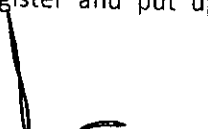



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 16009 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/12/2020	<p>The appeal presented today by Mr. Noor Muhammad Khattak 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>05/01/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

05.01.2021

Counsel for the appellant present.

Learned counsel referred to promotion/adjustment notification dated 24.08.2020, whereby, the appellant was posted at GPS Khatako Shah upon his promotion as SPST. His contention is that through the notification the posting of appellant was in his home Union Council and was in accordance with Section 3(4) of Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Instructors and Doctors) Regulatory Act, 2011. The appellant consequently took charge at GPS Khatako Shah on 24.08.2020. On 09.09.2020, a corrigendum was issued by respondent No. 3, whereby, the posting of appellant at Khatako Shah was cancelled. In view of learned counsel the impugned withdrawal was in effect retransfer without regard to the transfer/posting policy of Provincial Government as well as the rules ibid. More particularly, when the appellant had already assumed charge at the place of his posting. It is also the argument of learned counsel that the impugned order was rendered ineffective through departmental decision(s) in respect of at least nine SPSTs. The appellant, on the other hand, was treated with discrimination.

Subject to all just exceptions, instant appeal is admitted to regular hearing. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.01.2021 before S.B.

Alongwith the appeal, there is an application for suspension of operation of impugned order/corrigendum dated 09.09.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

Appellant Deposited
Security & Process Fee



Chairman

22.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem ul Haq Superintendent for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 08.02.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

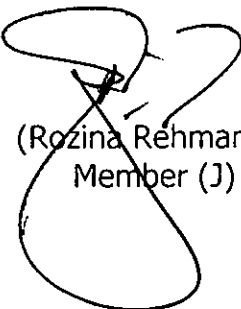

(Rozina Rehman)
Member (J)

08.02.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem ul Haq Superintendent and Naveed Khan Assistant for respondents present.

Written reply on behalf of respondents is still awaited. Representatives of respondents made a request for time to furnish reply/comments. Opportunity is granted. To come up for written reply/comments on 24.02.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.


(Rozina Rehman)
Member (J)

24.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Naseem-ul-Haq, Superintendent, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 31.03.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.


(Muhammad Jamal Khan)
Member

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 02.04.2021 before S.B.



Reader

02.04.2021

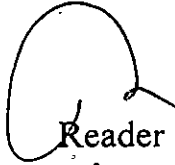
Junior to counsel for the appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted despite last chance, therefore, the appeal in hand is posted to D.B for arguments on 21.04.2021. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.


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

21.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 21.06.2021 for the same as before.


Reader

21.06.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

File to come up alongwith connected appeal No.16008/2020 titled Muhammad Afzal Vs. Govt., on 17.08.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 28.09.2021 for the same as before.


Reader


28.9.21

DB is on Tour case to come up
For the same on Dated. 3-2-22


Reader

03.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.


Reader

28/4/2022

Due to non availability of DB

The case is adjourned to 28-12-2022

for the same as before.

28/12/22

up on 27/2/23 due to winter vacatio to come



~~03.02.2022~~

~~Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.~~

~~Reader~~

27.02.2023

Learned counsel for appellant and Mr. Muhammad Jan, learned District Attorney for respondents present.

Former requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 28.02.2023 before D.B. P.P given to the parties.

(Rozina Rehman)
Member (J)

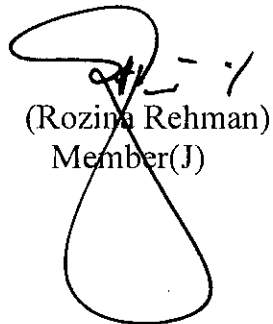

(Kalim Arshad Khan)
Chairman

28th Feb, 2023

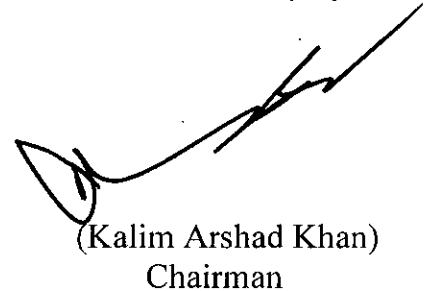
1. Counsel for the appellant present. Mr. Umair Azam, Addl: AG for respondents present.

2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal on the ground that grievance of the appellant has been redressed. Application is placed on file. Dismissed as withdrawn. Consign

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 28th day of February, 2023.*



(Rozina Rehman)
Member(J)



(Kalim Arshad Khan)
Chairman