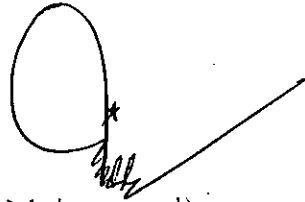


24.11.2022

Learned counsel for the appellant present. Mr. Aftab Hussain, Legal Advisor alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 13.02.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

13.02.2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for respondents No. 1 & 2 present. Ms. Parkha Aziz Khan, Legal Advisor for respondent No. 3 also present.

Learned Assistant Advocate General stated that connected nature Service Appeal bearing No. 837/2021 titled 'Pervaz Hussain Versus Excise & Taxation Department etc' as well as Service Appeal bearing No. 4807/2021 titled 'Majid Hussain Versus Excise & Taxation Department etc' are fixed for arguments on 09.05.2023, therefore, the appeal in hand may also be fixed on the said date. Adjourned. To come up for arguments on 09.05.2023 before the D.B.



(Fareeha Paul)
Member (E)

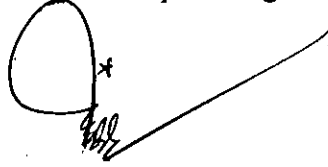


(Salah-ud-Din)
Member (J)

05.07.2022

Syed Noman Ali Bukhari, Advocate for the appellant present.
Mr. Muhammad Riaz Khan Painsakheil, Assistant Advocate General
and Mr. Gohar Rehman Khattak, Legal Advisor for the respondents
present.

Learned counsel for the appellant requested for adjournment
on the ground that he has not made preparation for arguments.
Adjourned. To come up for arguments before the D.B on 13.10.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order
to further prepare the brief. Adjourned. To come up for
arguments on 24.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

24th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court. Adjourned. To come up for argument on 20.06.2022 before the DB.



(Fareeha Paul)
Member (E)

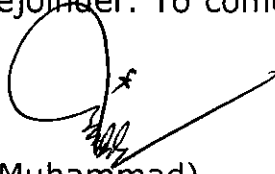


(Kalim Arshad Khan)
Chairman

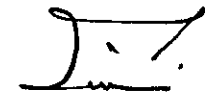
20.06.2022

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General and Mr. Gohar Rehman Khattak, Legal Advisor for the respondents present.

Vide order dated 20.12.2021, it was directed that the respondents shall submit reply/comments on the next date i.e 21.02.2022, failing which their right of submission of reply/comments shall be deemed as struck off. On 21.02.2022, the Tribunal was defunct due to retirement of worthy Chairman, therefore, the said date was changed on Reader Note and the appeal in hand was fixed for 24.05.2022. Learned counsel for the respondents alleged that para-wise comments on behalf of the respondents were submitted on 24.05.2022, which assertion of the respondents was conceded by learned counsel for the appellant and on perusal of the file, it was observed that the comments of the respondents are available on the file of Service Appeal bearing No. 8872/2020 titled "Ijaz Anwar Versus The Secretary to Government Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department Peshawar, Khyber Pakhtunkhwa and two others". As the intervening date i.e 21.02.2022 was Reader Note, therefore, para-wise reply submitted on behalf of respondents on 24.05.2022 was within time and their right of defense could not be considered as struck off. Learned counsel for the appellant submitted rejoinder. To come up for arguments on 05.07.2022 before the D.B.




(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

09.12.2021

Learned counsel for the appellant present. Clerk of Mr. Gohar Rehman, Legal Advisor for respondents present and stated that Legal Advisor is out of station today who has been informed about directions of court recorded in order sheet dated 15.09.2021. He requested on behalf of Legal Advisor for a short adjournment. To come up come for reply/comments as well as arguments on 20.12.2021.


(Mian Muhammad)
Member (E)

20.12.2021

Appellant in person and Mr. Muhammad Muhammad Adeel Butt, Addl. AG and Gohar Rahman, Legal Advisor for the respondents present.

The respondents were afforded with lat opportunity for submission of written reply/comments but even today they have not submitted reply/comments and seek adjournment. Let the respondents be afforded with another last chance subject to cost of Rs. 2000/- on or before next date with the warning that in case they fail to submit the written reply/comments and cost, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 21.02.2022 before the D.B.


Chairman

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.05.2022 for the same as before.


Registrar

26.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 15.09.2021 before the D.B.


Chairman

15.09.2021

Syed Nouman Ali Bukhari, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted. To come up for reply/comments as well as arguments before the D.B on 09.12.2021


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

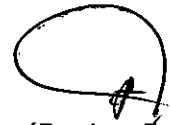

(SALAH UD DIN)
MEMBER (JUDICIAL)

20.01.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply of respondents is still awaited. Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G, for submission of written reply/comments. To come up for written reply/comments on 18.03.2021 before S.B.



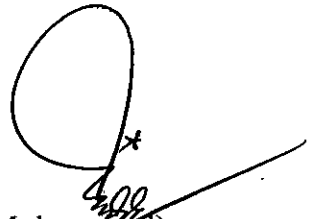
(Rozina Rehman)
Member (J)

18.03.2021

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

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Granted but as a last chance.

Adjourned to 26.05.2021 before S.B.



(Mian Muhammad)
Member (E)

28.09.2020

Counsel for the appellant present.

Contends that through notification issued by Secretary Excise & Taxation Department on 30.03.2010, 100% promotion to the post of Assistant Excise & Taxation Officer was to be made from amongst Inspectors with at least five years service as such. The rules introduced through notification dated 19.02.2018 by the same department included 54% of Inspectors for promotion to the post of Assistant Excise & Taxation Officer (BPS-17). The appellant thereby was jeopardized from his due promotion without any fault on his part.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.


Appellant Deposited
Security & Process Fee


Chairman

30.11.2020

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

Written reply on behalf of respondents not submitted. Learned Additional Advocate General is directed to ensure presence of representative of the department and submit reply on the next date. Adjourned to 20.01.2021 on which date file to come up for written reply/comments before S.B.




(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8888 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2020 SCANNED 5.10.20 Peshawar	<p>The appeal resubmitted today by Syed Noman Ali Bukhari 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		