





Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12789 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2020	<p>The appeal of Mr. Muhammad Anwar Sohail presented today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	07.12.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/12/2020</u>.</p> <p> CHAIRMAN</p> <p>Appellant present through representative.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 25.02.2021 for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (J)</p>
	25.02.2021	<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.</p> <p> Reader</p>

alongwith Service Appeal with the prayer to condone the period of four months and thirteen days. According to grounds urged for condonation of delay, the period beyond the prescribed limitation was spent in pursuance of remedy before the Hon'ble High Court in good faith; and that the impugned order is void and accordingly no limitation runs against the void order. In view of the foregoing discussion, the appeal is admitted for regular hearing by condoning the period beyond prescribed limitation. 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 after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.10.2021 before the D.B.

Appellate deposited
Security & Process Fee
15/10/21


Chairman

15.06.2021

Appellant present in person. Preliminary arguments heard.

Appellant contends that on decision of Service Tribunal dated 28.11.2018, in his Service Appeal No. 1842/2010, the SMBR was directed for conducting denovo enquiry within a period of one month positively. The proceedings of denovo enquiry was not completed within the stipulated period of one month. Consequently, the appellant approached the Hon'ble Peshawar High Court for declaring the denovo proceedings and the impugned order dated 14.01.2020 to be without legal effect. However, Writ Petition No. 2130-P/2020 disposed of being misconceived. The appellant had also submitted Execution Petition No. 268/2019 for execution of judgment dated 28.11.2018. The appellant admits the communication of impugned order to him on 20.01.2020 during the course of execution proceedings in Execution Petition No.268/2019 and thereafter he made the departmental appeal to the Addl. Commissioner on 15.02.2020 through registered post. Accordingly, the departmental appeal is within time of thirty days. However, he instead of coming to the Tribunal with service appeal, he challenged the impugned order through Writ Petition mentioned above, which was disposed of being misconceived. Due to pursuing the remedy before the Peshawar High Court Peshawar, the appellant could not come to the Tribunal. However, an application for condonation of delay has been submitted

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman


Stipulated period passed reply not submitted.


20.10.2021

Appellant with counsel present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hamayoon Khan Additional Assistant Commissioner for respondents present.

Reply on behalf of respondents is still awaited. Representative of the respondents made a request for time to submit reply/comments; granted with direction to furnish the same within 10 days positively. To come up for arguments on 14.12.2021 before D.B.


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


(Rozina Rehman)
Member (J)


14.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Written reply/comments have been submitted through office which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Adjourned. To come up for arguments on 28.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

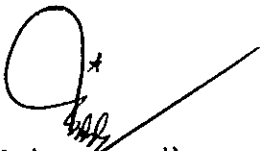
28-3-2022


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

Reader

04.07.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 12.10.2022 before the D.B.


(Mian Muhammad) -
Member (E)

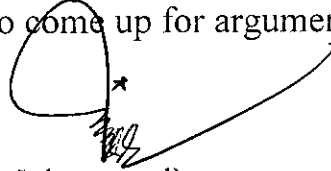

(Salah-ud-Din)
Member (J)

12.10.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional 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 before the D.B on 07.11.2022



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

07.11.2022

Appellant alongwith counsel present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Shabir Ahmad Assistant Secretary for the respondents present.

De-novo inquiry file is not available before the bench, therefore, representative of the respondent department is strictly directed to make sure the production of the same on the date fixed. To come up for production of file as well as arguments on 27.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)