

FORM OF ORDER SHEET

Court of \_\_\_\_\_

12(2) CPC Application No. 634/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/09/2023	The application U/S 12(2) CPC in appeal no. 4998/2021 submitted by Mr. Muhammad Nazir Shah and others through Ali Gohar Durrani Advocate It is fixed for hearing before Division Bench at Peshawar on <u>19-9-2023</u> . Original file be requisitioned.

**SCANNED  
KPST  
Peshawar**

By the order of Chairman

  
REGISTRAR

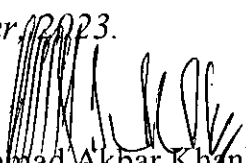
19<sup>th</sup> Sept, 2023 1. Learned counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

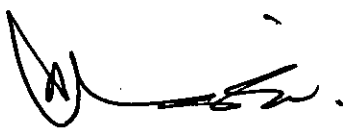
2. The point urged before us by the learned counsel for the petitioner is quite <sup>simple</sup> so simple as hardly to put the other side on notice. The learned counsel referred to page 108 of the petition which is a seniority list of the Associate Professors (Male) (BPS-19), Government Colleges of Management Sciences/Government Colleges of Commerce as stood on 31.12.2022 and corrected up to 03.05.2023. The learned counsel referred particularly to column No.9 (remarks column) wherein reference has been made to the judgment of this Tribunal dated 05.01.2023 in the following manner:-

“placed in light of judgment of Khyber Pakhtunkhwa Service Tribunal dated 05.01.2023”

3. The learned counsel has annexed copy of the order of Tribunal dated 05.01.2023, which, on perusal shows that it is not a judgment rather an order disposing of appeal No. 4998/2021 titled “Sajad Ali-vs- Government of Khyber Pakhtunkhwa and others” rendering the same to be fruitless in view of letter No. SO(SE&MS)/HED/1/616/394(1-3) dated 20.07.2022. The learned counsel, when confronted with the situation that vide order dated 05.01.2023, the appeal was disposed of rendered that to be fruitless in view of the above letter and neither any judgment was passed by the Tribunal nor direction given by the Tribunal as is reflected in the remarks column (9) of the seniority list at page-108 of the petition. The learned counsel says that he is satisfied on the above observation and would not press this petition. Disposed of accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 19<sup>th</sup> day of September, 2023.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman