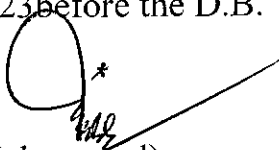



02.01.2023

Learned counsel for the appellant present.
Mr. Behramand, Assistant Director alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General requested that as he has not made proper preparation, therefore, an adjournment may be granted. Adjourned. To come up for arguments on 30.03.2023 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

23.08.2022

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

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 03.11.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

3rd Nov. 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.01.202⁴~~3~~ before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

11.11.2021

Zainul Abideen Advocate junior to Javid Iqbal
Gulbela Advocate present.

Muhammad Riaz Khan Paindakheil learned Assistant
Advocate General for respondents present.

File to come up alongwith connected appeal titled Atiqa
Rehman Vs. Health on 08.12.2021 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

8.12-22

*DB au Tare, therefore the case is
adjourned to 4-3-22 for the same.*



04.03.2022

Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
06.06.2022 for the same as before.


Reader.

6th June. 2022

Proper D.B is not available. Therefore, case is
adjourned to 23.08.2022 for the same as before.


Reader

29.12.2020

Junior to counsel for the appellant and Muhammad Rasheed DDA alongwith M/S Abdul Wahid Litigation Officer on behalf of respondent No.2, Touseef ur Rehman ADEO on behalf of respondent No. 3 and Shoaib Akbar on behalf of respondent No. 4 present.

Reply on behalf of respondent No.4 has already been submitted. Representative of respondents No. 3 submitted reply/comments which is placed on file. Representative of respondent No.2 stated at the bar that he relies on the reply already submitted by respondent No. 3 & 4. To come up for rejoinder if any, and arguments on 29.03.2021 before D.B.



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

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 29.06.2021 for the same.



Reader

29.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 11.11.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

02.09.2020

Appellant alongwith counsel and Mr. Yousaf Shah, ADEO for respondent No. 4 alongwith Addl. AG for the respondents present.

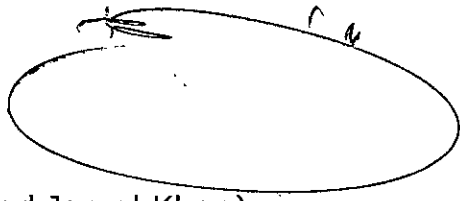
Representative of the respondents No. 4 has furnished written comments/reply on behalf of the said respondent. Learned AAG seeks time to contact respondents No. 1 to 3 and submit reply/comments on their behalf. Adjourned to 22.10.2020 on which date reply/comments of respondents No. 1, 2 & 3 shall positively be furnished.


Chairman

22.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional AG is present.

Written reply on behalf of respondent No. 4 has already been submitted while neither written reply on behalf of respondents No. 1 to 3 submitted nor any representative on their behalf is present, therefore, notice be issued to him for submission of written reply/comments. File to come up for written reply/comments on behalf of respondents No. 1 to 3 on 29.12.2020 before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

02.07.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as CT (BPS-9) now upgraded in (BPS-16). That later on a corrigendum dated 30.10.1993 was issued by the respondent whereby the appellant was posted at GHSS Khawrai Noshwera. The appellant submitted his charge report and started performing duty on the concerned station. Thereafter, the appellant was transferred from Nowshera to GHS Masho Gagar, Peshawar vide order dated 25.05.2011. That after transfer from District Nowshera to District Peshawar till date the seniority of the appellant has not been maintained; neither in District Nowshera nor in District Peshawar. His name is not mentioned in the final seniority list dated 31.10.2014. Feeling aggrieved, the appellant filed departmental appeal on 19.09.2019 which has not been responded within the statutory period of ninety days, hence the instant service appeal. Learned counsel for the appellant further contended that maintaining seniority of a cadre/service is mandatory under Section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 and Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989. As such the inaction of the respondents by not maintaining/enlisting the seniority of the appellant in the seniority list prepared for the cadre of C.T of District Peshawar is against the law, facts and norms of natural justice.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 02.09.2020 before S.B.

Appellant Deposited
Security & Process Fee

8/7/20

(MAIN MUHAMMAD)
MEMBER(E)

24.02.2019

Learned counsel for the appellant present.

In the year 1993 the appellant was appointed as C.T Teacher in District Nowshera. Upon transfer of the appellant to District Peshawar, he became junior most in the cadre of C.T Teachers of District Peshawar.

Plea of the learned counsel for the appellant that the seniority of the appellant is to be counted from the date of his initial appointment, appears to be misconceived. Opportunity is granted to the learned counsel for appellant to further prepare the brief. Adjourn. To come up for preliminary hearing on 09.04.2020 before S.B.



Member

09.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 02.07.2020 for the same. To come up for the same as before S.B.





Reader

FORM OF ORDER SHEET

Court of _____

Case No.- _____

635 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/01/2020	<p>The appeal of Mr. Sikandar Khan 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. decrease</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		