

O R D E R

8th Nov, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Fazal Hadi, Assistant for official respondents and counsel for private respondent No.4 present.

2. This appeal is against the order dated 09.04.2019 whereby private respondent No.4 was promoted from the post of Stenographer (BPS-14) to the post of Senior Scale Stenographer (BPS-16). The appellant contends that under the 40% quota, after retirement of Muhammad Hussain, Senior Scale Stenographer, he ought to have been considered for promotion, whereas private respondent No. 4 was considered in his place. Learned counsel for private respondent No.4 namely Mr. Sadique Akbar, Advocate has put appearance and informed the Tribunal that Muhammad Akbar (private respondent No.4) has further been promoted to the post of Private Secretary (BS-17) and the post of senior Scale Stenographer fell vacant on his further promotion. This fact has been admitted by the appellant as well as the learned Law Officer. With this changed situation, the learned counsel referred to ground-C of the reply of the respondents wherein they undertook that the promotion of the appellant would be considered under 40% quota as and when the post of Senior Scale Stenographer (BPS-16) became vacant or new post was sanctioned. Since the post of Senior Scale Stenographer has fallen vacant on further promotion of the

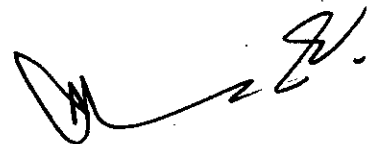


private respondent No. 4 Muhammad Akbar, the learned counsel and the appellant say that the appellant would be satisfied if the department considers the appellant for promotion against the vacant post of Senior Scale Stenographer. The Representative of the respondents Mr. Fazal Hadi, and the learned Asst: AG have submitted that it was committed in ground-C of the reply that the appellant will be so considered and thus the department would abide by such undertaking and would consider the appellant against the vacant post of Senior Scale Stenographer at the earliest possible, therefore, the appeal is disposed of in the above manner. Consign.

3. *Pronounced in open court in Swat and given under my hand and seal of the Tribunal on this 08th day of November, 2022.*



(Salah Ud Din)
Member(J)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

07th Nov, 2022

Nemo for the appellant. Mr. Muhammad Jan, District Attorney for official respondents present.

It is an old case of the year 2019, therefore, the case is adjourned for tomorrow i.e 08.11.2022 for arguments before the D.B at Camp Court Swat.



(Salah Ud Din)
Member (Judicial)
Camp Court Swat

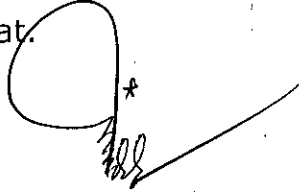


(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.09.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for reply and arguments on 05.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

05.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Mr. Aftab Ali, Advocate submitted fresh Wakalatnama on behalf of private respondent No. 4 with the request that has he has not gone through the record, therefore, an adjournment may be granted. Last opportunity granted. To come up for arguments on 07.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



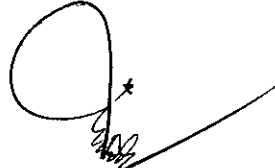
(Salah-Ud-Din)
Member (J)
Camp Court Swat

SCANNED
KPST
Peshawar

8th June, 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Counsel are on strike. To come up for reply of impleaded respondent as well as arguments on 06.07.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Appellant in person present.

Noor Zaman Khattak, learned District Attorney for official respondents present. Siddique Akbar Advocate present and submitted Wakalat Nama in favor of private respondent No.4.

Being freshly engaged, learned counsel for private respondent No.4 requested for adjournment in order to submit reply. Granted. To come up for reply and arguments on 02.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

2.8.22

Due to summer vacation the case is adjourned to 6-9-22 for the same.



09.05.2022

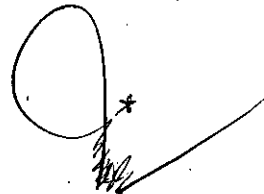
Tour of Swat has be rescheduled from 10.05.2022 to 13.05.2022, therefore, to come up on 10.05.2022 for the same as before.

Reader

10.05.2022

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

Learned counsel for the appellant submitted an application for impleadment of one Muhammad Akbar son of Mian Jan resident of Dangram, Tehsil Babozai District Swat as respondent in the instant appeal, on the ground that the appellant has challenged the promotion order of the said Muhammad Akbar in the instant appeal, therefore, he is necessary party, but inadvertently he has not been made party in the instant appeal. Learned Additional Advocate General stated at the bar that he is having no objections on the impleadment application. Moreover, the person sought to be impleaded is a necessary party. The application is, therefore, allowed and Muhammad Akbar son of Mian Jan resident of Dangram, Tehsil Babozai District Swat is impleaded as respondent being necessary party in the instant appeal. Office is directed to do the needful. Notice be issued to newly impleaded respondent through registered post for submission of written reply/comments and to come up for arguments on 08.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

09.02.2022

Tour is hereby canceled .Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.

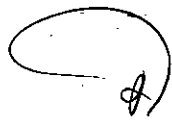


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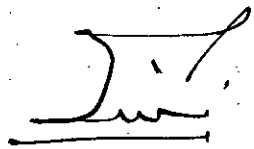
06.04.2022

Clerk of counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 09.05.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

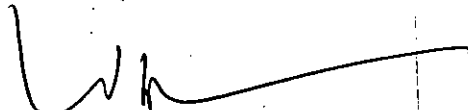



(Salah-Ud-Din)
Member (J)
Camp Court Swat

S.A No. 942/2019

03.11.2021

Appellant in person present. Mr. Fazle Hadi, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 05.01.2022 at Camp Court Swat.

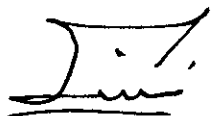

(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat


(Salah-Ud-Din)
Member (Judicial)
Camp Court, Swat

05.01.2022

Appellant in person present. Mr. Fazal-e-Hadi, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

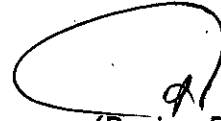
Joint para-wise comments on behalf of respondents submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 09.02.2022 at Camp Court Swat.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

04.03.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to appellant/counsel for 6/5/2021 for preliminary hearing, before S.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

26.07.2021

To come up for preliminary hearing on 25.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.



Chairman

25.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections, including that of limitation to be determined during course of full hearing. 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 at Peshawar 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 through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.11.2021 before the D.B at camp court, Swat.

Appellant Deposited
Security Process Fee

7/9/21



Chairman
Camp court, Swat.

S-8- 2020

Due to COVID19, the case is adjourned to

9/9/2020 for the same as before.

Reader 

09.09.2020

Appellant in person present.


Reportedly, learned counsel for appellant is busy before Darul-Qaza, therefore, the case is adjourned for 05.11.2020 for preliminary before S.B at Camp Court, Swat.


Member (J)
Camp Court, Swat

05.11.2020

Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.


(Rozina Rehman)
Member (J)
Camp Court, Swat

7-1-2021

Due to COVID 19, the case is adjourned to 4-3-2021 for same.


Reader

05.03.2020

Appellant present. Momin Khan Advocate appeared on behalf of learned counsel for the appellant and seeks adjournment. Adjourn. To come up for preliminary hearing on 09.04.2020 before S.B at Camp Court, Swat.

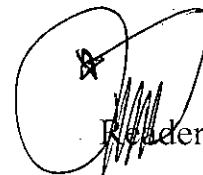


Member
Camp Court, Swat.

Due to corona virus tour to
Camp Court Swat has been cancelled.
To come up for the same on
04-6-20

Reader


04.06.2020 Due to COVID-19, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.



Reader

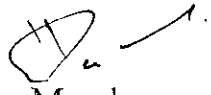
07.11.2019

Appellant in person present and requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Mingora Bench. Adjourned to 05.12.2019 for preliminary hearing before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat


05.12.2019

Appellant present. Zohaib Hassan Advocate junior to counsel for the appellant present and seeks adjournment on the ground that learned senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 09.01.2020 before S.B at Camp Court, Swat.


Member
Camp Court, Swat

09.01.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 05.03.2020 for preliminary hearing before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 942/19

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/07/2019	<p>The appeal of Mr. Anwar Hussain resubmitted today by Muhammad Nabi Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	24/07/19	<p>This case is entrusted to SB for preliminary hearing to be put up there on <u>30/08/19</u>.</p>
	30.08.2019	<p>Appellant in person present. <i>[Signature]</i> CHAIRMAN</p> <p>An application for transfer of instant appeal to Camp Court Swat has been submitted. It is stated that the appellant belongs to Swat while respondents No. 2 & 3 are also performing their respective duties at Swat.</p> <p>The application is allowed. Office is directed to post instant matter before the Touring Bench at camp court, Swat for preliminary hearing on <u>07/09</u> 2019.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

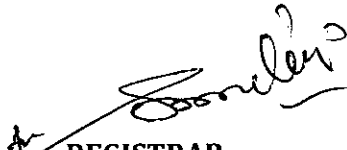
*P-23
delegated*

The appeal of Anwar Hussain Computer Operator Finance & Planning wing O/O Deputy Commissioner Swat received today, i.e. on 15-07-2019 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexures of the appeal may properly be flagged.

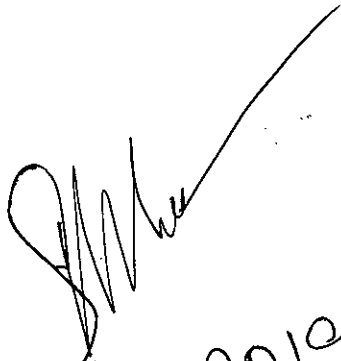
No. 1810 /S.T,

Dt. 17-7-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Nabi, Advocate.

SS
Re Submitted of the Appellant
Release Petition Court


19-7-2019