




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 286/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/01/2020	<p>The appeal of Mst. Samina Shaheen resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 10/11/2020</p>
2-	14/01/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/01/2020</u>.</p> <p> CHAIRMAN</p>
	20.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 03.02.2020 for preliminary hearing before S.B.</p> <p> Chairman</p>

P2

12

03.02.2020

Counsel for the appellant Miss. Sameena Shaheen present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Primary School Head Teacher in Government Girls Primary School Dhendha. She was transferred from Government Girls Primary School Dhendha to Government Girls Primary School Chappri while private respondent Miss. Sameena Tabassum was transferred as Primary School Head Teacher from Government Girls Primary School Padiana to Government Girls Primary School Dhendah vide order dated 24.07.2019. It was further contended that again the appellant was transferred from Government Girls Primary School Chappri to Government Girls Primary School Kalas vide order dated 25.07.2019. It was further contended that again a corrigendum (undated) was issued wherein the transfer order of the appellant to Government Girls Primary School Kalas was considered/treated as Government Girls Primary School Malkayar. It was further contended that the appellant filed departmental appeal against the orders dated 24.07.2019 and 25.07.2019 but the same was not decided within the stipulated period. It was further contended that the appellant was transferred against the transfer posting policy and the appellant was transferred out of his Union Council, therefore, the impugned transfer orders are illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to 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 ²⁴~~25~~ 02 2020 before S.B. Learned counsel for the appellant also submitted application for suspension of the impugned transfer orders. Notice of the same be also issued to the respondents for the date fixed.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Appellant's Deposited
Security & Process Fee
14/2/20

24.02.2020

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 & 2 and Mr. Saeed-ur-Rehman, husband of private respondent No. 3 present. Husband of private respondent No. 3 seeks further time to furnish written reply/comments. Learned Additional AG seeks adjournment on behalf of official respondents No. 1 & 2 to obtain written reply/comments from respondents. Adjourned to 10.03.2020 for written reply/comments before S.B.

(HUSSAIN SHAH)
MEMBER

10.03.2020

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 & 2 and Mr. Saeed-ur-Rehman, husband of private respondent No. 3 present. Husband of private respondent No. 3 seeks further time to furnish written reply/comments. Representative of official respondents No. 1 & 2 is absent, therefore, notices be issued to respondents No. 1 & 2 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 25.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

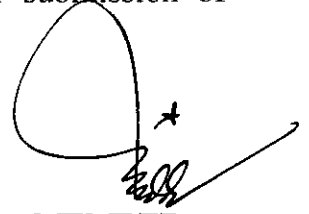
25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.


Reader

17.06.2020

Junior to counsel for the appellant and Asst: AG for respondents present. Written reply not submitted. Last opportunity granted. Notices be issued to the respondents for submission of written reply/comments on 29.07.2020 before S.B.



MEMBER

29.07.2020

Counsel for the appellant and Addl. AG for the official respondents present. Mr. Saeedaur Rehman husband of private respondent No. 3 present and furnished Special Attorney (placed on record).

Comments/reply on behalf of respondent No. 3 has been submitted. Placed on record. Learned AAG seeks further time to furnish reply/comments of respondents No. 1 & 2. Last opportunity is further extended to respondents No. 1 & 2 subject to payment of costs of Rs. 1000/-.

To come up for reply/comments of respondents No. 1 & 2 on 17.08.2020.



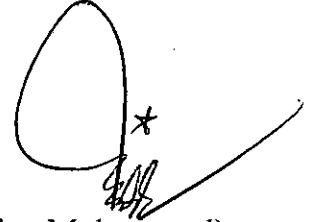
Chairman

17.08.2020

None for the appellant present. Mr.Ziaullah, DDA alongwith Mr. Saima Raza, ADEO for official respondents No. 1 and 2 and husband of private respondent No.3 present.

Representative of the official respondents No. 1 and 2 has submitted written reply which is placed on file. She requested to submit payment of costs of Rs. 1000/- on the next date of hearing.

To come up for rejoinder and arguments on 15.09.2020 before D.B.



(Mian Muhammad)
Member(E)

15.09.2020

Uzma Syed advocate present on behalf of appellant.

Mr. Muhammad Jan, learned Deputy District Attorney present. Husband of private respondent No.3 present. None present on behalf of respondent No.1 & 2.

Record shows that respondent No. 1 & 2 were given opportunity subject to payment of cost of Rs.1000/- but till today, costs were not deposited and today they are absent once again, therefore, case is adjourned subject to payment of cost of Rs.2000/- to be paid on the next date positively. Notice be issued to respondents No.1 & 2 once again. To come up for arguments on 30.09.2020 before D.B.



(Atiq ur Rehman)
Member (E)




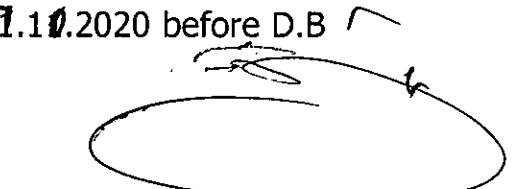
(Rozina Rehman)
Member (J)

30.09.2020

Syed Noman Ali Bukhari, Advocate, for appellant is present. Mr. Usman Ghani, learned District Attorney for official respondents and Said Rehman, husband of the private respondent No.3 are also present.

The services of respondent No. 1 & 2 have not been procured despite issuance of notice to them, as per the contents of the previous order sheet. The process of notice be repeated once again, therefore, services has to be effect be means of register envelope accompanied of AD Card. As regard payment of costs of Rs 2000/- respondents are directed to make arrangement of his payment to the opposite parte who is furnished receipt or placing on record. File to come up for refer to respondents for arguments on ~~27.10.2020~~ before D.B


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


(Muhammad Jamal Khan)
Member (J)

27.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 29.12.2020 before D.B.


Reader

29-12-2020

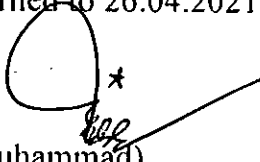
Due to summer vacation, case is adjourned to 16-03-2021 for the same as before.


Reader

16.3.2021

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

Former requests for adjournment in order to further prepare the brief. Adjourned to 26.04.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)


Chairman

26-4-2021

Due to COVID-19, the case is adjourned to 16-9-2021 for the same.


Reader

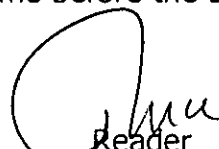
16-9-21

Due to summer vacation the case is adjourned to 8-12-2021 for the same.


Reader

08.12.2021

The Worthy Chairman is on leave, therefore, case to come up on 09.12.2021 for the same before the D.B.


Reader

09.12.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the official respondents present. None present on behalf of private respondent No. 3.

The case could not be taken due to paucity of time and is adjourned to 10.12.2021 for arguments before the D.B.

(Salah-ud-Din)
Member(J)

Chairman

10.12.2021

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

Written reply/comments have already been submitted on behalf of official respondents No. 1 & 2 and private respondent No. 3. Today no one is in attendance on behalf of private respondent No. 3. Notice be issued to her through registered post with A/D Card for next date. The appellant is directed to furnish the registered post envelop alongwith A.D Card for sending notices to the private respondent No. 3, within three days. Appellant is further directed to furnish a copy of Memo. of Appeal complete in all respect for use of the learned Member of the Bench. Case to come up for arguments on 23.12.2021 before the D.B.

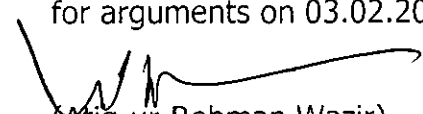

(Salah-ud-Din)
Member(J)


Chairman

23.12.2021

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

Learned counsel for the appellant seeks adjournment for preparation. Request is accorded. Case to come up for arguments on 03.02.2022 before the D.B.


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


Chairman

3-2-22

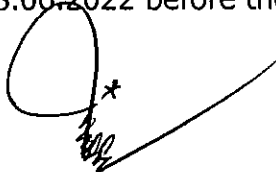
Due to Retirement of the Hon.ble
Chairman the case is adjourned to come
up for the same as before on 1-4-22

Special
Reader

1st April, 2022

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

Former requests for adjournment in order to properly
assist the court. Adjourned. To come up for arguments
on 08.06.2022 before the D.B.



(MIAN MUHAMMAD)
Member (E)



CHAIRMAN

08.06.2022

Clerk of learned counsel for the appellant present. Mr. Riaz
Ahmad Paindakhel, Assistant Advocate General for official
respondents No. 1 & 2 present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the
appellant is not available today due to strike of lawyers.
Adjourned. To come up arguments on 29.08.2022 before the
D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

29.08.2022

Bench is incomplete, therefore, case is adjourned to
29.09.2022 for the same as before.



Reader

29.09.2022

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant
Advocate General for respondents present.

Former made a request for adjournment as senior
counsel for appellant is busy before another Bench of this
Tribunal at Camp Court D.I.Khan; granted. To come up for
arguments on 01.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

01/12/22


*Deleted from the list to
come up on the next date
27/2/23*

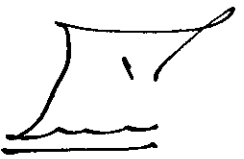

Reader.

27.02.2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 & 2 present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 02.05.2023 before the D.B. P.P given to the parties.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

02nd May, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. The learned counsel for the appellant submitted at the bar that the appellant had completed normal tenure at the new place of posting, therefore, she would be satisfied if direction was given to the respondents to consider her next posting in her own Union Council. In view of request of learned counsel for the appellant, we would ask the respondents that they may so consider the next posting of the appellant without prejudice caused to some nobody.
Disposed of as above. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 02nd day of May, 2023.*


(Salah-ud-Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman