply of the respondents No.1 to 3 has already been submitted. The appellant through the instant service appeal, has impugned the letters dated 03.02.2020 and 01.10.2020. According to copy of the letter available on file as "Annexure-E", the letters dated 14.01.2020 and 29.01.2020 on the subject of STI 30% Allowance addressed to the Secretary to Government of Khyber Pakhtunkhwa, Establishment Department (respondent No.2) were withdrawn by the Finance Department (respondent No.3). Similarly, according to the copy of the letter dated 06.02.2020 available on file as "Annexure-F" addressed to the Accountant General, Khyber Pakhtunkhwa, it was required to stop forthwith the payment of 30% Special Allowance in pursuance to the letter dated 03.02.2020 and recovery of paid amount was also directed. The said letter was issued from the office of respondent No.2. In view of both the impugned letters, the respondents No.4 to 6 do not happen to be a proper or necessary party for the reason that even if the appellant succeeds in getting the relief as prayed for, they will no more be required for implementation of the judgment. According to Subsection-(2) of Section-7 of the Service Tribunal Act, 1974, the Tribunal has got the powers of a Civil Court as are vested in such under the Code of Civil Procedure, 1908. Sub Rule(2) of Rule-10 of order No.1 C.P.C confers enabling power upon the Civil Court that it may at any stage of the proceedings, either upon or without application of either party order that name of any party improperly rejoined, be struck out.

In view of the foregoing discussion related to the impugned letters that the respondents No.4 to 6 are neither necessary nor proper parties in the matter of adjudication of present appeal, it is deemed fit to direct for deletion of their names from the panel of respondents. Office is directed to do the needful accordingly. To come up for arguments on 29.09.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

04.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 22.06.2021 for the same as before.

  
Reader

22.06.2021

Junior to counsel for the appellant and Naheed Gul, Assistant for respondents No. 1 to 3 and Mr. Kabirullah Khattak, Addl. AG for the respondents present.


Respondents No. 1 to 3 have submitted reply/comments. Learned AAG requests for time to furnish reply/comments on behalf of the remaining respondents. Learned AAG is required to contact respondents for submission of written reply/comments in office within 10 days, 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 27.07.2021 before the D.B.

  
Chairman

*Reply in this appeal alongwith other connected appeal has not been submitted despite the lapse of stipulated time.*

P.S

05.07.2021

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



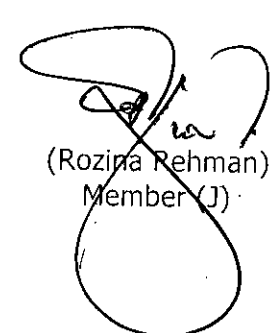
  
Chairman

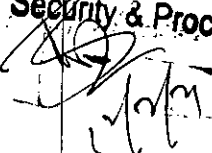
Form- A

FORM OF ORDER SHEET

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

Case No.- 495 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 21/01/2021                | <p>The appeal 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;"><br/>REGISTRAR</p>   |
| 2-    |                           | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/02/2021</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |
|       | 08.02.2021                | <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 04.05.2021 before S.B.</p> <p>In the meanwhile, operation of the impugned notification dated 01.10.2020 stands suspended till further orders.</p> <p style="text-align: right;"><br/>(Rozina Rehman)<br/>Member (J)</p> |


**Appellant Deposited Security & Process Fee**  


The appeal presented today i.e. on 15/01/2021 by Mr. Noor Muhammad Khattak Advocate is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 4 & 5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures-I & J of the appeal are illegible which may be replaced by legible/better one.

No. 112 /S.T,

Dt. 18/01 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note  
Sir,

objections No.1 and No.2 has been  
removed- hence re-submitted Today 21.01.2021

