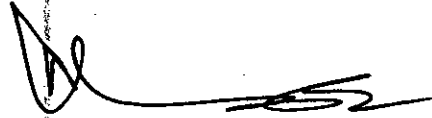


ORDER

7th Nov, 2022

1. Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.
2. Vide our detailed order of today placed in Service Appeal No. 402/2018 titled "Hidayat Ullah-vs-The Director General Health Services, Khyber Pakhtunkhwa, Peshawar and others" (copy placed in this file), this appeal is also disposed of as per para-6 of the judgment. Costs to follow the events. Consign.
3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 7th day of November, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Swat

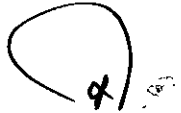


(Salah Ud Din)
Member(Judicial)
Camp Court Swat

03.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

In view of controversy in question, personal appearance of DHO (Dir Lower) before the Tribunal is necessary, therefore, learned District Attorney shall intimate the said respondent for his personal appearance before the Tribunal and to come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (Judicial)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

04.10.2022

Appellant alongwith his counsel present. Dr. Mujeeb-ur-Rehman, Deputy DHO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Vide order dated 03.10.2022, it was directed that DHO (Dir Lower) shall personally appear before the Tribunal on 04.10.2022, however representative of respondents present before the court stated that District Health Officer (Dir Lower) is busy in TCV compliant today and is unable to attend the Tribunal today. Last chance is given to DHO (Dir Lower) to personally appear before the Tribunal on 07.11.2022 before the D.B at Camp Court Swat and to come up for arguments on the date fixed.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member (J)
Camp Court Swat

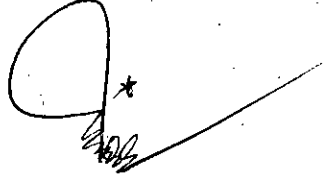


(Salah-Ud-Din)
Member (J)
Camp Court Swat

8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Counsel are on strike. To come up for arguments on
06.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

Appellant present through counsel.

Noor Zaman Khattak, learned District Attorney for respondents
present.

Former made a request for adjournment as he has not made
preparation of the case. Adjourned. To come up for arguments on
04.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

4.8.22

*Due to summer vacation the case is
adjourned to 3-10-22 for the same as before.*



Irshad Ali

18.04.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant AG for the respondents present.

The appellant submits that vide office order bearing endorsement No. 897-901 dated 27.01.2017, the appellant alongwith others was reinstated in service from the date of appointment with all back benefits. The appellant had also produced photocopy of salary slip issued by the District Account Officer Dir at Timergara, which shows that arrival report dated 24.07.2014 and extract from the service book. When confronted with the situation that representative of respondents sought time to clarify the documents and to come up for proper solution of the matter. To come up for arguments before the D.B on 12.05.2022 at Camp Court Swat.



(Mian Muhammad)
Member (E)



Chairman

12.05.2022

Appellant in person present. Dr. Muneeb-ur-Rehman, Litigation Officer and Mr. Ahmad Jan, Junior Clerk alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 08.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

1st April, 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Former requests for adjournment in order to properly assist the court. Adjourned. To come up for arguments on 18.04.2022 before the D.B.


(MIAN MUHAMMAD)
Member (E)

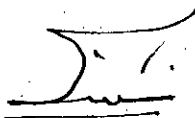

(KALIM ARSHAD KHAN)
Chairman



21.10.2021

Counsel for the appellant and Mr. Javaidullah, Asstt. AG for the respondents present.

After having heard the arguments at certain length, it was found that the appeal is not documented with copy of the reinstatement/impugned order of the appellant against which departmental appeal was filed. The respondents have also not annexed such order with their comments. Let the respondents produce copy of the impugned order and service book of the appellant on next date. Case to come up on 28.01.2022 for arguments before the D.B.



(Salah-ud-Din)
Member(J)

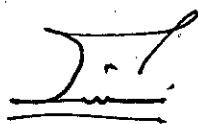

Chairman

28.01.2022

Appellant in person present. Dr. Bilal, Medical Officer and Mr. Ahmad Jan, Junior Clerk alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.04.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

01.04.2021


Appellant present with counsel.

Kabirullah Khattak, Additional Advocate General for respondents present.

A request was made for adjournment. Therefore, the case is adjourned to 12-7-2021 for arguments before D.B.



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



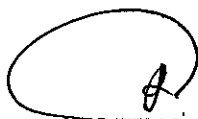
(ROZINA REHMAN)
MEMBER (JUDICIAL)

12.07.2021

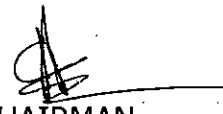
Appellant in person present.

Mr. Kabirulah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 21.10.2021.



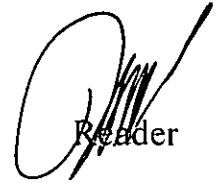
(ROZINA REHMAN)
MEMBER (JUDICIAL)



CHAIRMAN

29.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.



Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.

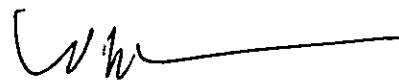


Reader

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member



Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.



Reader

13.11.2019

Junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant submitted application for adjournment. Adjourn. To come up for arguments on 15.01.2020 before D.B.


Member


Member

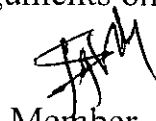
15.01.2020 Appellant absent. Learned counsel for the appellant absent. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 13.03.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

13.03.2020

Hidayt Ullah appellant in connected service appeal on behalf of appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 29.04.2020 before D.B.


Member


Member

14.05.2019

Learned counsel for the appellant present. Written reply not submitted. Jafar Ali Assistant (for respondent No.1) and Hazrat Shah Superintendent (for respondent No.3) absent. Notice be issued to respondents as well as to the absent representatives with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.



Member

01.07.2019

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith M/S Saleem Superintendent for the respondents present. Representative of the respondent department seeks time to furnish written reply/comments. Adjourned. To come up for written reply/comments on 27.08.2019 before S.B.



Member

27.08.2019

Junior to counsel for the appellant and Addl. AG alongwith Dr. Jamal Nasir, Coordinator for the respondents present.

Parawise comments on behalf of respondents submitted. The appeal is assigned to D.B for arguments on 13.11.2019. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman

21.01.2019 No one present on behalf of appellant. Security and process fee not deposited. To come up on 22.02.2019 before S.B.


Member

22.02.2019 Clerk to counsel for appellant present and requested for time to deposit security and process fee. Request accepted with direction to deposit security and process fee within 3 days, thereafter, notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 09.04.2019 before S.B


Appellant Deposited
Security & Process Fee


Member

09.04.2019 Counsel for the appellant and Addl. AG on behalf of the respondents present.

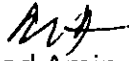
Learned AAG requests for time to procure reply of the respondents. The respondents shall positively submit the requisite reply/comments on next date of hearing.

Adjourned to 14.05.2019 before S.B.


Chairman

02.10.2018

Appellant in person present and made a request for adjournment. Adjourned. To come up for preliminary hearing on 16.10.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

16.10.2018

Counsel for the appellant present and seeks adjournment. Granted. Case to come up for preliminary hearing on 29.11.2018 before S.B.


(Ahmad Hassan)
Member

29.11.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ward Ordarli) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, for back benefits on the ground that the appellant was appointed as Class-IV employee vide order dated 22.07.2014, however on 24.07.2014 his appointment order was cancelled; that the service appeal of the appellant for his reinstatement was allowed and resultantly the appellant was reinstated but the respondent department refused to give back benefits.

Points raised need consideration. The appeal is admitted for 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 the respondents for written reply/comments. To come up for written reply comments on 21.01.2019 before S.B.


Member

27.04.2018

Appellant with counsel present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 26.06.2018.

\$

Reader

26.06.2018

Clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 20.07.2018 before S.B.

MA

(Muhammad Amin Khan Kundi)
Member

20.07.2018

None for the appellant present. Adjourned. To come up for preliminary hearing on 08.08.2018 before S.B.

Ⓟ

(Ahmad Hassan)
Member

08.08.2018

Learned Counsel for the appellant present and seeks adjournment. Adjourned. To come up of preliminary hearing on 02.10.2018 before S.B

MA

(Muhammad Amin Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 405/2018

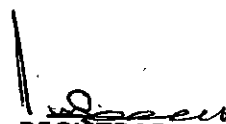
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/03/2018 AIA	The appeal of Mr. Irshad Ali resubmitted today by Mr. Arbab Yasir Arafat Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. AIA REGISTRAR
2-	21/03/18. AIA 02.04.2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/18.</u> MEMBER Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 27.04.2018 before S.B Member

The appeal of Mr. Irshad Ali son of Muhammad Jan Class-IV Ward Orderly THQ Hospital Sammar Bagh received today i.e. on 26.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Copy of impugned order dated 05.10.2016 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 3- Annexures-A, B and C of the appeal are illegible which may be replaced by legible/better one.

No. 410 /S.T,

Dt. 27/02/2018


REGISTRAR 27/2/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Arbab Yasir Arfat Khan Adv.Pesh.

Note: All the objections are removed.

