



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 887 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2020	<p>The appeal of Mr. Jan Baz Khan presented today by Mr. Inayat Ullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR 10/2/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

13.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended inter-alia that the appellant (Arabic Teacher) has filed the present service appeal against the seniority list, in respect of Middle School Arabic Teachers issued on 26.10.2019, on the ground that the said seniority list was prepared on the basis of merit position i.e. score obtained in NTS, which criteria is not justifiable in view of Para-08 of terms & conditions of the order dated 21.03.2018 of regularization of the Arabic Teachers including the appellant.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The 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 08.05.2020 before S.B.


Member

08.05.2020

Due to COVID19, the case is adjourned to 22.07.2020 for the same as before.


Reader

22.07.2020

Appellant himself is present. Notices to respondents could not be issued due to public holidays on account of COVID-19, therefore, fresh notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 14.09.2020 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

14.09.2020

Junior to counsel for the appellant, Addl. AG alongwith Gul Riaz, Litigation Officer for respondents No. 1 & 2 and private respondents No. 3 & 4 in person present.

Learned AAG as well as respondents No. 3 & 4 seek further time to furnish the requisite reply/comments. Adjourned to 03.11.2020 on which date reply/comments shall positively be furnished by the respondents.

Chairman

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Waheed Khan, Assistant (Litigation) on behalf of official respondents No. 1 & 2 and Mr. Saeed, Clerk to counsel for private respondents No. 3 & 4, are also present.

Representative of respondents No. 1 & 2 submitted joint para-wise reply on behalf of the said respondents. Clerk to counsel for private respondents No. 3 & 4 seek further time for submission of written reply/comments. Time granted. Adjourned to 02.12.2020 on which date reply/comments shall positively be furnished by the respondents.

(Muhammad Jamal Khan)
Member (Judicial)

02.12.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 2 and private respondents No. 3 & 4 alongwith Mr. Muhammad Kamran, Advocate, are also present.

Joint para-wise comments on behalf of respondents No. 1 & 2 have already been submitted. Learned counsel for private respondents No. 3 & 4 submitted written reply on behalf of the said respondents which is placed on file. File to come up for rejoinder and arguments on 23.02.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

23.02.2021

Due to COVID, 19 the matter is adjourned to 28.05.2021 for the same.


Reader

28.05.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for official respondents present. Counsel for private respondents No.3 & 4 present.

Junior counsel for appellant made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court; granted. To come up for arguments on 11.08.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)


11.08.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney for official respondents present. Counsel for private respondents No.3 & 4 present.

Former made a request for adjournment in order to prepare the brief. Request is accorded. To come up for arguments on 02.09.2021 before D.B.

(Rozina Rehman)
Member (J)


Chairman

02.09.2021

Due to summer vacations, the case is adjourned to 30.09.2021 for the same as before.

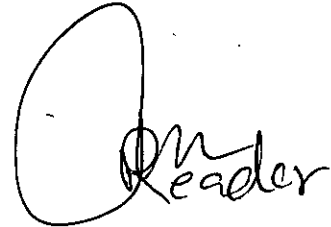

READER

30-9-21

DB is on Tour case to come up
For the same on Dated. 27-12-21

27-12-2021


Due to winter Holidays, the case
is adjourned. To come up for the same on
31-1-2021 before D.B.


Reader

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondents No. 1 & 2 present. Learned counsel for private respondents No. 3 & 4 present.

A request for adjournment was made on behalf of both the parties. Request is allowed. To come up for arguments before the D.B on 16.03.2022.


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


Chairman

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 23.5.2022. for the same as before.


Reader.

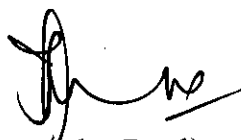
23.05.2022

Counsel for the appellant present. Mr. Naseer Uddin shah, Asstt.

AG for the respondents present.

Partial arguments heard, during the course of arguments certain documents were referred by the Law Officer which were found incomplete and there is no representative from the respondents in attendance. This is not a single case but in number of cases, nobody appearing on behalf of department. No proper representation is made by the department nor comments/reply is properly submitted and those submitted earlier are either incomplete or based on irrelevant information, which neither helps the law officer nor the Tribunal.

For proper conclusion of the matter, the Director Education respondent No. 1 & 2 are put on notice to appear in person day after tomorrow. Copy of this order be sent to the Secretary Education to look into the conduct of the official respondents who, in violation of standing instructions of the Government do not appoint representative of Grade 17 or above duly conversant to the facts and circumstances of the case nor bother to appear before this Tribunal. To come up for remaining arguments before D.B on 25.05.2022.



(Fareeha Paul)
Member (E)



(Kalfm Arshad Khan)
Chairman

25th May, 2022

Appellant alongwith his counsel present. Mr. Muhammad Rashid, DDA alongwith Mr. Zahid Muhammad, DEO (M) Bannu and Mr. Bakht Mal Jan, Assistant Director for respondents present.

Vide order sheet dated 23.05.2022, respondents No. 1 and 2 were directed to appear in person alongwith all relevant record. Mr. Zahid Muhammad, DEO (M) Bannu is present and directed to submit all the relevant documents on the next date failing which coercive measure were to be taken against them. Respondent No.2 i.e. Director Education has not appeared and instead an officer on his behalf is present and states that the Director Education is out of station and could not attend this Tribunal. The Accountant General Khyber Pakhtunkhwa is directed to attach salary of Director Education, Khyber Pakhtunkhwa till further orders of this Tribunal. To come up for arguments on 18.07.2022 before D.B.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

18.07.2022

Appellant in person present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Zahid Ullah Khan Litigation Officer for respondents present.

Entire relevant record as directed by this Tribunal was produced and placed on file. A request was made for adjournment on behalf of appellant. Adjourned. To come up for arguments on 12.09.2022 before D.B.



(Fareeha Paul)
Member(E)



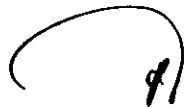
(Rozina Rehman)
Member (J)

23.08.2022

Appellant alongwith his counsel present. Hafiz Muhammad Ibrahim, Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar (Respondent No. 1) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar requested that the directions issued by this Tribunal vide order dated 23.05.2022 have been complied, therefore, the application submitted by him for release of his salary may be allowed. Request is accepted and salary of Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar stands released, if not attached in any other matter.

Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 12.09.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

~~23/08/2022~~

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12.09.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present. Counsel for private respondents No. 3 & 4 present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 10.10.2022.




(Salah-Ud-Din)
Member (J)

10.10.2022

Mr. Inayatullah Khan, Advocate for the appellant present. Mr. Zahid Ullah ADO (Litigation) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 & 2 present. Mr. Mir Zaman Safi, Advocate for private respondents No. 3 & 4 present.

Arguments heard. To come up for order before the D.B on 13.10.2022.

(Mian Muhammad)
Member (E)



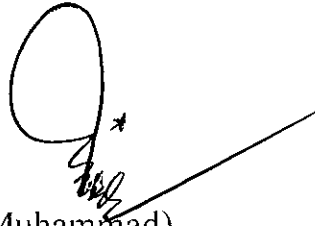
(Salah-Ud-Din)
Member (J)

13.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Jan,
District Attorney for official respondents present.

The appeal in hand was fixed for order, however learned counsel for the appellant submitted an application for impleadment of officials mentioned in the application, on the ground that they are necessary parties. Learned District Attorney stated at the bar that he is having no objection on impleadment application. The officials sought to be impleaded as respondents in the instant appeal are necessary parties, therefore, the impleadment application is allowed and the employees mentioned in the application are impleaded as respondents in the instant appeal. Office is directed to make necessary entry in this respect in the memo of appeal as well as relevant register accordingly. Notice be issued to newly impleaded respondents through registered post and to come up for their reply/comments as well as arguments before the D.B on 18.11.2022.

All the impleaded respondents were put on notice on 02/11/2022



(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 alongwith counsel present.


Muhammad Adeel Butt learned Additional Advocate General for respondents present.

At the very outset learned counsel for the appellant as well as learned AAG brought into the knowledge of this Bench that arguments were heard in case titled "Jan Baz Vs. Government of Khyber Pakhtunkhwa" on 10.10.2022 by the bench comprising of Mr. Salah Ud Din learned Member (J) & Mr. Mian Muhammad learned Member (E) and case was fixed for order on 13.10.2022. It was on 13.10.2022 when order could not be dictated as learned counsel for appellant submitted an application for impleadment of officials being necessary party, which application was allowed and all the employees were impleaded as respondents. There is no entry in the memo of appeal in respect of newly impleaded respondents, therefore, all the newly impleaded respondents were put on notice which is evident from the office note. None from the newly impleaded respondents attended this Tribunal, therefore, all are placed ex-parte.

Now the main request of the parties is that arguments have already been heard by Bench-I as mentioned earlier, therefore, the instant appeal titled "Jan Baz Vs. Government of Khyber Pakhtunkhwa" alongwith connected appeals may kindly be sent to the said bench for disposal. In case titled "Abid Noor Vs. Government of Khyber Pakhtunkhwa" this bench recorded order sheet dated 07.11.2022 but despite clarification these cases ~~were~~ fixed before this Bench.

Keeping in view the above discussion, both these cases are respectfully sent to learned Chairman for appropriate orders. Both the parties are directed to appear before the learned Chairman on 24.01.2023.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

31st Jan, 2023

Since one of the learned Member (Mian Muhammad) of the bench, which heard the appeal, has been transferred therefore, these cases be placed before the Divisional Bench of which Mr. Salah Ud Din, learned Member(Judicial) is part. Be placed before the said bench today.




(Kalim Arshad Khan)
Chairman

31.01.2023

None present for the appellant. Mr. Umair Azam Khan, Additional Advocate General for official respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up on 02.02.2023 before the D.B.

(Fareeha Paul)
Member (E)




(Salah-ud-Din)
Member (J)


02.02.2023

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

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 05.04.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(SALAH-UD-DIN)
Member (J)