

27th Feb, 2023

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 and 2 and counsel for private respondents No. 3 and 4 present.

Let this appeal be fixed with the connected appeal No. 8646/2020. To come up on 10.05.2023 before D.B.



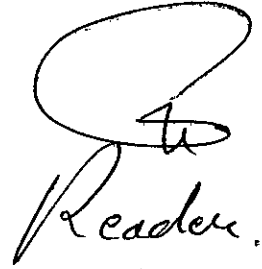
(Rozina Rehman)
Member(Judicial)



(Kalim Arshad Khan)
Chairman

01/12/22

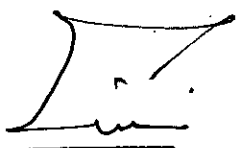
Deleted from the list to
come up on the next date
27/2/23


Reader.

27.02.2023 Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 & 2 present. Mr. Noor Muhammad Khattak, Advocate for private respondent No. 5 present.

Learned counsel for the parties stated at the Bar that connected Service Appeal bearing No. 8464/2020 titled "Mir Adam Khan Vs. Government" is fixed before D.B-I. In this view of the matter, the appeal in hand is sent to Worthy Chairman for further appropriate order. Learned counsel for the parties shall appear before Worthy Chairman today.

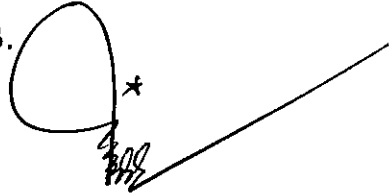

(Fareeha Paul)
Member (E)


(Safah-ud-Din)
Member (J)

19.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 & 2 and counsel for private respondent No. 4 present.


Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 31.10.2022 before the D.B.


(Mian Muhammad)
Member (Executive)

31st Oct., 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Naeem, SO for official respondents and counsel for private respondents No. 5 present.

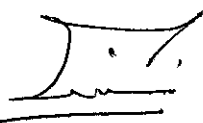
Learned counsel for private respondents No. 5 stated that identical Service Appeal No.8464/2020 titled "Mir Adam Khan Vs. Government" has been fixed for 01.12.2022 and requested that instant appeal may also be clubbed with the same. Request is accepted. To come up for arguments on 01.12.2022 alongwith Service Appeal No. 8464/2020 before the D.B. Parties are directed to ensure attendance of their learned counsel on the date fixed.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

27th July 2022 Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 2 and private respondents No. 3 & 5 in person present.

Private respondent No. 5 submitted an application for adjournment on the ground that he wants to engage his counsel. Last chance is give to him to procure attendance of his counsel on the next date positively. To come up for arguments on 29.07.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

29th July 2022 Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present. Mr. Kamran Khan, Advocate on behalf of private respondent No 5 present and submitted fresh Wakalatnama, which is placed on file.

Last chance was given to the parties to argue the case. Today learned counsel for respondent No. 5 sought adjournment. This case is of 2012 and was adjourned on the request of the parties. Today private respondent No. 5 who was present on the previous date seeks adjournment on the request of his counsel, which is causing delay in disposal of the appeal, therefore, cost of Rs. 10000/- is imposed upon respondent No. 5. To come up for arguments on 19.09.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

08.04.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for official respondents 1 & 2 and counsel for private respondents No. 3 to 5 present.

Joint request for adjournment is made on behalf of the parties. This is an old case, therefore, last chance is given to both the parties to argue the case on 09.05.2022, failing which the appeal will be decided on basis of available record. To come up for arguments before the D.B on 09.05.2022.



(Mian Muhammad)
Member(E)



Chairman

09.05.2022

Nemo for the appellant. Syed Naseer Ud Din Shah, Assistant Advocate General alongwith Mr. Hamayon, Supdt for respondents present.

Notice for prosecution of appeal be issued to the appellant and his counsel through registered post and to come up for arguments before the D.B on 14.07.2022.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)

14.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Irfan Anjum, Assistant for official respondents present.

Mr. Asghar Ali, Advocate on behalf of private respondent No. 4 present.

Learned counsel for both the parties seek adjournment. Last opportunity is granted. To come up for arguments before the D.B on 27.07.2022.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

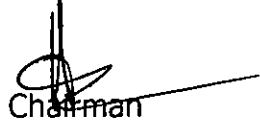
04.11.2021

Counsel for the appellant and Kabirullah Khattak, Addl. AG for the official respondents and Junior to counsel for the private respondent No. 4 present.

Request for adjournment is made on behalf of Learned senior counsel for the appellant. Request is accorded. To come up for arguments on 02.12.2021 before the D.B.



(Rozina Rehman)
Member(J)



Chairman

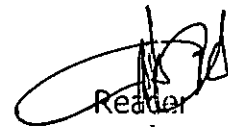
2-12-21

Proper D.B on Tare, therefore, case is adjourned to 15-2-22 for same



15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 08.04.2022 for the same as before.



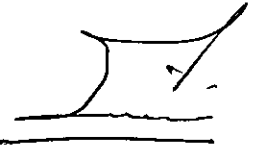
Reader

08.07.2021

Appellant alongwith clerk of counsel present. Mr. Usman Ghani, District Attorney for official respondents No. 1 & 2 present. Mr. Asghar Ali, Advocate, on behalf of private respondent No. 4 present and sought adjournment on the ground that he has not met the preparation for arguments due to certain domestic engagement. Appellant is having no objection on the adjournment. Adjourned. To come up for arguments before the D.B on 05.08.2021.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.08.2021

Appellant alongwith clerk of counsel present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No.1 & 2 present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 15.12.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)



Chairman

ORDER
09.06.2021

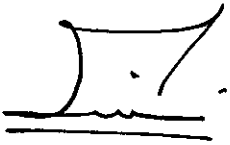
Appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents present. Mr. Asghar Ali Advocate, on behalf of private respondent No. 4 present.

2. Through this single order, we intend to dispose of both the identical nature applications submitted by private respondent No. 4 for sine-die adjournment of the instant appeal bearing No. 1150/2012 titled "Abdul Rahim Versus Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department Peshawar and four others" as well as connected Service appeal bearing No. 158/2014 titled "Abdul Rahim Versus Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department Civil Secretariat Peshawar and three others".

3. Precisely stated the facts are that the appellant namely Abdur Rahim has filed the instant Service Appeal bearing No. 1150/2012, challenging the seniority list dated 31.05.2012 regarding the seniority of Sub-Divisional Officers. Similarly, the appellant has also filed another Service Appeal bearing No. 158/2014, seeking his promotion by impugning the order dated 09.12.2013, whereby private respondents No. 3 & 4 namely Amil Muhammad and Shahzada Behram were promoted to the post of Executive Engineer on regular basis.

4. During the proceedings in the appeals, the petitioner namely Shahzada Behram, who is respondent No. 4 in both the appeals, submitted separate applications in both the appeals, seeking sine-die adjournment of the same till the final decision in Civil Miscellaneous Appeals No. 56 & 57 of 2013, which are pending adjudication in the august Supreme Court of Pakistan. Appellant contested the application by way of filing reply.

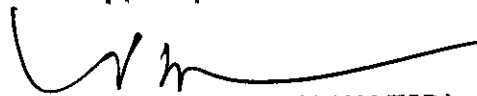
5. Learned counsel for the petitioner has contended that in both the appeals, the appellant is seeking relief by basing his claim on the judgment rendered by august Supreme Court of




absence of any stay/suspension order of the higher forum, proceedings pending before the sub-ordinate forum could not be suspended. Moreover, both the appeals are pending adjudication since long and require expeditious disposal in accordance with law.

10. In light of the above discussion, the application in hand as well as the application filed by the petitioner in Service Appeal bearing No. 158/2014 titled "Abdul Rahim Versus Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department Civil Secretariat Peshawar and three others", being devoid of merit stand dismissed. Copy of this order be placed on file of Service Appeal bearing No. 158/2014. To come up for arguments on main appeal before the D.B on 08.07.2021.

Announced
09/06/2021

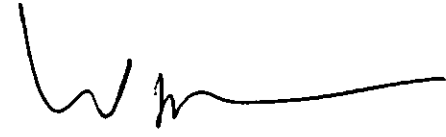

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

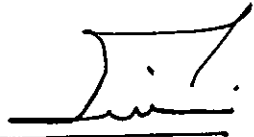

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

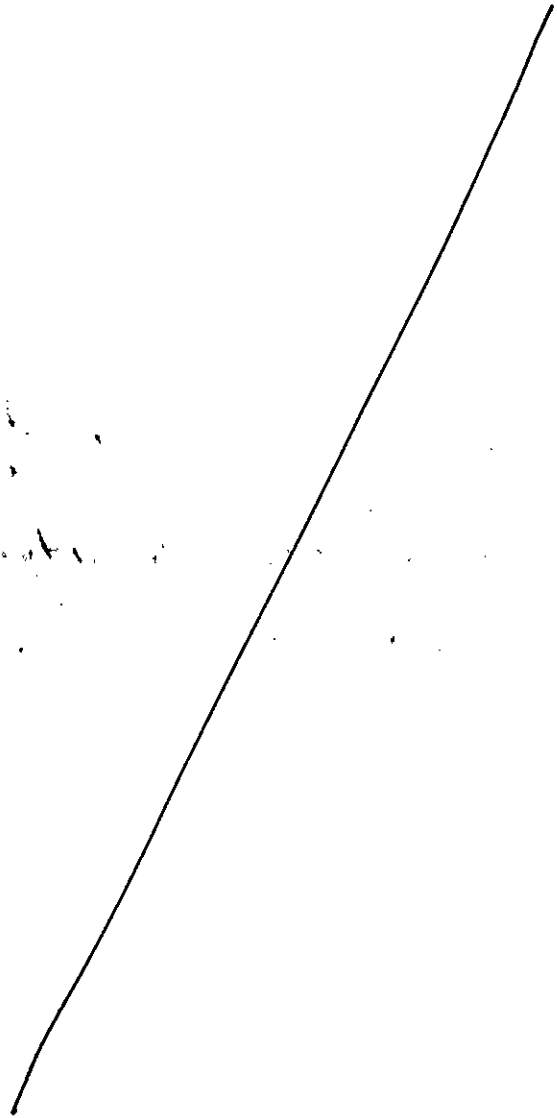
03.06.2021

Appellant alongwith his counsel Mr. Essa Khan, Advocate, present. Mr. Irfan Anjum, Assistant alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents No. 1 & 2 present. Mr. Asghar Ali, Advocate, on behalf of private respondent No. 4, present.

Arguments on the application submitted by private respondent No. 4 for sine-die adjournment of the instant appeal heard. To come up for order on sine-die adjournment application before the D.B on 09.06.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)



16.11.2020

Appellant present in person.

Zara Tajwar learned Deputy District Attorney alongwith
Irfan Anjum Assistant for official respondents present.
Private respondent No.5 in person present.

Appellant requested for adjournment as his counsel is not
available; granted. To come up for arguments on
15.01.2021 before D.B.



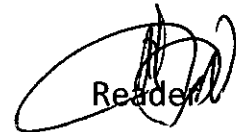
(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

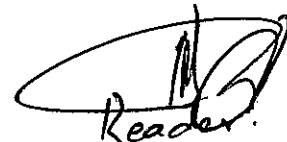
15.01.2021

Junior to counsel for the appellant present. Addl: AG for
respondents present. Due to pandemic of Covid-19, the case is
adjourned to 31.03.2021 for the same.



Reader

31.03.2021. Due to non-availability of the concerned
D.B. The case is adjourned to 3/06/2021
for the same as before.



Reader

01.07.2020

Due to COVID-19, the case is adjourned to 27.07.2020 for the same.


Reader

27.07.2020

Due to COVID-19, the case is adjourned. To come for the same on 14.09.2020 before D.B.



Reader

14.09.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Irfan Assistant for respondents 1 & 2 present. Respondent No.5 in person present. None present on behalf of respondents No.3 & 4.

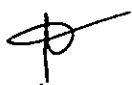
Notice be issued appellant/counsel and respondents no.3 & 4 for 16.11.2020 for arguments, before D.B.


(Atiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

07.02.2020

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney on behalf of official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Appellant submitted reply on application submitted by private respondent No. 4 for sine-die adjournment of the appeal. The same is placed on record. Case to come up for arguments on application on 18.03.2020 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

18.03.2020

Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Appellant submitted reply on application for adjournment sine-die which is placed on file and seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on application for adjournment sine-die on 06.04.2020 before D.B.



(MAIN MUHAMMAD)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

6.4.2020

Due to COVID 19, the case is adjourned to 1.7.2020 for same as before.



18.11.2019

Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Irfan, Assistant on behalf of official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Learned counsel for private respondent No. 4 submitted application for sine die adjournment of the appeal till the final decision of august Supreme Court of Pakistan. Copy of said application is handed over to learned counsel for the appellant as well as learned Deputy District Attorney. Application is placed on record. Case to come up for replication and arguments on said application on 30.12.2019 before D.B.

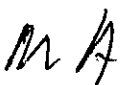

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.12.2019

Appellant in person present. Mr. Riaz Paidakhel learned Assistant Advocate General alongwith Irfan Anjum Assistant for the official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up further proceeding/arguments on 07.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.10.2019 Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith Mr. Zahid Ullah Junior Clerk for the official respondents present. Private respondent No.4 and his counsel absent. They be put to notice for 28.10.2019. Adjourn. To come up for arguments on the date fixed before D.B.


Member


Member

28.10.2019 Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Learned counsel for private respondent was also present in the court, however, due to late arrival of learned counsel for the appellant, arguments could not be heard. Adjourned to 18.11.2019 before D.B.


Member


Member

A.No. 1150/12, Abdur Rahim

12.09.2019

Appellant absent. Learned counsel for the appellant absent. However clerk to counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the official respondents and counsel for private respondent No.4 present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is ~~not~~ *not available* Being an old case of the year 2012 adjourned on the payment of cost of Rs. 2000/- to be paid on behalf of appellant. To come up for arguments on 04.10.2019 before D.B.



(Hussain Shah)
Member



(M Hamid Mughal)
Member

04.10.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Zahid Ullah Junior Clerk for the official respondents and private respondent No.4 in person present. Arguments could not be heard as learned counsel for the private respondent No.4 is not in attendance. Last opportunity is granted. Adjourn. To come up for arguments on 17.10.2019 before D.B.



Member



Member

15.03.2019

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Zahidullah Junior Clerk for the official respondents present.

Adjournment is sought on the ground that learned counsel for the appellant is engaged before the Honourable High Court in many cases today.

Adjourned to 28.05.2019 before the D.B.


Member


Chairman

28.05.2019

None for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Zahidullah, Junior Clerk for respondents present. Notices be issued to the appellant and his counsel. Adjourned. Case to come up for arguments on 31.07.2019.


Member


Member

31.07.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Irfan Assistant present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 12.09.2019 before D.B.


Member


Member

29.10.2018 Due to retirement of Hon'ble Chairman, the
counsel for the appellant is derunct. therefore, the case is adjourned.
counsel for the appellant is available on 03.12.2018.



Reader

(Ahmad Hassan)
Member

Member

03.12.2018 Clerk to counsel for the appellant present. Mr. Ziaullah,
Deputy District Attorney for official respondents No. 1 & 2 and
counsel for private respondents present. Clerk to counsel for the
appellant requested for adjournment on the ground that learned
counsel for the appellant is not available today. Adjourned. To
come up for arguments on 05.02.2019 before D.B.

(Ahmad Hassan)
Member




(Muhammad Amin Khan Kundi)
Member

06.02.2019 Clerk to counsel for the applicant present. Mr. Muhammad
Jan, DDA for respondents present. Clerk to counsel for the appellant
seeks adjournment due to general strike of the Bar. Granted. To
come up for arguments 15.03.2019 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

Service Appeal No. 1150/2012

13.06.2018

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of the counsel for appellant present and seeks adjournment. Member copy of the present appeal is also not available on record. Counsel for the appellant is directed to provide Member copy of the present appeal on or before the next date of hearing. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Basharat Khan, Assistant for the respondents also present. Adjourned. To come up for arguments on 24.07.2018 before D.B.



(M. Amin Khan Kundi)
Member



(M. Hamid Mughal)
Member

24.07.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14 .09.2018 before D.B



Member



Member

14.09.2018

Clerk to counsel for the appellant present. Learned counsel for respondents also present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourned. To come up for arguments on 29.10.2018 before D.B



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 23.4.2018 before the D.B.


Member


Chairman

23.04.2018


Clerk to counsel for the appellant, Addl: AG for official respondents and counsel for private respondents present. Counsel for the appellant is directed to submit member copy of the instant service appeal on the next date of hearing. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 22.5.2018


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

22.05.2018




Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 13.06.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 211/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.11.2017	<p>The application for restoration of appeal No. 1150/2012 submitted by Mr. Muhammad Issa Khan Khalil Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/11/17</p>
2	17/11/2017.	<p>This restoration application is entrusted to S. Bench to be put up there on <u>14/12/2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	14.12.2017	<p>Counsel for the petitioner present. Arguments on application for restoration of appeal heard and case file perused. Through instant petition the petitioner has prayed for setting aside order dated 31.10.2017 vide which the appeal of the present petitioner was dismissed due to non prosecution.</p> <p>Since the instant application has been filed well within time, hence the appeal be restored and be fixed for its previous proceedings on 16.02.2018 before D.B. Notices be also issued to the respondents for the date fixed.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMER</p>