

8<sup>th</sup> Dec, 2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Wali Muhammad, Reader to DC Bannu and counsel for private respondents No. 17 to 23 present.

Learned counsel for the petitioner submitted an application for deletion of the names of contesting respondents No. 4 to 24 from the panel of respondents. Let notice of this application be issued to the other side to submit reply on the next date. To come up on 09.01.2023 before S.B.

*Counsel for the Appellant was informed telephonically but he didn't submit envelopes to send their notices*

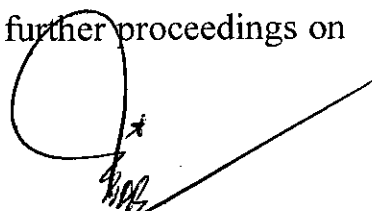
**SCANNED**  
**KP&T**  
**Peshawar**



(Kalim Arshad Khan)  
Chairman

09.01.2023 Miss Uzma Syed, Advocate for the appellant present. Naseer-ud-Din Shah, Assistant Advocate General alongwith Wali Muhammad, Reader for the official respondents present. Learned counsel for private respondents present.

As per previous order sheet dated 08.12.2022, learned counsel for private respondents was directed to submit reply on the next date pertaining to the application submitted by learned counsel for the petitioner about deletion the names of private respondents No. 4 to 24. Learned counsel for private respondents stated at the Bar that they have already submitted their objections. In the current scenario, both the application/objections should come up for arguments on the next date. Adjourned. To come up for further proceedings on 26.01.2023 before S.B.




(Mian Muhammad)  
Member (E)

20.09.2022

Learned counsel for the petitioner present. Mr. Wali Muhammad, Reader alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Learned counsel for private respondents No. 17 to 24 also present. Learned counsel for private respondents No. 12 to 16 had noted the date on 02.08.2022 and an endorsement in this respect was also made at the margin of order sheet, however none present on their behalf, therefore, they are placed ex-parte.


Comments on behalf of official respondents No. 1 to 3 as well as private respondents No. 17 to 24 submitted, copies of which handed over to learned counsel for the petitioner. Adjourned. To come up for arguments as well as further proceedings on 02.11.2022 before the S.B.

  
(Salah-Ud-Din)  
Member (J)

2<sup>nd</sup> Nov, 2022

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Ihsanullah, Assistant for the official respondents No. 1 to 3 and private respondent No.19 in person present.

Petitioner seeks adjournment on the ground that his counsel is not available. Adjourned but as a last chance. To come up for arguments as well as further proceedings on 08.12.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman


25<sup>th</sup> July, 2022

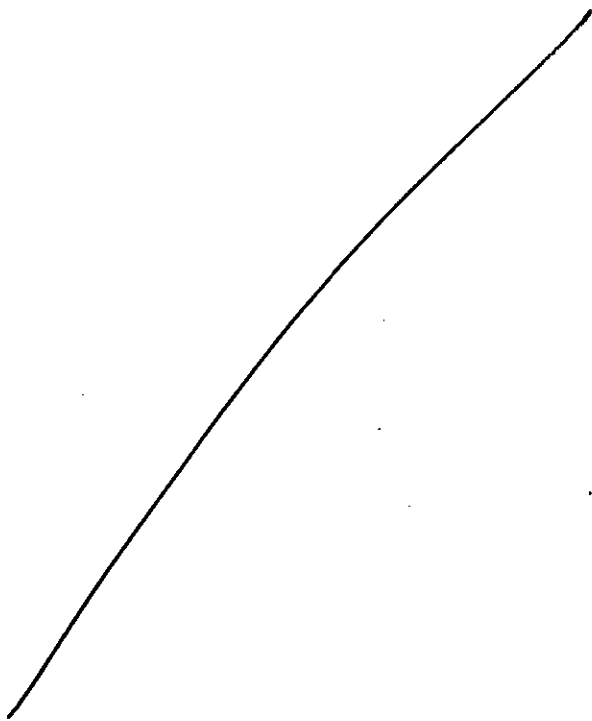
Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Attaullah Khan, Assistant Commissioner, Bannu for official respondents No. 1 to 3 and counsels for private respondents No. 17 to 24 present. None present on behalf of private respondents No. 12 to 16.

On 23.12.2021 when converting the appeal into this execution application, the bench had allowed the respondents to file reply/comments as to execution which the respondents are now intending to file. They may file the same within 10 days. Similarly learned counsels for private respondents No. 17 to 24 submitted that the case may be fixed for arguments on the points of maintainability. Private respondents No. 12 to 16 be summoned through TCS, the expenses of which be deposited by the petitioner within three days. To come up for arguments on the point of maintainability as well as further proceedings on 20.09.2022 before S.B.

*Noted by Counsel (R/R to 16).  
Dn. 2/8/2022*

**SCANNED  
KPST  
Peshawar**


  
(Kalim Arshad Khan)  
Chairman



besides inherent powers under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to pass orders to meet with ends of justice.

04. With the foregoing discussion this appeal is converted in to execution petition. Office is directed to delete this appeal from register of the appeal and enter the same in register of execution petitions. To come up for reply/comments as to execution, if the respondents are so advised to file the same.

Adjourned to 08.03.2022 before S.B

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

  
Chairman

08.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to ~~01.06~~ 01.06.2022 for the same as before.

  
Reader.

Ist June, 2022

Counsel for the petitioner present. Nobody is present on behalf of the respondents nor any Law Officer is present.

Notices be issued to the respondents to appear in person alongwith implementation report on 25.07.2022 before S.B.

  
Chairman

Appeal No. 661/2017  
Gul Umar Ayaz vs Govt

23.12.2021

Arbab Saiful Kamal, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Wali Muhammad Reader for official respondents No. 1 to 3 present, Counsel for private respondent No. 23 also present.

02. Arguments have been heard at certain length and have also perused the judgment of this Tribunal discussed in Para 5 of the memorandum of appeal and annexed with the appeal as Annexure-B. Accordingly, appeal No. 336/2007 alongwith two other connected appeals was decided on 05.05.2008 by this Tribunal and operative part of the judgment is as follow:-

*"In view of the above, we partially accept all the three appeals, and direct the official respondents to reconsider the cases of the appellants, within a period of two months from the date of receipt of this judgment, appoint the appellants as regular Patwaris from their respective dates of entitlement according to their seniority on the corrected register of candidate Patwaris, and either retain them as regular Patwaris for their official work and promotion, or, as the case may be, declare them on deputation under the settlement authorities in district Chitral, till return to their original cadre or till their chance of promotion in their cadre, whichever is earlier. We, however, leave the parties to bear their own costs".*

03. We have also scanned the order of appointment of the appellant Annexed with the appeal as Annexure-C. The said appointment order has been passed in pursuance to aforementioned judgment of this Tribunal with immediate effect. Obviously, the question of seniority apt to arise through present appeal is the outcome of the appointment order dated 12.01.2009 issued in consequences of the judgment of this Tribunal, therefore, the question of seniority with particular reference to the judgment of this Tribunal is a question which relates to the execution of the judgment whether the same has been executed having regard to operative para are not. As this Tribunal has got the power of Civil Court within the meaning of sub-section (2) of Section 7 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 21.05.2021 for the same.

21.5-21

*Due to COVID-19, the case is adjourned to 13.9.21 for the leave.*

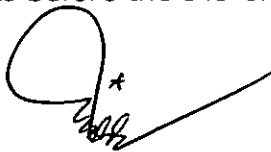
  
Reader


  
Reader

13.09.2021

Appellant with counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Wali Muhammad Reader for the respondents present.


Counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for arguments before the D.B on 23.12.2021.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

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

25.08.2020

Due to summer vacation case to come up for the same on 29.10.2020 before D.B.

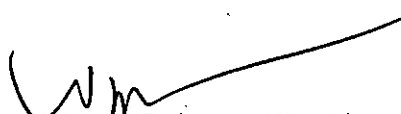


Reader

29.10.2020

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 05.01.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)  
Member

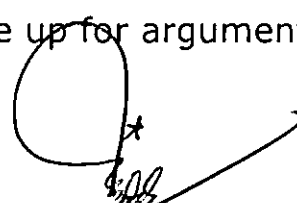


Chairman

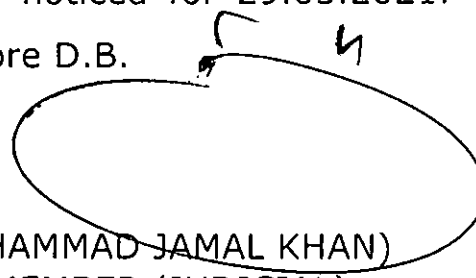
05.01.2021

Appellant in person alongwith Mr. Arbab Saif-ul-Kamal, Advocate, are present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Farmanullah, Superintendent, on behalf of official respondents are also present.

Learned counsel for appellant submitted that he has not prepared the brief and is seeking time for its preparation. The case is adjourned, however, private respondents and their counsel be noticed for 29.03.2021. File to come up for arguments before D.B.



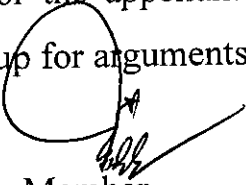
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

12.02.2020

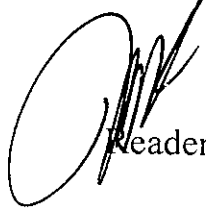
Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Ismail Shah, Assistant and Mr. Afan, Junior Clerk for official respondents. Learned counsel for private respondents no. 12,14,15 and 16, private respondent no. 19 in person and as Attorney for private respondents no. 17,18,20,21 and 23 present. Learned DDA states that the parties have been promoted in next higher scale, therefore, the present service appeal has become infructuous. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.03.2020 before D.B.

  
Member

  
Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 12.06.2020 before D.B.

  
Reader

12.06.2020

Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 25.08.2020 before D.B.

  
Reader



15.07.2019

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney alongwith M/S Ismail Shah, Assistant and Muhammad Arif, Superintendent for official respondents No. 1 to 3 and private respondent No. 17 in person alongwith junior counsel for private respondents No. 18, 19, 20, 21 & 23 present. Junior counsel for private respondents No. 18, 19, 20, 21 & 23 requested for adjournment on the ground that learned senior counsel for private respondents no. 18, 19, 20, 21 & 23 has proceeded to Dar-ul-Qaza, Swat. Adjourned to 26.09.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

26.09.2019


Junior counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Attaullah, Assistant Secretary for official respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned to 10.12.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

10.12.2019

Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 12.02.2020 before D.B.

  
Member

  
Member


27.02.2019

Junior to counsel for the appellant and Assistant A.G alongwith Muhammad Arif, Superintendent for the respondents present.

Request for adjournment is made on account of engagement of learned senior counsel for the appellant before the Honourable High Court today.

Adjourned to 16.05.2019 before D.B.

  
Member

  
Chairman

16.05.2019

Counsel for the appellant, Mr. Ziaullah, DDA alongwith Muhammad Arif, Superintendent for the official respondents and private respondent No. 19 in person present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 15.07.2019 for arguments before the D.B.

  
Chairman

06.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on ~~18.11.2018~~ before D.B.



Reader

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 28.12.2018 before D.B.



Reader

28.12.2018

Appellant in person, Mr. Ziaullah, DDA alongwith Muhammad Arif, Superintendent for official respondents, Junior to Mr. Muhammad Usman Torlandi, Advocate for private respondents No. 17, 18, 19, 20, 21 & 23, Mr. Taimuir Ali Khan, Advocate for private respondents No. 12, 14, 15 and 16, Malik Zeeshan, Advocate for private respondent No. 22 present. Private respondents No. 19 in person also present.

Learned counsel for the appellant is reported to be out of station due to personal engagements. Adjoined to 27.02.2019 for arguments before the D.B.



Member

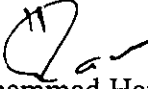


Chairman

06.06.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Assistant Secretary for the respondents present. Learned counsel for the appellant seeks time to file rejoinder. Granted. To come up for rejoinder/final hearing on 08.08.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

08.08.2018


Appellant Gul Umer Ayaz in person present. Mr. Ziaullah, DDA for official respondents and Mr. Taimur Ali Khan, Advocate counsel for private respondents no. 12,14,15 and 16 present. Rejoinder not submitted. Appellant made a request for adjournment. Granted. Case to come up for rejoinder and arguments on 03.10.2018 before D.B.

  
Member

  
Chairman

03.10.2018

Counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Ismail Shah Assistant for the respondents present. Private respondents no.23 also present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

25.01.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional Advocate General along with Mr. Yousaf Khan superintendent for official respondents present. Written reply not submitted. Malik Zeeshan Advocate submitted wakalat nama on behalf of private respondent No.24 which is placed on file. Private respondents No. 17, 18, 19, 22, 20 & 21 in person present. Learned counsel for private respondents No.12, 14, 15 & 16 present. None present on behalf of respondents No.4 to 11, hence proceeded ex-parte. Adjourned. To come up for written reply/comments on 20.02.2018 before S.B. ~~status quo~~ be maintained till the date fixed.

  
(Muhammad Hamid Mughal)  
MEMBER

20.02.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA alongwith Yousaf Khan. Superintendent for official respondent No. 1 to 3 and clerk of the counsel for private respondent No. 12, 14, 15 & 16 present. and counsel for private respondent No. 17 to 22 present and submitted fresh wakalat which is placed on file. None present on behalf of private respondent no. 12, 13, 23, 24. Therefore, fresh notice be issued on behalf of private respondent no. 12, 13, 23, 24 for attendance. Written reply not submitted on behalf of official respondent. Written reply submitted on behalf of private respondent No. 12, 14, 15 & 16. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 14.03.2018 before S.B.

  
(Gul Zeb Khan)  
Member

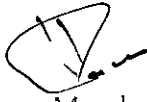
**14.03.2018**

Clerk of the counsel for appellant present. Mr. Riaz PainsaKhel, Assistant AG alongwith Mr. Yousaf Khan, Superintendent & Mr. Muhammad Ibrar Khan, Assistant Secretary for official respondent No. 1 to 3 and clerk of the counsel for private respondent No. 12, 14, 15 & 16 present, and counsel for private respondent No. 17 to 22 present, and counsel for private respondent No. 23 also present. Written reply submitted on behalf of respondent No. 1. Representative of the respondent No. 2 & 3 rely on the same submitted by Respondent No. 1. Written reply submitted on behalf of private respondent No. 12, 14, 15 & 16. Written reply submitted on behalf of private respondent No. 17 to 22. None present on behalf of private respondent No. 13 & 24 despite last opportunity hence, proceeded ex-parte. Counsel for private respondent No. 23 submitted application for short time. Application is accepted. To come up for written reply/comments on behalf of respondent No. 23 with cost of Rs. 1000/- on 28.03.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

**28.03.2018**

Appellant alongwith junior counsel present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mr. Ismail Shah, Assistant for official respondent No. 1 to 3 and Junior counsel for private respondent No. 12, 14, 15 & 16 present, and counsel for private respondent No. 17 to 22 present, and counsel for private respondent No. 23 also present. Written reply already submitted on behalf of official respondent 1 to 3 as well as private respondent No. 12, 14, 15 & 16 as well as private respondent No. 17 to 22. None present on behalf of private respondent No. 4 to 11, 13 & 24 have been already ex-parte. Now written reply submitted on behalf of private respondent No. 23 alongwith cost of Rs. 1000/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 06.06.2018.

  
Member

30/11/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Muhammad Yousaf Khan, Supdt. for official respondent No. 1 to 3 present. Private respondents No. 16,17,22,23 and 13 present. Written reply not submitted by the respondents and AAG seeks further time. Last opportunity granted. To come up for written reply on 29/12/2017 before SB.



(Ahmad Hassan)  
Member

29.12.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Muhammad Yousaf Khan, Superintendent for official respondent No. 1 to 3 present. Mr. Taimur Ali Khan Advocate appeared on behalf of private respondents No. 12, 14, 15 & 16 submitted fresh wakalat nama which is placed on file. None present on behalf of respondents No. 4 to 11, 13 and 17 to 24. Therefore, fresh notice be issued to the respondents No. 4 to 11, 13 and 17 to 24 for attendance. Written reply not submitted, and AAG seeks further time. Adjourned. Another last opportunity granted. To come up for written reply/comments on 25.01.2018 before S.B.



(Gul Zeb Khan)  
Member (E)

Service Appeal No. 661/2017

25.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. None present on behalf of private respondents No. 4 to 24 therefore, fresh notice be issued to private respondents 4 to 24 for attendance and submission of written reply. Written reply on behalf of official respondent also not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B.



(Muhammad Amin Khan Kundi)  
Member

30.10.2017

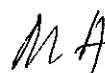
Appellant in person and Addl:AG for respondents present. Notices to the respondents have not been issued due to non-submission of copies of appeal. Appellant is directed to submit copies of the instant appeal, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for further proceedings on 21.11.2017 before S.B.



Ahmad Hassan  
(Member)

21.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 also present. None present on behalf of private respondents No. 4 to 24 therefore, fresh notice be issued to them for attendance. Representative of official respondents also not in attendance therefore, notice be also issued to official respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER




05.. 18.07.2017

Learned counsel for the appellant present. Gul Umar Ayaz Khan, Patwari, Halqa District Bannu has filed present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the Deputy Commissioner, Bannu and others wherein he made impugned the tentative seniority list circulated vide order dated 03.02.2017 on the ground that his name should have been placed at Sr. No. 21 instead of Sr. No. 43.

The points raised need consideration. The present appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security fee within (10) days and notices be issued to the respondents for written reply/comments on 22.08.2017 before S.B.

Appellant Deposited  
Security & Process Fee

  
(Muhammad Hamid Mughal)  
Member

22/8/2017

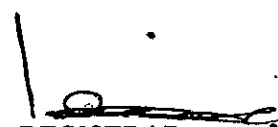

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. To come up for written reply on 25/9/2017 before SB.

  
(GUL ZEB KHAN)  
MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 661 / 2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/06/2017	<p>The appeal of Mr. Gul Umar Ayaz Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 16/6/17</p>
2-	30/6/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/7/17</u>.</p> <p> CHAIRMAN</p>