


02.06.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Arguments heard. To come up for order on 15.06.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

15.06.2021

Appellant present through counsel and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

While reading the record, we are noted certain points leading to formulation of following queries:-

1. The post of C.T Agriculture is not reflected in the notification dated 07.08.1991, therefore, there is need of further assistance by the parties under which category of the posts enumerated in that notification, it will fall?
2. Whether there was any condition in advertisement that the candidates possessing higher qualification after their appointment in original pay scale will be placed in higher scale in light of notification dated 07.08.1991?
3. Whether the notification dated 07.08.1991 r/w notification dated 28.07.2008 was in field to extend its benefits to the appellant after his appointment in original pay scale vide order dated 07.03.2011?
4. Whether the entries in service book particularly with reference to an entry available at page-29 of Appeal File was the requirement of decision dated 07.07.2009 of Hon'ble Peshawar High Court in Writ Petition No. 150/2009?

To come up for further arguments on 29.07.2021 before this D.B.


(Rozina Rehman)
Member(J)



Chairman

29.07.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Moheed Gul D.A.O for respondents present.

A request for adjournment was made on behalf of appellant; granted. To come up for arguments on 17.09.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

17.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G alongwith Gul Muheed Accounts Officer for respondents present.

Arguments heard. To come up for order on 15.11.2021 before D.B. before D.B.

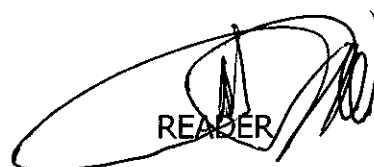

(Rozina Rehman)
Member (J)


Chairman

15.11.2021

Appellant in person present.

Due to non-availability of proper D.B, therefore, the case is adjourned for the same as before. ~~on~~ 14.12.21.



READER


31.05.2022

Appellant in person present.


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

Former requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 09.08.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

9-8-2022 Due to the Public holiday the case is adjourned to 29-9-2022



Reader


29.09.2022

Nemo for parties.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General present.

Preceding date was adjourned on a Reader's Note, therefore, both the parties be put on notice for 01.12.2022 for hearing before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Counsel was informed telephonically on 29/9/22

01/12/22

Deleted from the list to come up on the next date 27/12/23


Reader.

14-12-21

DB is on Tour case to come
up for the same on Dated. 27-1-22

Rudra

27.01.2022

Counsel for the appellant present.

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

Due to rush of work, order could not be dictated,
therefore, case is adjourned. To come up for order on
01.02.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

01.02.2022


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

Due to paucity of time, order could not be
dictated. To come up for re-arguments on 31.05.2022
before the D.B.



(ROZINA REHMAN)

Member (j)



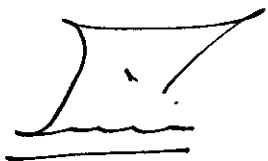
Chairman

27th Feb. 2023

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

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 28.04.2023 before the D.B. P.P given to the parties.


(Fareeha Paul)
Member(E)




(Salah-ud-Din)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 716 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 28/01/2020 | <p>The appeal of Mr. Javed Ali resubmitted today by Mr. Javed Ali 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 28/01/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| 2- | | |

06.03.2020

Counsel for the appellant Khazan Gul present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Certified Teacher vide order dated 07.03.2011. It was further contended that the appellant was having B.A, B.Ed qualification and on the basis of said qualification, the respondent-department upgraded the post of appellant from BPS-9 to BPS-14 in the light of notification dated 07.08.1994 & 28.07.2009. It was further contended that the appellant was receiving salary of BPS-14 on the basis of said notifications but later on in the year 2019, the Pay Fixation raised objection on the upgradation of the appellant from BPS-9 to BPS-14 and in this respect entry was also made in the service book of the appellant by the respondent-department/Pay Fixation Officer in September 2019. It was further contended that feeling aggrieved from the said entry, the appellant filed departmental appeal on 12.11.2019 but the same was decided vide order dated 05.12.2019 hence, the present service appeal. Learned counsel for the appellant further contended that the appellant was upgraded from BPS-9 to BPS-14 due to higher qualification of B.A & B.Ed on the basis of the aforesaid notifications and same are still in existing, therefore, the impugned entry of Pay Fixation regarding reversion from BPS-14 to BPS-9 is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all 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 for 21.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.


Reader

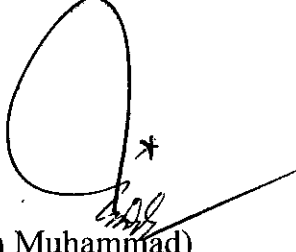
15.07.2020

Counsel for the appellant present. Addl: AG for respondents present.

Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee. Appellant is directed to deposit the same within one week, thereafter notice be issued to the respondents for reply.

Appellant Deposited
Security & Process Fee
18/7/20

Adjourned to 09.09.2020 before S.B.


(Mian Muhammad)
Member(E)

09.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Ali Haider, SDEO for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Adjourned to 07.10.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

07.10.2020

Appellant in person and Addl. AG alongwith Shahid Anwar, ADEO for the respondents present.

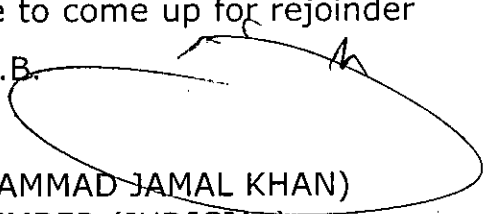
Representative of the respondents seeks further time to submit the requisite reply/comments. Adjourned to 02.12.2020 on which date the reply/comments shall be submitted without fail.


Chairman

02.12.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Zakiullah, Senior Auditor on behalf of respondents No. 1 & 5, Mr. Shahid Awan, ADEO on behalf of respondents No. 3, 4, 6, 8, 9, 10 & 11 and Mr. Saleem Sajid, Superintendent on behalf of respondents No. 2 & 7, are also present.

Written replies on behalf of respondents No. 1, 3 to 6 & 8 to 11 have been submitted which are placed on record. Representative of respondents No. 2 & 7 stated at the bar that he rely on the written reply submitted by respondents No. 1 & 5 on behalf of respondents No. 2 & 7. 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 2.06.2021 for the same.


Reader