

Form- A

FORM OF ORDER SHEET


Court of _____

Case No. /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/07/2017	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>20-7-17</u></p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 11/7/17</p>
02.	20.07.2017	<p>No one present on behalf of appellant. Mr. Muhammad Adcel Butt, Additional AG for the respondent present. Notice be issued to the appellant and his counsel for attendance. To come up for office objection on 16.08.2017 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Muhammad Hamid Mughal) Member</p>

0-----03- 16.08.2017

No one present on behalf of appellant. Assistant AG for the respondent party present. Notice be issued to the appellant and his counsel for attendance. To come up for office objection on 30-8-17 before S.B.


(Muhammad Hamid Mughal)
Member

30:08.2017

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on office objection on 20.09.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

20/09/2017

Counsel for the appellant present. Learned counsel for the appellant was heard on office objection, During the course of arguments informed the Tribunal that the appellant has misplaced the copy of departmental appeal. However, he has annexed receipt dated 10.08.2017 of the registered post whereby, appeal was dispatched to the competent authority. Notice be issued to the respondent department to confirm the factual position of the above document by producing the same. To come for further proceedings/ argument on office objection before SB on 18/10/2017.


(Ahmad Hassan)
Member

18/10/2017

Clerk of counsel for the applicant present and seeks adjournment. To come up for further proceedings/arguments on office objection on 10/11/2017 before SB.


(GUL ZEB KHAN)
MEMBER

10.11.2017

None for the appellant present. Notices be issued to the appellant and his counsel. To come up for arguments on office objection on 07.12.2017 before S.B.


(AHMAD HASSAN)
MEMBER



07.12.2017

Learned counsel for the appellant present.

Preliminary arguments heard and case file perused.

Counsel for the appellant argued that the appellant has been serving in Education department as PST since 20.10.2004. That the appellant was eligible for promotion to B-14 as per prevailing policy of upgradation/ promotion at the time when DPC meeting was held and promotion were notified on 12.07.2014, but was deferred for the reason not known or communicated. That the appellant was later promotion to B-14 vide order dated 05.02.2015 with effect from 31.01.2015, but the promotion order was received late therefore no charge was taken against the B-14 post on promotion due to no entry in the service book. That office staff of respondent No. 2 & 3 informed the appellant to wait for next DPC as the earlier DPC has expired after lapse of 15 days and that fresh DPC will be arranged shortly. That the appellant preferred departmental appeal (Copy not retained and only TCS receipt dated 10.08.2017 placed in service appeal) but the same has not been decided within the stipulated period.

Pre-admission notice be issued to Learned Additional AG office to assist the Court in this respect/ To come up for preliminary hearing on 04/01/18 before S.B.

order sheet date 20/7/2017 refer.

(Gul Zeb Khan)
Member


04.01.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed as PST on 20.10.2004 at GGPS Paromli, that as per the prevailing policy of the upgradation/promotion for PST Primary side the appellant completely fit for the promotion of B-14. Further argued that the appellant, without any reason and deficiencies deprived from promotion on 12.07.2014 then on next DPC dated 05.08.2015 the appellant promoted to SPST B-14 but the charge report not submitted within the time due to the late information and the respondent refused its implementation and no entry has made in the service book as SPST with effect from 05.08.2015. That the appellant is entitled as SPST from dated 07.12.2014 instead of 05.08.2015. That the appellant preferred departmental appeal dated 10.08.2016 which was not responded within statutory period of 90 days. That no limitation runs against salaries.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 19.02.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Gul Zeb Khan)
Member (Executive)

19.02.2018

None present on behalf of the appellant. Learned Assistant AG for the respondents present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. The appellant is also directed to submit copies of the appeal for the respondents. To come up for written reply/comments on 22.03.2018 before S.B. Notice be issued to the appellant and his counsel for attendance.


(Gul Zeb Khan)
Member

22.03.2018

Appellant absent. Counsel for the appellant is also absent. Mr. Kabirullah Khattak, Additional AG for the respondents present. Notice be issued to appellant and her counsel for attendance for 19.04.2018 before S.B.


Member

19.04.2018

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 09.05.2018 before S.B.


Member

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 02.07.2018 before S.B.


Reader

07.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on ~~02.07.2018~~ ^{03.6.2018} before S.B. ~~02~~


Member

03.08.2018

Neither appellant nor her counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. He made a request for adjournment. Granted but as a very last chance. To come up for written reply/comments on 19.09.2018 before S.B.


Chairman

19.09.2018

Neither appellant nor her counsel present. Mr. Kabirullah Khattak Addl: AG for the respondents present. Written reply not submitted despite last chance. Learned Addl: AG requested for further adjournment. Another last opportunity is granted. To come up for written reply/comments on 19.11.2018 before S.B.


(Muhammad Amin Kundi)
Member

19.11.2018

Neither appellant nor her counsel present. Mr. Kabirullah Khattak, Additional AG on behalf of the respondents present. Representative of the respondent-department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. Case to come up for written reply/comments on 08.01.2019 before S.B. Notice be also issued to appellant and her counsel for attendance for the date fixed.

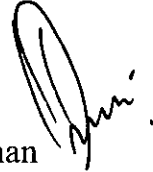

Muhammad Amin Khan Kundi
Member

08.1.2019

Nemo for the appellant. Addl. AG alongwith Abdul Ghaffar, Supdt. for the respondents present.

Once again representative of the respondents requests for time to furnish the requisite reply. Adjourned to 18.02.2019 with a warning to the respondents for payment of cost in case the needful is not done in the instant case.

Chairman



18.02.2019

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Abdul Ghafar Superintendent present. Representative of the respondents submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 04.04.2019 before D.B.

Member



04.04.2019

Clerk to counsel for the appellant Kabirullah Khattak learned Addl; AG alongwith Mr. Abdul Ghaffar Superintendent for the respondents present. Clerk to counsel for the appellant submitted rejoinder which is placed on file.

Due to general strike on the call of Bar Council learned counsel for the appellant is not in attendance.

Adjourned to 13.06.2019 before D.B.


Member


Chairman

13.06.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present.

When the case was argued at some length, learned counsel for the appellant invited attention toward notification dated 12.07.2014, whereby promotion of 56 PST (BPS-12) to SPST (BPS-14) including the appellant was deferred by the Departmental Promotion Committee. According to learned counsel for the appellant, the appellant was promoted vide order dated 05.08.2015 but was not allowed to assume charge by the respondents. They were again not considered for promotion vide notification dated 04.08.2016. Through the departmental appeal, the appellant assailed the promotion order referred to above. When confronted on the point to provide a copy of departmental appeal preferred by the appellant, he informed that the same had been misplaced.

On the other hand, learned Assistant AG stated that according to the available record of the respondents, departmental appeal was not preferred by the appellant. He further contended that they had given option to forego promotion that is why their cases were not considered by the Departmental Promotion Committee in the meeting referred to above.

In order to reach to a just conclusion, both the parties are directed to provide copy of departmental appeal preferred by the appellant alongwith option, if any, to forego promotion by the appellant on or before the next date of hearing. Adjourned to 06.08.2019 for record and arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

06.08.2019

Counsel for the appellant and Mr. Muhammad Jan,
DDA Mr. Abdul Ghaffar, Supdt for respondents present.

The representative of the respondents is required to
produce on the next date minutes of DPC's decision
resulting in promotion notification dated 12.07.2014,
05.08.2015 and 04.08.2016, in addition to the record noted
in the order dated 13.06.2019.

Adjourned to 29.10.2019 before D.B.



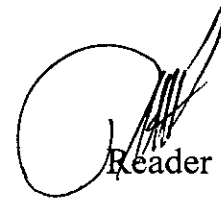
Member



Chairman

29.10.2019

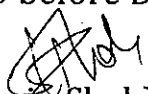
Due to incomplete bench the case is adjourned. To
come up for the same on 02.01.2020 before D.B.



Reader

02.01.2020

Counsel for the appellant and Mr. Usman Ghani, District
Attorney alongwith Mr. Fazle Khaliq, ADO for the respondents
present. The record mentioned in order sheet dated 13.06.2019
and 06.08.2019 has not been brought by the representative of
the department. Representative of the department present in the
court is strictly directed to furnish the said record on the next
date positively. Case to come up for record and arguments on
26.02.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

26.02.2020

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Fazal Khaliq ADO present. Representative of the respondent department submitted additional documents placed on file of connected service appeal No.401/2018 titled Rukhsana Wasil. Adjournment requested. Adjourn. To come up for arguments on 01.04.2020 before D.B.


Member


Member

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.


Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 25.08.2020 before D.B.


Reader

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.

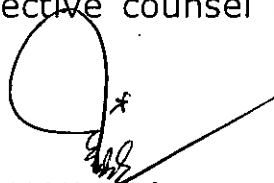

(Atiq-ur-Rehman Wazir)
Member

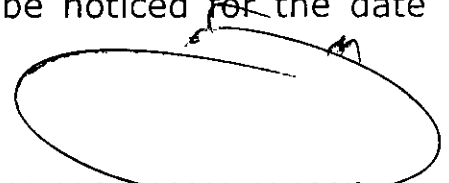

Chairman

05.01.2021

Neither appellant is present in person nor anyone else representing her has appeared at the moment when the appeal was called for hearing at 12:20 P.M. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Fazle Khaliq, Litigation Officer, for the respondents are present.

The learned Additional Advocate General while referring order sheet dated 13.06.2019 submitted that the parties were directed to furnish copy of departmental appeal moved by the appellant to the competent authority but the same has not been produced when the representative of the department was queried, in response thereof he submitted that they have no copy of departmental appeal because no such appeal/representation has been made by the appellant. The matter requires clarification from the appellant and her respective counsel. The appeal is pending adjudication since 11.07.2017, therefore, last chance is provided to the appellant and her counsel to argue the instant appeal and the appeal is accordingly adjourned to 29.03.2021 for arguments before D.B. In the meanwhile appellant as well as her respective counsel have to be noticed for the date fixed.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

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

Mr. Hamayun Khan, Advocate, junior of learned counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 21.10.2021


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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

21.10.2021

Nemo for the appellant.

Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Notice be issued to the appellant/counsel for arguments on 16.12.2021 before D.B.



(ATIQ UR REHMAN WAZIR)
MEMBER (E)


(ROZINA REHMAN)
MEMBER (J)

16.12.2021

Learned counsel for the appellant present. Mr. Rashid-ur-Rehman, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for arguments. Adjourned. To come up for arguments on 14.02.2022 before the D.B.



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



(Salah-ud-Din)
Member (J)

14.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.



Reader

12.05 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. No responsible office on behalf of the respondents is present.

File to come up alongwith connected appeal No. 40/2018 titled "Rukhsana Wasil Versus Government" for arguments before the D.B on 13.05.2022.


(Fareeha Paul)
Member (E)

Chairman

12.05 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. No responsible officer on behalf of the respondents is present.

Respondents are directed to appear in person for tomorrow and apprise the Tribunal, failing which their salary will be attached. To come up for arguments on 13.05.2022 before D.B.


(Fareeha Paul)
Member (E)


Chairman

ORDER
13.05.2022


Deleted for reconstitution of Bench. To come up for order on 24.05.2022.


Reader

24th May, 2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Fazle Khaliq, ADEO for the respondents present.

Learned counsel for the appellant has sent an application for adjournment due to his indisposition. Adjourned. Last opportunity is granted. To come up for arguments on 09.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 9-11-2022


Reader

9-11-22

Since 9th November 2022 has been declared as
Public Holiday, therefore the case is adjourned to
22.12.22 for the same.



22.12.2022

Appellant present through counsel.

Naseer Ud Din Shah learned Assistant Advocate
General for respondents present.

At the very outset an application was submitted on
behalf of DEO (F) Swabi seeking submission of amendment
in the comments due to some clerical mistakes. This
application was not objected to by the learned counsel for
appellant, therefore, stands accepted with direction to the
respondents to submit proper comments/reply before date.
File to come up for comments/arguments on 22.02.2023
before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

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