



25th April, 2023

25th April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 06.07.2023.


Reader

6th July, 2023

1. Learned counsel for the appellant present. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 31.10.2023 before D.B. P.P given to the parties.



(Rashida Bano)
Member (J)



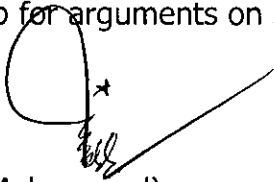
(Kalim Arshad Khan)
Chairman

Mutazem Shah


20.09.2022.

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior 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 30.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



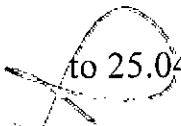
(Salah-Ud-Din)
Member (J)

30/11/22

deleted from list to come
up on 22-02-23.



22.02.2023 Bench is incomplete, therefore, case is adjourned

 to 25.04.2023 for the same as before.


Reader

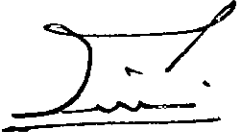
29.03.2022

Counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General on behalf of respondents No. 1 to 3 present. Mr. Gul Afsar Khan as representative of respondent No. 4 present and produced Authority letter, which is placed on file.

Comments on behalf of respondents No. 1 to 3 submitted, which are placed on file. To come up for rejoinder, if any, as well as arguments before the D.B on 12.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

12-5-22

Proper DB not available the case is adjourned on 26-5-22

Reader

26th May, 2022

Counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Learned counsel for the appellant seeks time to further prepare the brief. Adjourned. To come up for arguments on ~~25.07~~ 2022 before D.B.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

25.7.22


Proper DB not available to come up for the same as before on 20-9-22




10.11.2021

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents No. 1 to 3 and 5 alongwith Mr. Gul Afsar Khan and Mr. Ikram Ullah, Advocate for respondent No.4 present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.01.2022 before D.B.



(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)

12.01.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Saleem Altaf respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments before the D.B on 29.03.2022.


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

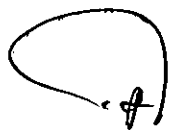

Chairman

16.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G alongwith Khitab Gul Law Officer (representative of respondent No.5) present. Junior to counsel for respondent No.4 present.

Cost of Rs.2000/- imposed upon respondents vide order dated 16.07.2021 received from the respondents, given to appellant. Copies of notification dated 02.04.2021, letter of the Health Department dated 01.07.2021, letter of the Establishment Department dated 02.07.2021 and letter of the Khyber Pakhtunkhwa Public Service Commission dated 17.08.2021 have been produced by representative of respondent No.5 and have been placed on file. Among the said letters, the letter dated 01.07.2021 of the Health Department Khyber Pakhtunkhwa, addressed to the Secretary Establishment reveals that the status of Gajju Khan Medical College, Swabi has been converted to M.T.I vide Department's notification dated 02.04.2021. Consequently, it was requested to approach the K.P.P.S.C to stop all requisitions pending recruitments against all the posts in Gajju Khan Medical College, Swabi. Vide letter dated 17.08.2021, the K.P.P.S.C has agreed to withdrawal of all requisitioned posts of Gajju Khan Medical College, Swabi. The representative of the respondent No.5. Request is accorded. The name of respondent No.5 be deleted. In view of position emerged as to status of Gajju Khan Medical College as discussed above, question is apt to arise as jurisdiction of this Tribunal for determination within meaning of the provisions of Khyber Pakhtunkhwa M.T.I Reforms Act, 2015. To come up for arguments on the said point on 10.11.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman


25.08.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present. Mr. Usman Ghani, District Attorney alongwith Mr. Mehtab Gul, Law Officer for respondent No. 5 and Mr. Afsar Khan, Warden for respondent No.4 alongwith his counsel present.

Learned District Attorney sought time for submission of reply on behalf of respondents No. 1 to 3. Adjourned. Last opportunity given but on payment of cost of Rs. 2000 which shall be borne by the respondents from their own pockets. To come up for arguments before the D.B on 16.09.2021. Khyber Pakhtunkhwa Public Service Commission be restrained from announcement of result of the disputed post till the disposal of this appeal, if not acted upon earlier.

Cost received
2000/-
Sufyan
16/9/2021


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Appeal No. 3491/2021
Saidul Abrar vs Govt

16.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned A.A.G alongwith Gul Afsar Khan Warden (for respondent No.4) and Mehtab Gul Law Officer (for respondent No.5) present.

Reply on behalf of respondent No.4 submitted. Representative of respondent No.5 stated that respondent No.5 is a proforma respondent and the said respondent have to rely on the reply of the remaining official respondents. None is present on behalf of respondents No.1 to 3. Learned A.A.G made a request for time to furnish reply on behalf of respondents No.1 to 3; granted with direction to furnish reply within 10 days in office positively. Otherwise their right of respondents No.1 to 3 for submission of reply shall stand ceased. To come up for arguments on 25.08.2021 before D.B. Khyber Pakhtunkhwa Public Service Commission be restrained from announcement of result of the disputed post till the disposal of this appeal, if not acted upon earlier.



(Rozina Rehman)
Member (J)



Chairman

16.06.2021


Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Khitab Gul Law Officer and Gul Afsar Khan Warden for respondents present.

Former made a request for adjournment as senior counsel is not in attendance. Written reply on behalf of respondent is still awaited. Representatives of the respondents made a request for time to furnish reply; granted with direction to furnish reply within 10 days. In case of non-compliance, office shall put a note on the margin of order sheet. To come up for reply/arguments on 16.07.2021 before D.B. Khyber Pakhtunkhwa Public Service Commission be restrained from announcement of result of the disputed post till the disposal of this appeal, if not already announced..

*Stipulated time
passed reply not
submitted*


(Rozina Rehman)
Member(J)


Chairman

3491/2021

28.05.2021


Counsel for the appellant present. Preliminary arguments heard.

The application submitted for early hearing as available on record is accompanied by a copy of advertisement wherein one post of Professor Community Medicine (BPS-20) in Gaju Khan Medical College, Swabi is reflected as having been advertised.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 16.06.2021.

The appeal is also accompanied by an application for interim injunctive relief to restrain the respondents not to fill up the post of Professor Community Medicine BPS-20 through initial recruitment.

On requisition of respondents, recruitment process through the Khyber Pakhtunkhwa Public Service Commission is in progress but


Security & Process Fee

they in view of implementation of their requisition are not in a position to stop the Commission from recommendations if the process stands concluded. With this position, the Commission has become a proper party. Under the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 this Tribunal is empowered to add or delete any of the party. Therefore, the Khyber Pakhtunkhwa Public Service Commission be added as a party and restrained from announcement of result of the disputed post till the disposal of this appeal, if not already announced.


Chairman

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 28.05.2021 for the same as before.


Reader




ACT
SE

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3491 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2021	<p>The appeal of Mr. Said-ul-Abrar resubmitted 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> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/03/21</u></p> <p> CHAIRMAN</p>
	24.03.2021	<p>Junior to counsel for appellant present.</p> <p>He made a request for adjournment as senior counsel is indisposed; granted. To come up for preliminary hearing on <u>06 / 07 /2021</u> before S.B.</p> <p> (Rozina Rehman) Member (J)</p>