

17th April, 2023 1. Learned counsel for the appellant present. Mr. Fazal Shah, Addl: AG for the respondents present.

2. This matter was lastly fixed for 01.08.2022 but that was not brought on the cause list nor placed before the Tribunal on the said date. Alongwith this matter some more than twenty other matters were also kept by the office for which an explanation has already been called for. It was directed on 14.04.2023 on a note placed before me, regarding non-fixation of some more than twenty cases that all these cases be fixed before me on 17.04.2023 with further direction to inform the parties and learned counsel on telephone. Learned counsel for the petitioner submits that the relief granted to the petitioner was otherwise extended to him rendering this execution petition fruitless. Disposed of accordingly.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 17th day of April, 2023.*



(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A


26.04.2022 Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hamdullah, AD for respondents present.

The respondent-department submitted reply on execution petition which is placed on file and a copy thereof handed over to the learned counsel for the petitioner. Learned AAG stated at the bar that all back benefits have been granted to the petitioner and the case is pending before the august Supreme Court of Pakistan in CPLA. The execution petition is therefore, liable to be adjourned sine-die. Contrary to the view point of learned AAG, learned counsel for the petition did not agree and contended that the issue of seniority is inalienable right and falls in the ambit of consequential benefits. There is however, no mention of the name of the petitioner on the seniority list ^{of Assistants (AS-16)} issued on 27.07.2021. Since it is the main contention of learned counsel for the petitioner, therefore, proper reply is required to be submitted on this point. Adjourned. To come up for further proceedings on 21.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

21.06.2022 Learned counsel for the petitioner present. Kabirullah Khattak, Additional Advocate General for the respondents present.

As per order sheet dated 26.04.2022, the department was categorically/specifically directed to submit proper reply on the point raised by learned counsel for the petitioner. Last opportunity is granted to the respondent department. Copy of the order sheet dated 26.04.2022 as well as of today, be provided to respondent department to submit proper reply in the execution petition. To come up for further proceedings on 01.08.2022 before S.B.


(Mian Muhammad)
Member (E)

24.01.2022

Applicant with counsel present.

Through this application, the applicant seeks restoration of the Execution Petition adjourned sine-die vide order dated 08.02.2021. The certified copy of the said order as annexed with the application has been perused. Accordingly, the proceedings in the execution petition were adjourned sine-die till the decision by the Apex Court. The applicant purports through present application that the promotion to the post of Superintendent BPS-17 is also expected on the basis of seniority and if the name of the appellant is not included in the seniority list dated 31.07.2014, it will result into multiplicity of proceedings. Having the judgment of this Tribunal at his credit allowing his appeal as prayed for, the applicant may pursue for consequential benefits of reinstatement. Therefore, this application is accepted and Execution Petition No.122/2020 adjourned sine-die on 08.02.2021 is restored to its original number. Notices be issued to the respondents for implementation of the judgment in letter and spirit subject to decision of the CPLA after obtaining affidavit from the petitioner. Case to come up on 21.02.2022 before S.B.


Chairman

21.02.2022



Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.


Reader.

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 63/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.01.2022	<p>The application for restoration/revival of Execution Petition No.122/2020 submitted today by Mr. Taimur Ali Khan 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</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>24/01/2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>