
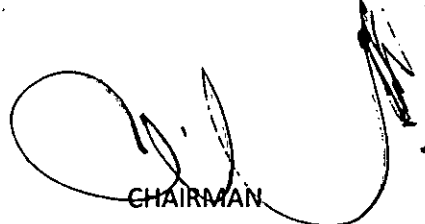


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1181/2014

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/09/2014	<p>The present appellant initially went in Writ Petition before the Hon'ble High Court and the Hon'ble High Court vide its order dated 04.09.2014 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24/09/2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 10/10/2014 as per order of the Hon'ble High Court.</p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED
KPST
Peshawar

3.

10.10.2014

Counsel for the appellant and Mr. Niaz Badshah, private respondent No. 5 present. Counsel for the appellant requested for adjournment to file the instant appeal in proper format. Request accepted. To come up for preliminary hearing on 16.12.2014.


Member

Reader Note:

4.

16.12.2014

Clerk of counsel for the appellant and Mr. Niaz Badshah, private respondent NO. 5 present. Since the Tribunal is incomplete, therefore, case is adjourned to 17.02.2015 for the same.


Reader

17.02.2015

5.

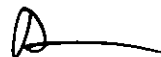
Appellant in person and Mr. Niaz Badshah, private respondent No. 5 in person present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 19.03.2015


Member

Appeal, No. 1181/2014.
Eng: M. M. Shukla.

19.03.2015

Counsel for the appellant present and submitted appeal in proper format with spare sets. To come up for preliminary hearing on 06.05.2015.



Member

7. 06.05.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed as Assistant Engineer (BPS-17) on acting charge Basis on 13.12.2011. There-after on 25.06.2012 service rules were amended wherein quota of promotion of Sub-Engineer to the post of Assistant Engineer was reduced from 15% to 12%. Prior to that individual quota of 5 % for promotion of graduate Sub-Engineer and 10 % for in-service graduate Engineer was fixed. It is also worth mentioning that under the then service rules when case for appointment on acting charge basis was considered, the appellant stood on the top of the seniority list of in-service graduate Sub-Engineer as it stood on 31.12.2010. Counsel for the appellant further argued that the rules may not be applied retrospectively and keeping in view eligibility of the appellant he may be considered for promotion under the previous rules. That the appellant preferred departmental appeal which was not responded and hence the present service appeal on 24.09.2014. He relied on 2012 SCMR 864 and 2012 SCMR 965.

Appellant Deposited
Security & Process Fee



Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 23.06.2015 before S.B.



Member

23.06.2015

Appellant in person, Mr. Shams-ud-Din, Assistant alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 5 in person present. Wakalat Nama submitted on behalf of private respondents No. 4, 5 & 6. Comments by official respondents No. 1 to 3 submitted. Private respondents requested for adjournment. To come up for written reply/comments on behalf of private respondents No. 4 to 6 on 25.8.2015 before S.B.


Chairman

25.08.2015


Appellant in person, Addl: A.G for official respondents No. 1 to 3 and private respondent No. 5 in person present. Written reply on behalf of private respondents No. 4 to 6 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 3.12.2015.


Chairman

03.12.2015

Appellant with counsel, Mr. Abdul Razzaq, Assistant alongwith Mr. Ziaullah, GP for official respondents and Muhammad Arshad, Advocate for private respondents No. 4, 5, and 6 present. Arguments could not be heard due to shortage of time. To come up for rejoinder and arguments on

18.4.2016

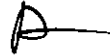

Member


Member

Appeal No- 1118/2014

18.04.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant stated that similar nature of appeals have already been fixed for arguments on 11.05.2016, therefore, the same may also be clubbed with the said appeals. To come up for arguments on 11.05.2016 alongwith the connected appeals.



Member



Member

11.5.2016

Junior to counsel for the appellant and Addl. AG for the respondents present. Learned Senior counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Adjourned for final hearing to 30.08.2016 alongwith connected appeals.



Member



Chairman

30.08.2016

Clerk to counsel for the appellant and Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 16.12.2016 before D.B.



Chairman

Appeal No. 1118/2014

16.12.2016

Junior to counsel for the appellant and Mr. Abdur Razzaq, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Junior to counsel for the appellant seeks adjournment. To come up for arguments on 21.04.2017.

(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

21.04.2017

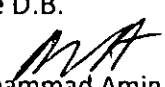
Counsel for the appellant present. Mr. Ziaullah, Government Pleader for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 09.08.2017 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

09.08.2017


Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 3 and clerk of counsel for private respondents No. 4 to 6 present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 08.12.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

08.12.2017

Junior to counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.02.2018 before D.B.



(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

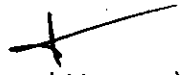
02.02.2018

Junior to counsel for the appellant and Mr. Riaz Pinda Kheil, learned Assisat Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourned. To come up for arguments on 03.04.2018 Before D.B

01.06.2018


(Muhammad Amin Kundi)
MEMBER
Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for respondents present. Clerk to counsel for the appellant as Learned counsel for the appellant is not available. Adjourn. To come up for arguments on 01.06.2018 before D.B



(Muhammad Hamid Mughal)
MEMBER


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

01.06.2018

No one present on behalf of appellant. Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Adjourned. To come up for arguments on 06.07.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

06.07.2018

Counsel for the appellant present. Mr. Sardar Sioukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 20.08.2018 before D.B.

MA

(Muhammad Amin Kundi)
Member

20.08.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.10.2018 before D.B.

AH

(Ahmad Hassan)
Member

MA

(Muhammad Amin Khan Kundi)
Member

12.10.2018

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Private respondents no. 4 & 5 also present. Junior to counsel for the appellant seeks adjournment that ~~his~~ senior counsel is not in attendance. Adjourned. To come up for arguments on 27.11.2018 before D.B

[Signature]
Member

[Signature]
Member


27.11.2018

Appeal No. 1118/2014
Engr. Mushtaq Shah vs Govt
Nemo for appellant.

The instant appeal was called for hearing more than once today. It is already 2.15 P.M and no one is present on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.


Member

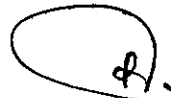

Chairman

Announced:
27.11.2018

29.03.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments on restoration application heard and record perused.

Vide our order of today passed in restoration application bearing No. 458/2019 titled "Engineer Musharraf Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar and others", the appeal in hand stands restored on its original number subject to payment of cost of Rs. 2000/-. To come up for arguments before D.B-II on 10.06.2022.




(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

10.06.2022

*Bench is incomplete, therefore
The case is adjourned to
22.07.2022 for the same as
before.*


READER.

22.07.2022

Appellant in person present.

Naseer Ud Shah, learned Assistant Advocate General for respondents present.

Former requested for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned by way of last chance. To come up for arguments on 16.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

16.09.2022

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present, who submitted fresh Vakalatnama on behalf of the appellant which is placed on file. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4. to 6 and on perusal of the record, it transpired that they have not been placed ex-parte, therefore, they be summoned through registered A.D, while notice also be issued to their counsel and to come up for arguments on 28.11.2022 before the D.B. Appellant shall submit registered A.D within 03 days.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

28th Nov. 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the official respondents present.

Clerk of learned counsel for the appellant seeks adjournment due to non-availability of learned counsel for the appellant. This being old case of 2014, last opportunity is granted to the appellant to argue the case, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 30.01.2023 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

30th Jan, 2023

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Supreme Court of Pakistan. Last opportunity is extended subject to payment of costs of Rs. 10000/-. To come up for arguments on 11.04.2023 before D.B. P.P is given to the parties.

SCANNED
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Peshawar



(Muhammad Akbar Khan)
Member (E)

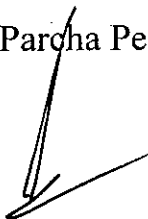


(Kalim Arshad Khan)
Chairman

11th April, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents present. Nobody is present on behalf of private respondent.

2. The private respondents were directed to be summoned through registered post A.D. although there are copies of notices alongwith postal receipts are found placed on file yet they are not in attendance. Learned counsel for the appellant says that it would be safe that they be summoned through TCS and a notice be also issued to their learned counsel. Adjourned. To come up on 08.05.2023 before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman