

3rd Nov. 2023

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Munawar Khan, ADEO for the respondents present.

2. Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 17.11.2023 before D.B. P.P given to the parties.

**Mutazem Shah **


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

17.11.2023

1. Learned counsel for the appellant present. Mr. Habib Anwar learned Assistant Advocate General alongwith Munawar Khan, ADEO for the respondents present.

2. Both the parties are directed to produce regularization order of the appellant on the next date positively. Adjourned. To come up for production of record as well as arguments on 27.11.2023 before D.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

KaleemUllah

Learned counsel submitted that he would assist the Tribunal on 03.11.2023. The learned District Attorney has referred to judgment of Supreme Court of Pakistan dated 28.01.2022 passed in CP No.231 titled "Deputy Director Finance Administration FATA Vs. Dr. Lal Marjan & Others" and submitted that in view of the judgment, Presidential Order referred by the learned counsel for the appellant could not be given universal effect and stated that according to the judgment, the employees of the erstwhile FATA would not be considered civil servants in the service of the province of Khyber Pakhtunkhwa. The learned counsel for appellant and Deputy District Attorney shall also assist the Tribunal in view of findings of judgment of the Supreme Court. Besides, the scope, effect and fate of the appeal, whether the erstwhile FATA employees who had approached the Tribunal, being the employee of the Federation and the appeal remained pending for such a time that 25th Amendment in the Constitution of Pakistan, was promulgated and the appellant & other employees became civil servants of the Province after extension of laws etc.

3. Adjourned to 03.11.2023 for hearing before D.B. P.P given to the parties.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

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