

1046/2016

02.02.2017

Counsel for appellant, Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 4 and private respondents No. 11 and 12 in person present. Written reply by official respondents No. 1 to 4 submitted. Private respondents No. 11 and 12 requested for further time for submission of written reply. To come up for written reply/comments on behalf of private respondents No. 11 and 12 on 08.03.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

08.03.2017

Counsel for the appellant, Mr. Hameed-ur-Rahman alongwith Addl: AG for official respondents No. 1 to 4 and counsel for private respondents 12 present. Written reply by private respondents No. 12 alongwith Wakalth Nama submitted, while written reply by official respondents 1 to 4 as well as private respondents No. 7 have already submitted. None present on behalf of private respondents No. 11 for submission of written reply. Fresh notice be issued to private respondents No. 11. To come up for written reply/comments on behalf of private respondents No. 11 on 19.04.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

19.04.2017

Appellant with counsel, Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for official respondents No. 1 to 4 and counsel for private respondent No. 12 and counsel for private respondent No. 11 also present. Counsel for private respondent No. 11 written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on behalf of private respondent No. 11 on 18.05.2017 before S.B.

MA

(Muhammad Amin Khan Kundi)

Member

18.05.2017

Appellant in person and Addl. AG for official respondents and private respondent No. 12 in person present. Counsel for private respondent No. 11 written reply not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on behalf of private respondent No. 11 on 10.07.2017 before S.B.

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(Ahmad Hassan)

Member

10.07.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 4 and private respondent No. 12 in person also present. Written replies by official respondents No. 1 to 4 and private respondents No. 7 & 12 have already submitted. None is present on behalf of respondent No. 11 therefore, proceeded ex-parte. To come up for rejoinder and arguments on 07.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member

07.11.2017


None present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 4 present. Notice be issued to appellant and his counsel for attendance for 02.01.2018 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

02.01.2018


Appellant in person present. Mr. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 4 and private respondents 12 & 13 with counsel also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 06.03.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

06.03.2018

Learned counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney for official respondents present. Learned counsel for private respondents also present. Learned counsel for the appellant seeks time to file rejoinder. Adjourn. To come up for arguments/rejoinder on 04.05 before D.B


(Muhammad Amin Kundi)
Member.


(Muhammad Hamid Mughal)
Member


09.03.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 20.07.2018


READER

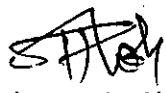
20.07.2018


Due to engagement of the undersigned in judicial proceeding before S.B further proceeding in the case in hand could not be conducted. To come on 14.09.2018 ^{before} D.B


Member (J)

14.09.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourned. To come up for arguments on 08.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018.


READER

21.12.2018

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the official respondents present. Learned counsel for the private respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come for arguments on 19.02.2019 before D.B



(Hussain Shah)
Member



(Muhammad Amin Kundi)
Member

19.02.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant requests for adjournment in order to further prepare the case. Adjourned to 03.04.2019 before D.B.



Member



Chairman

03.04.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Appellant requests for time to submit rejoinder in respect to reply of respondents.

It is evident from record that on previous so many occasions hearing of instant appeal has been adjourned on the request of appellant/learned counsel. As last opportunity instant matter is adjourned to 23.05.2019 before D.B. The appellant may submit rejoinder within a fortnight.



Member


Chairman

23.05.2019

Counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the official respondents and Mr. Taimoor Ali Khan, Advocate for the private respondents present.

Mr. Gohar Ali Khesghi, Advocate has submitted Vaklat Nama on behalf of the appellant and states that the rejoinder to the reply of respondents has already been submitted. He, however, seeks adjournment due to his late engagement in the matter.


Member

Adjourned to 09.07.2019 before D.B.


Chairman

09.07.2019

Appellant present. Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted application for impleadment of persons mentioned in the annexures of application. Learned Deputy District Attorney seeks adjournment to furnish reply of the same. Adjourn. To come up for reply and arguments on the said application on 03.09.2019 before D.B.



Member



Member

03.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Fazal Litigation Officer for the respondents present. Learned Assistant Advocate General requested for adjournment on the ground that reply on petition mentioned in the previous order sheet has not been prepared. Last opportunity is granted. Adjourned. To come up for reply and argument on 15.10.2019 before D.B



(Hussain Shah)
Member




(M. Amin Khan Kundi)
Member

15.10.2019


Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Reply on application on behalf of the respondents not submitted despite last chance. Learned Assistant AG requested for further time. Another last chance is granted. Case to come up for reply and arguments on application on 11.11.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

11.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Irfan, Assistant for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 31.12.2019 for reply and arguments on application before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

31.12.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents and counsel for private respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 14.02.2020 for reply and arguments on application before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

14.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant submitted an application for impleadment of other junior persons as private respondent. The application is placed on record. To come up for reply and arguments on the said application on 31.03.2020 before S.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

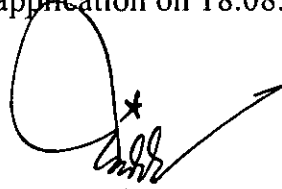
31.03.2020

Due to public holiday on account of COVID19, the case is adjourned to 10.06.2020 for the same as before.


Reader

10.06.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Irfanullah, Assistant for respondents present. Private respondents are not present, therefore, notices be issued to them for attendance. Learned counsel for the appellant had already submitted application for impleadment of other junior person (17 in number) as private respondents in appeal. Learned DDA submitted reply on behalf of official respondents which is placed on record. Notices be issued to the other junior persons (17 in number) mentioned in the application for attendance and reply of the application. Learned counsel for the appellant is also directed to submit seventeen (17) copies of application for sending the same with the notice to other junior persons. Adjourned. To come up for attendance and arguments on the application on 18.08.2020 before D.B.


MEMBER


MEMBER

18.08.2020

Due to summer vacations, the case is adjourned to 28.10.2020 for the same.


Reader

28.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 30.12.2020 before D.B.


Reader

30-12-2020

Due to summer vacation, case is adjourned to

17-3-2021 for the same as before.


Reader

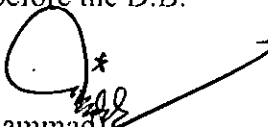
17.03.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

On 10.06.2020 notices were required to be issued to 17 persons required to be impleaded as respondents. Learned ~~counsel~~ *counsel* for the appellant states that spare copies of the application were submitted in the office in accordance with the order dated 10.06.2020

It is not found from record that the requisite notices were issued by the office, therefore, the needful shall positively be done by the office in line with the order dated 10.06.2020 well before the next date of hearing.

Adjourned for attendance and arguments on application on 18.05.2021 before the D.B.


(Mian Muhammad)
Member (E)


Chairman

18-5-21

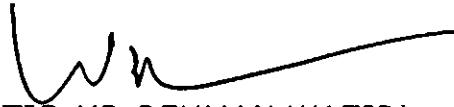
Due to COVID-19, the case is adjourned to 9.9.2021 for the same.



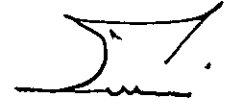
09.09.2021

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present. Mr. Saranjam Khan, intervener in person present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on application before the D.B on ~~9~~ 12.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

21.12.2021

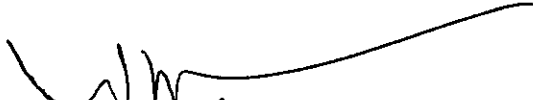
Appellant Namely Sher Wali Khan is present in person.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

It appears from the order sheet dated 10.06.2020 that direction for issuance notices to the other junior persons seventeen (17) in number for attendance and reply to the application was given. In subsequent proceedings, it was noted that notices were not issued. On the last date none was present on behalf of appellant, therefore, notice for prosecution of appeal was issued to the appellant and the appeal was fixed for today.

The reasons for impleadment of seventeen (17) individuals as given in the application include that the appellant was not in knowledge and they were not made party in the subject appeal. He received documents of some junior's persons at later time and want to make them as private respondents in the appeal. The official respondents in their reply have raised objection that the appellant failed to make them party at the relevant time and at the 11th hours he cannot make them party as he is no locus standi. The reasons given by the appellant as to the knowledge and the response of the respondents as discussed before are not plausible. The matter relates to the seniority and any person whose seniority is likely to be affected by decision of this appeal was required to be made as party but the appellant has failed to do it without any valid reason. Application for impleadment is accepted subject to payment of costs of Rs. 3000/- payable by the appellant to the respondents. Office is directed to make entry of the name of newly private respondents in heading of the appeal. Appellant is directed to deposit the costs of the process for service alongwith necessary documentation required to be sent to the private respondents alongwith notices. The appellant is directed to do the needful within three (03) days, thereafter, the office shall issue notices to the newly impleaded respondents for the next date.

Adjourned to 08.03.2022 before D.B.


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


Chairman

Appellant deposited Rs. 1700/- as process fee
vide order sheet dated 21.12.2021 on
21.12.21. Entry made in Process fee registers
Appellant Deposited Process Fee

8-3-22


Due to Retirement of the Honorable
Chairman the case is adjourned to
come up for the same as before on
29-6-22


of all
Reader

29.06.2022

Appellant in person present. Mr. Muhammad Nawaz, ADEO (Litigation) alongwith Mr. Riaz Ahmad Painsdakhel, Assistant Advocate General for official respondents No. 1 to 4 present.

Vide pervious order dated 21.12.2021, the appellant was directed to deposit the costs of the process for service, however no stamp regarding depositing of the same was found affixed at the margin of the previous order sheet and notices have also not been issued to the impleaded private respondents. On query, the appellant stated at the bar that he has already deposited costs of the process for service. Reader of the court was handed over the case file to inquire from the concerned official regarding the depositing of costs of the process for service. On returning back, the Reader told that the concerned official has told him that the appellant had actually deposited costs of the process for service on 21.12.2021, but the required stamp was not affixed by him at the margin of order sheet due to inadvertence. It was observed that the concerned official has affixed the stamp today but the date has been mentioned as 21.12.2021. Notices to the newly private respondents have not been issued as the required stamp regarding the depositing of costs of the process for service was not affixed by the concerned official, therefore, explanation in this respect be called from him. Notice be issued to the respondents and to come up for reply/comments as well as arguments on 15.09.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

15.09.2022


Appellant present through counsel.

Only respondent No 7, 8, & 9 were put on notice while out district respondents were not put on notice due to non-availability of postal tickets.

Kabir Ullah Khattak, learned Additional Advocate General alongwith for official respondents No.1 to 4 present. Private respondents No.13 & 14 in person present.


Reply on behalf of official respondents No.1 to 3 has already been submitted. Private respondents No.13 & 14 relied upon the reply of official respondents No.1 to 3. Notice be issued to remaining respondents. To come for reply/arguments on 14.10.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

14th Oct., 2022

Because of strike of the Bar, this matter is adjourned to 27.10.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

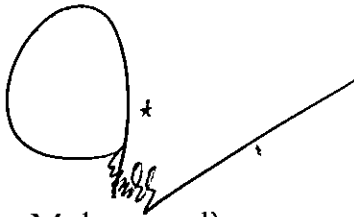

(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

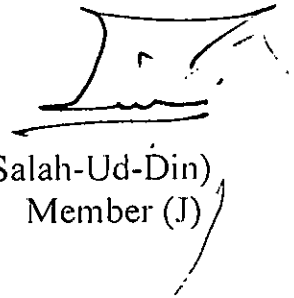
27.10.2022

All the mentioned respondents were put on notice on 22/11/2022

Appellant present. Mr. Behramand, Assistant Director alongwith Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General for official respondents present. None present on behalf of private respondents No. 07, 11 & 12 as well as impleaded private respondents, therefore, they be summoned through TCS and to come up for arguments on 01.12.2022 before the D.B. Expenses of TCS be deposited by the appellant within three days from today .



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

01st Dec. 2022

Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Muhammad Tufail, Assistant for official respondents present. Private respondents No. 15, 20 and 30 present in person. Private respondent No. 25 present and relied on the written reply/comments already submitted by the official respondents. Nobody present on behalf of impleaded respondents No. 16 to 19, 21 to 24, 26 to 28 and 29, hence placed ex-parte

SCANNED
KP&T
Peshawar

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 15.02.2023 before the D.B.




(Farecha Paul)
Member (E)




(Rozina Rehman)
Member (J)

15.02.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents present. Mr. Sabeel-ur-Rehman, Special Attorney on behalf of respondent No. 30 present and submitted an application for deletion of name of respondent No. 30 as well as comments, which are placed on file. Copy of the same is handed over to learned counsel for the appellant, who sought time for arguments on the application. Adjourned. To come up for arguments on application on 20.03.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)