



Form- A

### FORM OF ORDER SHEET

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

Case No.- 7203 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2021	<p>The appeal of Mr. Gul Zaman resubmitted today by Mr. Faridullah Kundi Advocate 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**Gul Zaman 7203/2021**

20.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that legal rights of the appellant have been violated when his seniority was changed from serial No. 2 to serial No. 370 of the joint seniority list of Family Welfare Assistant (M)(BS-07), dated on 18.02.2021. He preferred departmental appeal against the impugned seniority list, on 11.04.2021 which was not responded within the stipulated statutory period, hence, the instant service appeal filed in the Service Tribunal on 30.07.2021. On a question regarding limitation (if the departmental appeal is time barred the subsequent service appeal will also stand time barred), learned counsel for the appellant contended that the impugned seniority list though circulated on 18.02.2021 but the same was not officially communicated to the appellant and the period of limitation starts from the date of communication as per provisions of the Section-4 of the Service Tribunal Act, 1974. Learned counsel for the appellant further argued that the appellant was initially appointed as Turner (BS-05) in the office of Assistant Director Agriculture Engineering (former FATA), on 25.03.1990, rendered surplus and then adjusted as Population Welfare Assistant Male (BS-05) w.e.f 01.07.2012 and in the wake of 18<sup>th</sup> Constitutional amendment and re-organization of the Ministry/Department, past service of the appellant had to be respected and recognized for determining his seniority and was not to have been treated junior to the junior most civil servants in the re-organized department. In support of his arguments, he placed reliance on 2018 SCMR 332.

Points raised need consideration. The appeal is provisionally admitted to regular hearing, subject to all just and legal objections including limitation. 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 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, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.01.2022 before the D.B.

Appellant Deposited  
Security & Process Fee

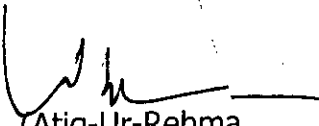
20/9/21

(Mian Muhammad)  
Member(E)

27.01.2022

Mr. Amad Nasir Kundi, Advocate present and submitted Wakalatnama in favor of appellant. Mr. Kabirullah Khattak, learned Addl. AG alongwith Mr. Masroor Ahmed Junior Clerk of respondents present.

Reply/comments on behalf of official respondent are still awaited. Representative of respondents requested for time to furnish reply/comments. Granted. To come up for reply/comments before the S.B on 15.03.22.

  
(Atiq-Ur-Rehman, azir)  
Member (L)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.6.2022. for the same as before.

  
Reader.

07.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Pindakheil, learned Assistant Advocate General alongwith Ahmad Yar for respondents present.

Comments on behalf of official respondents are still awaited. Lawyers are on general strike. Appellant made a request for adjournment on the ground that certain changes in shape of amendment in the memo of appeal would be brought however, due to strike, he is unable to produce his counsel alongwith the proposed amendments. Case is adjourned on his request to 05.07.2022 for comments before S.B.



(Rozina Rehman)  
Member (J)

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

Counsel for appellant present. Mr. Kabir Ullah Khattak, Additional AG alongwith Ahmad Yar AD for respondent present.

Counsel for appellant submitted an application for amendment/correction of respondent No.2 & 4 which is placed on file. Written reply/comments on behalf of respondents No.2 to 4 also submitted. Copy of the same is handed over to the counsel for the appellant. To come up for arguments on 19.09.2022 before D.B.




(Kalim Arshad Khan)  
Chairman

19.09.2022

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

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 29.11.2022 before the D.B.

  
(Mian Muhammad)  
Member (Executive)


*29.11.2022 Due to rush of work. This case has been deleted. To come up for the same as before on 20.02.2023.*

*Cyuf.*

20.02.2023

Appellant present in person. Naseer Ud Din Shah, Learned Assistant Advocate General for the respondents present.

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave, therefore, case is adjourned for the same on 22.05.2023 before D.B.

  
(Muhammad Akbar Khan)  
Member (E)