

20<sup>th</sup> Dec. 2022 Junior to counsel for the appellant present. Mr. Asif Masood  
Ali Shah, Deputy District Attorney for the respondents present.

Former requested for adjournment due to engagement of  
learned senior counsel for the appellant in the Hon'ble Peshawar  
High Court today. Adjourned. To come up for arguments on  
25.01.2023 before the D.B.

  
(FAREEHA PAUL)  
Member(E)



  
(ROZINA REHMAN)  
Member (J)

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7739 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2021	<p>The appeal of Ayesha Gul resubmitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/12/21</u>.</p> <p>CHAIRMAN</p>
	14.12.2021	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and her counsel. Adjourned. To come up for preliminary hearing on 23.02.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

*Noted*  
*37/12/21*  
*22/12/2021*

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.

19.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant has been serving as Lab Superintendent (BS-16) in the respondent department. She was transferred from GGHSS Nowshera Kalan to GGHSS Shah Dand Par Hoti Mardan vide office order dated 09.09.2020. However, the said order was subsequently withdrawn vide another order dated 29.09.2020. The order dated 09.09.2020 was again restored vide office order dated 09.06.2021 but which was withdrawn vide yet another office order dated 22.06.2021 and the same has been impugned in the instant service appeal. The appellant submitted departmental appeal to respondent No. 1 on 17.07.2021 however the same was not responded within the statutory period hence the service appeal was filed in Service Tribunal on 05.11.2021. It was further argued that these are not speaking orders and have been issued without any reasons. In support of his arguments, learned counsel for the appellant referred to clause (i) and (iv) of the Posting Transfer Policy of Provincial Government as well as Service Tribunal judgement dated 04.04.2018 delivered in service appeal No. 66/2018 titled "Muhammad Miskeen Head Clerk (BS-16) Hazara Irrigation Divison Abbottabad Versus Government of Khyber Pakhtunkhwa".

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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. To come up for reply/comments before the S.B on 07.06.2022. Alongwith the memorandum of service appeal, application for suspension of the operation of order dated 22.06.2021 has also been submitted. Notice of the said application be also issued to the respondents for reply/comments.

(Mian Muhammad)  
Member(E)

Rs-700/-  
Jeposi.  
Appel Security & Process fee  
A. J. 19/5/22

07.06.2022

Clerk to counsel for the appellant present.

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

Reply of respondents is still awaited. Learned AAG requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 18.07.2022 before S.B.

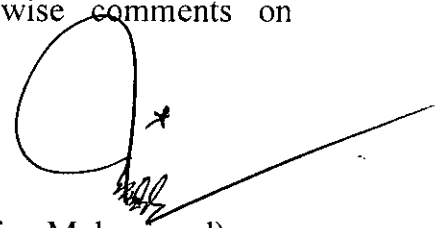
SCANNED  
KF ST  
Peshawar

  
(Rozina Rehman)  
Member (J)

18.07.2022


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

It is evident from the previous order sheet dated 07.06.2022 that the respondent department had been given last chance for submission of reply/parawise comments. Despite last chance, the respondent department could not submit the requisite reply/parawise comments today. Learned Additional Advocate General appeared on behalf of the respondents at fault and requested for yet another chance enabling him to contact and consult the respondents to submit reply/parawise comments. The request is acceded to but as last chance whereafter coercive measures invariably be initiated against the respondents at fault. Adjoined. To come up for reply/parawise comments on 20.09.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

20.09.2022

Learned counsel for the appellant present. Mr. Behramand, A.D (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought further time for submission of written reply/comments. Last opportunity is given to the respondents to submit written reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on 04.11.2022 before the S.B.


  
(Salah-Ud-Din)  
Member (J)

04.11.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Despite last chance written reply on behalf of respondents not submitted. Therefore, right for submission of written reply stands struck off. To come up for arguments on 20.12.2022 before D.B.

  
(Rozina Rehman)  
Member (J)