



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 50/2022

Muhammad Tahir versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
<p>Order-18 7th November, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none">1. Mr. Waleed Farooq, Advocate junior to Mr. Farooq Malik, Advocate on behalf of the appellant.2. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents.3. Former seeks adjournment on the ground that learned senior counsel is not available today. Since the case pertains to the year 2022, therefore, let it be adjourned for tomorrow i.e on 08.11.2024 for arguments before D.B. P.P given to the parties. <p style="text-align: center;"> (Rashida Bano) Member (J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Adnan Shah*</i></p>



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S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
<p><u>Order-18</u> 8th November, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none">1. Mr. Zafar, Clerk to Mr. Farooq Malik, Advocate on behalf of the appellant.2. Mr. Naseer Ud Din Shah, Assistant Advocate General assisted by Mr. Yousaf, Assistant for respondents.3. Former requested for adjournment on the ground that learned counsel for the appellant is not available today. Since this case dates back to 2022, it will be scheduled for an order. The counsel may present arguments before announcement of the order. Adjourned. To come up for order/arguments on 11.11.2024 before the Division Bench. P.P given to the parties. <p style="text-align: center;"> (Rashida Bano) Member (J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Adnan Shah*</i></p>

that under section 5 of the ibid Act 2016 provisions of the Act has overriding effect on any other law or rules.”

4. The matter was negotiated through Alternate Dispute Resolution (ADR) between the parties, their counsel and the learned District Attorney, where-after, they reached a consensus that the appellant’s case does not merit acceptance.

5. Therefore, the appeal in hand stands dismissed. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 11th day of November, 2024*



(Rashida Bano)
Member (J)

Mutazem Shah



(Kalim Arshad Khan)
Chairman

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.50 of 2022

Muhammad Tahir

versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
<p><u>Order-19</u> 11th November, 2024.</p>	<p><u>Kalim Arshad Khan, Chairman</u></p> <p>Present:</p> <ol style="list-style-type: none">1. Mr. Muhammad Farooq Malik, Advocate, on behalf of appellant.2. Mr. Muhammad Jan, District Attorney on behalf of respondents.3. Learned counsel for the appellant when confronted with the provisions of Section-4 of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Act, 2016 as well as the order of the private respondents, placed on file by the respondents themselves in Paras No.3 & 4 of the reply of official respondents. The same is reproduced as under: <p><i>“The appellant was regularized under the Khyber Pakhtunkhwa Tibb and Homeopathic employees (Appointment) Act, 2016 whereas under sub section 1 of the section 4 of the ibid Act 2016 provides that the employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be, who are in service on regular basis, on the commencement of this Act. The appellant was regularized in 2017 whereas respondent No.05 was appointed in the year 2008, therefore, respondent No.05 was rightly promoted being senior within the meaning of section4 of the ibid Act 2016. It is further to clarify</i></p>

MEMO OF COSTS
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.50/2022

Date of presentation of Appeal 13.01.2022
Date of hearing 11.11.2024
Date of Decision 11.11.2024

Muhammad Tahir S/O Said Badshah R/O Ghandari Bala, District Nowshera

.....(Appellant)

Versus

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Health, Khyber Pakhtunkhwa, Peshawar.

Respondents)

—
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.


PRESENT

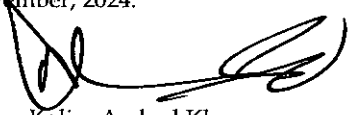
1. Mr. Muhammad Farooq Malik, Advocate, for the Appellant
2. Mr. Muhammad Jan, District Attorney, for respondents

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs. 100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	Rs. 100/-	Total	Rs. Nil

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 11th day of November, 2024.


Rashida Bano
Member (Judicial)


Kalim Arshad Khan
Chairman