
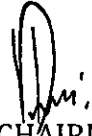


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6127 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2020	<p>The appeal of Mr. Nisar Ahmad presented today by him 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/07/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

24.07.2020

Appellant himself is present. According to the appellant initially his appointment took place on contractual basis but later on his services alongwith services of other officials were regularized by an Act of the Provincial Assembly which was given effect by means of Notification dated 30.06.2017 wherein the name of appellant is available eminently at serial No. 89. That astonishingly their pay was reduced considerable from Rs. 38500/- to Rs. 21920/-. According to him courts in the homeland have issued direction that pay of employees before and after regularization be protected, in compliance thereof the Federal Government through Finance Division by virtue of Office Memorandum, has declared that the pay of non-gazette employees, contract employees on their regularization shall be protected. The government of Khyber Pakhtunkhwa through Finance Department adopted the aforesaid notification of the Federal Government by Providing of an umbrella of protection to the non-gazette employees on their regularization vide 06.02.2014. In the year 2015 once more the Government of Pakistan through Finance Division while making compliance of the judgments of various courts again provided protection to the gazetted contract employees who have been regularized vide notification dated 07.04.2015. He waited that the anomaly shall be removed but to no avail he contacted respondents for the needful but without any success.

Important issues affecting the service of a civil servant have been raised requiring proper resolution in the light of law and rules on the subject, therefore, the appeal is admitted for regular hearing. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 24.09.2020 before S.B.

Appellant Deposited
Security & Process Fee

24/7/20

(MUHAMMAD JAMAL KHAN)
MEMBER

24.09.2020

Appellant in person and Addl. AG alongwith Hazrat Shah, Superintendent for respondent No. 1 & 2 present.

Appellant submitted an application for correction of address of respondent No. 3 in the Memorandum. Application placed on record.

Office is required to correct address of respondent No. 3 as "Director Independent Monitoring Unit, Head Office Health Department Shami Villas Hassan Garhi, Peshawar". Fresh notice be issued to respondent No. 3. To come up for written reply/comments on 17.11.2020 before S.B.


Chairman

17.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

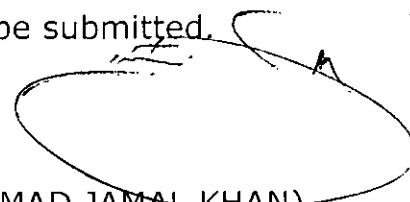
Learned AAG seeks time to contact the respondents and submit reply/comments on the next date. Adjourned to 06.01.2021 on which date the requisite reply/comments shall positively be submitted.


Chairman

06.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

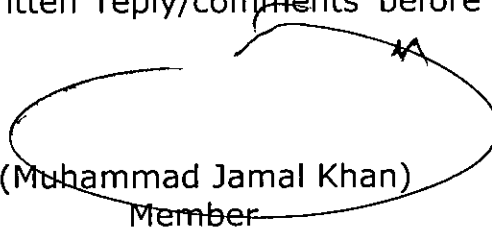
Learned Additional Advocate General once again seeks time to contact the respondents and submit reply/comments on the next date. Adjourned to 18.02.2021 on which date the requisite reply/comments shall positively be submitted.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

18.02.2021

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing as a last chance. Adjourned to 05.04.2021 on which date file to come up for written reply/comments before S.B.


(Muhammad Jamal Khan)
Member

05.04.2021

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Habibullah SO for respondents present.

Representative of respondents submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 27.07.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)

27.07.2021

Appellant in person present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

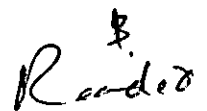
Appellant seeks adjournment. Adjourned. To come up for arguments on 16.12.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

16.12.21

DB is on Tanis case to come up
For the same on Dated. 30-3-22



Recorder

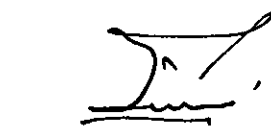
30.03.2022

Appellant in person present.

Mr. Muhammad Tufail S.O (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 12.04.2022 before D.B.

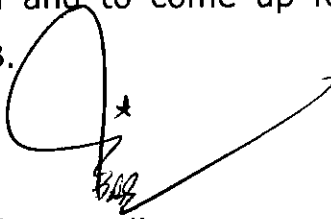

(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

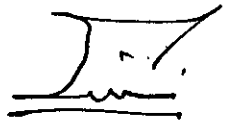
12.04.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested that as the instant appeal was partially heard by D.B in which Ms. Rozina Rehman learned Member Judicial was also one of the Member, therefore, the same may be fixed before the D.B which has partially heard the instant appeal. Request is genuine, therefore, office is directed to place the same before the D.B which has partially heard the instant appeal and to come up for arguments on 25.04.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

25.04.2022

Appellant present through representative. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Due to paucity of time, case is adjourned. To come up for remaining arguments on 26.04.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

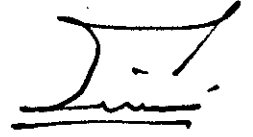
26.04.2022

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant through registered post and to come up for arguments on 06.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

6th June. 2022

Proper D.B is not available. Therefore, case is adjourned to 24.08.2022 for the same as before.



Reafter

24.08.2022

Mr. Ajman Behram Khan, Advocate as proxy for the appellant present and submitted an application that the appellant is unable to appear before the Tribunal due to death of his close relative. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Adjourned. To come up for arguments on 11.10.2022 before D.B.



(Rozina Rehman)
Member(J)



(Salah-Ud-Din)
Member(J)

11.10.2022

Appellant in person present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Appellant requested that as the instant appeal was partially heard by D.B in which Ms. Rozina Rehman learned Member (Judicial) was also one of the Member, therefore, the same may be fixed before the D.B which has partially heard the instant appeal. Request is genuine, therefore, office is directed to place the same before the D.B which has partially heard the instant appeal and to come up for arguments on 18.11.2022 before the concerned D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

18th Nov. 2022

Lawyers are on strike today.

Case is adjourned to 12.01.2023 for arguments before the DB. Office is directed to notify the next date on the notice board as well as website of the Tribunal.



(Fareeha Paul)
Member(E)




(Rozina Rehman)
Member(J)


12.01.2023

Appellant present in person.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Order sheet dated 12.04.2022 and 11.10.2022 would reveal that appellant had requested for fixation of his case before D.B which had partially heard his appeal, therefore, case was adjourned with direction to office to place the same before D.B comprising of Mr. Salah Ud Din learned Member (J) and the undersigned (Rozina Rehman). Both these order sheets were not taken into consideration by the office and case was once again fixed before this bench. Staff is warned to be careful in future and the matter be brought into the knowledge of learned Chairman with direction to the staff to fix the instant two appeals before the bench comprising of Mr. Salah Ud Din learned Member (J) and the undersigned. To come up for arguments on 13.04.2023 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)