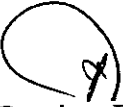


29.11.2022

Junior to counsel for the appellant present. Kabir Ullah Khattak Additional Advocate General alongwith Safi Ullah Focal Person for respondents present.

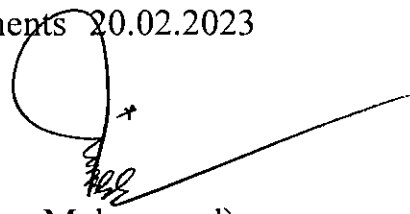
Reply not submitted. Representative of the respondents sought further time for submission of written reply. Last chance is given. To come up for written reply on 03.01.2023 before S.B.

  
(Rozina Rehman)  
Member (J)

03.01.2023

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Safiullah, Focal Person for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Last opportunity is extended subject to cost of Rs. 3000/- Adjourned. To come up for reply/comments 20.02.2023 before S.B.


  
(Mian Muhammad)  
Member (E)

10.08.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Furqan, Junior Clerk for respondents present.

Written reply on behalf of respondents not submitted. Learned AAG sought time for submission for written reply. Adjourned. To come up for written reply/comments on 20.10.2022 before S.B.

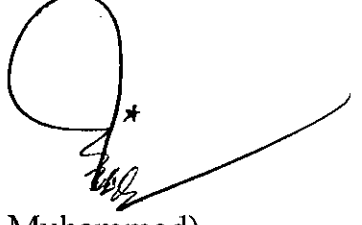
SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

20.10.2022

Junior counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Safiullah, Focal Person for the respondents present.


Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments on the next date. Adjourned. To come up for reply/comments before the S.B on 29.11.2022.

  
(Mian Muhammad)  
Member (E)

25.01.2022

Nemo for the appellant.

Notice be issue to the appellant and his counsel for attendance on 24.03.2022 before S.B.

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

24.03.2022

None for the appellant present.

Security and process fee not deposited. Notices be issued to the appellant and his counsel for submission of security and process fee within 10 days. Adjourned. To come up for further proceedings on 22.06.2022 before S.B.

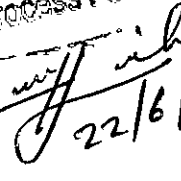
  
(MIAN MUHAMMAD)  
MEMBER(E)

22<sup>nd</sup> June, 2022

Counsel for the appellant present and seeks permission to deposit security and process fee. Appellant is directed to deposit security and process fee today. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 10.08.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman

Rs-500/-  
Appellant Deposited  
Security & Process Fee

A.  22/6/22

**Hidayat Ullah Khan 5785/2021**

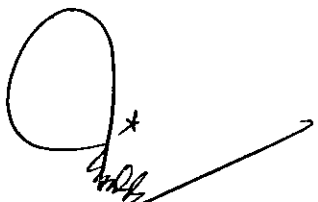
08.09.2021

Mr. Noman Mohib Kakakhel, Advocate counsel for the appellant present and submitted fresh Wakalatnama. Preliminary arguments heard.

Learned counsel for the appellant argued that his client is presently working as Clinical Technician (Pathology) BS-12 at Bannu Medical College who is being ignored for promotion to the post of Clinical Technologist (Pathology) BS-17 despite the fact that under threefold criterion for promotion, 20% of the posts are reserved for BS-12, BS-14 and BS-16 Technician who have acquired Degree. Presently, there are two vacant posts of clinical Technologist (BS-17) falling to 20 % reserved for pathology cadre and the appellant stands at serial No.2 of the seniority list. He is however, not being considered by the respondent No.1 since 01.02.2018. Thereafter, the appellant preferred departmental appeal on 28.01.2020 which was not responded or decided within the stipulated statutory period, hence, the instant service appeal filed in this Service Tribunal on 16.06.2020.

Learned counsel for the appellant was confronted with the question as to where is the original or appellate order to have been impugned as per provisions of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Moreover, there is no application for condonation with the service appeal. In support of his arguments learned counsel for appellant contended that it is a recurring cause of action and no limitation runs against it, he placed reliance on 2012 SCMR 1700 AND 2020 PLC (CS) 668.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.01.2022 before the D.B.

  
(Mian Muhammad)  
Member(E)

**5785/2020**

04.02.2021

M<sup>rs</sup>. Zeenat Muhib Kakakhel, Advocate on behalf of counsel for the appellant present.

Requests for adjournment as learned senior counsel for the appellant is engaged today in various cases before the Hon'ble High Court.


The record suggests that on a number of occasions instant matter was adjourned on behalf of appellant/counsel, therefore, request is acceded to but as last chance. Adjourned to 26.05.2021 for hearing before S.B.



Chairman

26.05.2021

Counsel for the appellant present and requests for adjournment in order to further prepare the brief. To come up for preliminary hearing on 08.09.2021 before S.B.



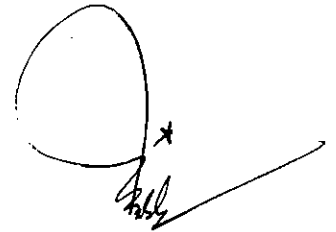
Chairman

13.07.2020

Clerk to counsel for the appellant present.

Former requests for adjournment as learned counsel for the appellant is indisposed today.

Adjourned to 15.09.2020 before S.B.



(Mian Muhammad)  
Member(E)

15.09.2020

Miss Mehwish Muhib Kakakhel, Advocate for appellant present.

Requests for adjournment as learned senior counsel for appellant is engaged today before the Honourable High Court in various cases. Adjourned to 18.11.2020 before S.B.



Chairman

18.11.2020

Mr. Nouman Mohib Kakakhel, Advocate on behalf of counsel for appellant present.

Requests for adjournment as learned counsel for appellant is indisposed due to Malaria fever.

Adjourned to 04.02.2021 before S.B.





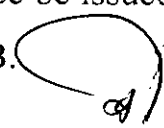
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 5785 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/06/2020	<p>The appeal of Mr. Hidayatullah presented today by Mr. Saifullah Muhib 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-	30.06.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>In the light of preliminary arguments of learned counsel, let pre-admission notice be issued to learned AAG for 13.07.2020 before S.B.</p> <p style="text-align: right;"> Member (J)</p>

SCANNED  
KPST  
Peshawar