



Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7845 /2021 \_\_\_\_\_

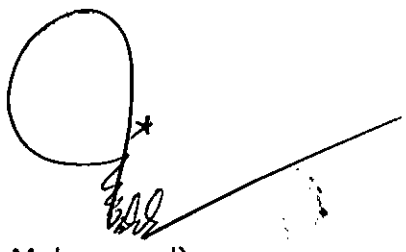
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2021	<p>The appeal of Mr. Syed Wali Khan presented today by Mr. Afrasiab Khan Wazir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>31/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

31.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments contended that the appellant is working as Junior Clerk in the respondent-department since 11.06.2009 and is aggrieved of the impugned order dated 07.11.2019 when on the basis of recommendations of DPC dated 16.10.2019, the appellant was promoted as Senior Clerk with immediate effect rather than 2013 when his erstwhile juniors were promoted as Senior Clerks on the recommendations of DPC dated 05.07.2013. Moreover, seniority list of Junior Clerks circulated on 17.06.2015 did not mention and include name of the appellant for which representations were submitted on 10.05.2017, 08.03.2018 and 04.03.2019. The appellant submitted departmental appeal on 25.08.2021 against the impugned order dated 07.11.2019 however, no appellate order was passed on his departmental appeal within the statutory period where-after he submitted the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 on 06.12.2021. Learned counsel for the appellant was confronted with the question of limitation that the appellant had submitted departmental appeal after almost two years. Learned counsel for the appellant referred to 2002 PLC (C.S) 1388 and 2021 SCMR 1230 where-under matters pertaining to promotion, pay and other emoluments or financial claims, limitation does not run in such cases.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 31.03.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

Appellant Deposited  
Security & Process Fee

31.03.2022

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

Written reply/comments on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 03.06.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER(E)

03.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl. AG for respondents present.

Written reply/comments on behalf of respondents submitted, which is placed on file. A copy of the same is handed over to the counsel of appellant. To come up for rejoinder/arguments on 23.08.2022 before D.B.



(FAREEHA PAUL)  
Member (E)

23.08.2022

Learned counsel for the appellant present. Mr. Tariq Shah, Senior Auditor alongwith 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 prepared the brief of the instant appeal. Adjourned. To come up for arguments on 01.11.2022 before the D.B.



(Rozina Rehman)  
Member (Judicial)

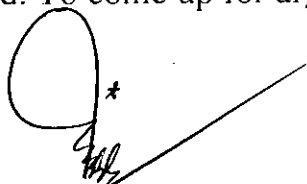


(Salah-Ud-Din)  
Member (Judicial)


01.11.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney 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 21.12.2022 before the D.B.



(Mian Muhammad)  
Member (E)





(Salah-Ud-Din)  
Member (J)

21.12.2022

Appellant present in person. Muhammad Adeel Butt  
learned Additional Advocate General for respondents present.

Former made a request for adjournment on the ground  
that his counsel is not available today. Adjourned. To come  
up for argument on 10.03.2023 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)