





Form-A
FORM OF ORDER SHEET

Court of _____


Restoration Application No. 126 /2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.07.2021	<p>The application for restoration of appeal No. 1080/2015 submitted by Mr. Muhammad Asif Yousafzai 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	22.10.2021	<p>This restoration application is entrusted to D. Bench to be put up there on <u>22.10.2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Husband of the appellant alongwith junior counsel present.</p> <p>Notice of the present restoration application be issued to the respondents on 20.12.2021 before D.B.</p> <p style="text-align: center;"> (ATIQ UR REHMAN WAZIR) MEMBER (E)</p> <p style="text-align: right;"> (ROZINA REHMAN) MEMBER (J)</p>

20.12.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Arguments on restoration application heard. The appeal is restored to its original number subject to payment of cost of Rs. 1000/-. Office is directed to make necessary entry in the relevant register. File come up for arguments on its original number before D.B on 28.03.2022.



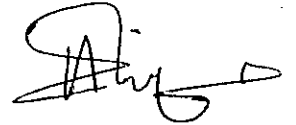
(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022

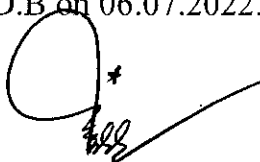


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04.07.2022

Mr. Asif Yousafzai, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 06.07.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

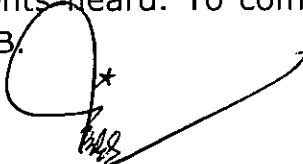



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.07.2022

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 14.07.2022 before the D.B.


(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

14.07.2022

Husband of the appellant present. Mr. Ghulam Sarwar, Assistant alongwith Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

On perusal of the case file, it transpired that on 18.01.2019, representative of the respondents had appeared before the Tribunal and had stated at the bar that on introduction of new policy, promotions were made in a haphazard manner and to provide legal cover, rules were relaxed by the competent Authority. In order to reach a just and right conclusion, respondents are directed to produce relevant policy and record of relaxation of rules, if any, granted by competent Authority and to come up for re-arguments on 26.07.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

26th July, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

This case was partially heard by the divisional bench comprising one of us (Mr. Salah Ud Din), Learned Member(Judicial) and Mian Muhammad, Learned Member(Executive), therefore, let it be fixed before the said bench for arguments on 07.09.2022 before the D.B..



(Salah Ud Din)
Member(Judicial)



(Kalim Arshad Khan)
Chairman

07.09.2022

None for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

On the previous date it was directed that this appeal be fixed before a bench comprising Mr. Salah Ud Din, Learned Member (Judicial) and Mian Muhammad, Learned Member (Executive) and it was fixed for today. When D.B comprising the said learned Members was not working today, the office should have deleted this case by bringing into the notice of the Chairman so that it could be fixed before the concerned bench, therefore, the office is directed that, henceforth, all such kind of matters be brought into the notice of the Hon'ble Chairman a day earlier, or at least before preparation of the cause list. This matter be thus placed before the bench comprising the above learned Members. To come up for arguments on 12.10.2022 before the said bench. The shall bring into the notice of the Registrar and proper roster accordingly.



(Fareeha Paul)
Member (E)

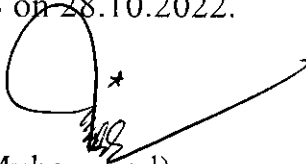


(Kalim Arshad Khan)
Chairman

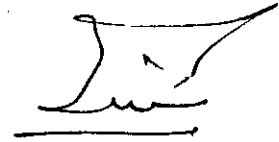
12.10.2022

Husband of the appellant present. Miss Nusrat Begum, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments before the D.B on 28.10.2022.



(Mian Muhammad)
Member (E)

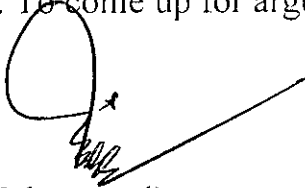


(Salah-Ud-Din)
Member (J)

28.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 04.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

4th Nov. 2022

Lawyers are on strike today.

To come up for arguments on 12.12.2022 before the D.B. 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

12.12.2022

Counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate

General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned but as last chance.

To come up for arguments on 01.02.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)


SCANNED
KPST
Peshawar


01.02.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General for the respondents present.

Vide order dated 14.07.2022, respondents were directed to produce relevant policy and record of relaxation of rules, if any, granted by competent Authority but the same have not been produced so far nor any representative on their behalf is present. Learned Assistant Advocate General shall intimate the respondents to positively submit the aforementioned record and to come up for arguments on 02.03.2023 before the D.B.

SCANNED
K. H. T.
Peshawar


(Fareeha Paul)
Member (E)

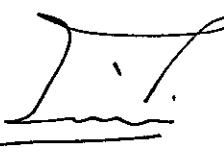

(Salah-ud-Din)
Member (J)

02.03.2023

Learned counsel for the applicant present. Ms. Nusrat Begum, Litigation Officer alongwith Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Vide order dated 14.07.2022 respondents were directed to produce relevant policy and record of relaxation of rules, if any, granted by the competent Authority but the same have not been produced so far. Representative of the respondents committed that the concerned record will be submitted on the next date. Adjourned. To come up for arguments on 13.03.2023 before the D.B. Parcha Peshi given to the parties.

(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

13th March, 2023

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

Several opportunities have been granted to the respondents for production of relevant policy and record of relaxation of rules, if any, granted by the competent Authority, however the same has not been submitted even today. Vide previous order sheet dated 02.03.2023 representative of the respondents made commitment that she will produced the record on the next date positively but today none is present on behalf of the respondents to appraise the court regarding any progress being made for production of record. This shows lethargic attitude of the said respondents regarding submission of aforementioned record, which is not worth appreciation. The salaries of the respondents are thus attached till further orders. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Nowshera are directed to attach salaries of respondents No. 1 to 3 till further order. Registrar of this Tribunal shall send copy of this order to Accountant General Office Khyber Pakhtunkhwa, Peshawar as well as District Accounts Officer, Nowshera for compliance. Learned District Attorney shall intimate respondents No. 2 & 3 to appear in person alongwith aforementioned record and to come up for arguments on 10.04.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KETT
Peshawar



(Salah-ud-Din)
Member (J)

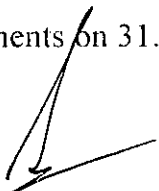


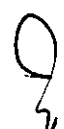
(Kalim Arshad Khan)
Chairman

10th April, 2023

1. Husband of the appellant on behalf of the appellant present. Mr. Fazal Shah Mohmand, Addl: AG alongwith Miss. Durr-e-Shawar, DEO (F) Nowshera for the respondents present.

2. Because of absence of the learned counsel for the appellant no progress could be made. There is no application on behalf of the appellant or her counsel nor the appellant herself is present and only her husband is present, therefore, it is directed that, henceforth, only the appellant or her counsel should put appearance. Because of absence of learned counsel for the appellant it could not be known nor is there any assistance as to why the record directed to be summoned vide previous order sheet. Therefore, the salaries of the respondents attached vide previous order sheet are released and husband of the appellant is directed to ensure presence of his counsel or the appellant positively on the next date failing which the case will be decided on the available record. To come up for arguments on 31.05.2023 before D.B.


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman


31.05.2023

Learned counsel for the appellant present. Ms. Sajida Bano,
Litigation Officer alongwith Mr. Asad Ali Khan, Assistant
Advocate General for the respondents present.

Representative of the respondents submitted record, copy of
which handed over to learned counsel for the appellant, who
sought adjournment on the ground that he has not gone through the
record so submitted by representative of the respondents today.
Adjourned. To come up for arguments on 16.06.2023 before the
D.B. Parcha Peshi given to the parties.

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16/06/23
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Naeem Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

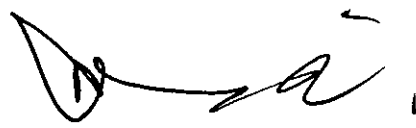
S.A #.1080/2015

ORDER

16th June, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Miss. Sajida Bano, Litigation Officer for the respondents present.
2. Vide our detailed judgment of today placed on file, this matter be sent back to the respondents for reconsideration of the prayer of the appellant in accordance with law. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 16th day of June, 2023.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah