
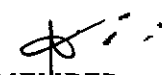
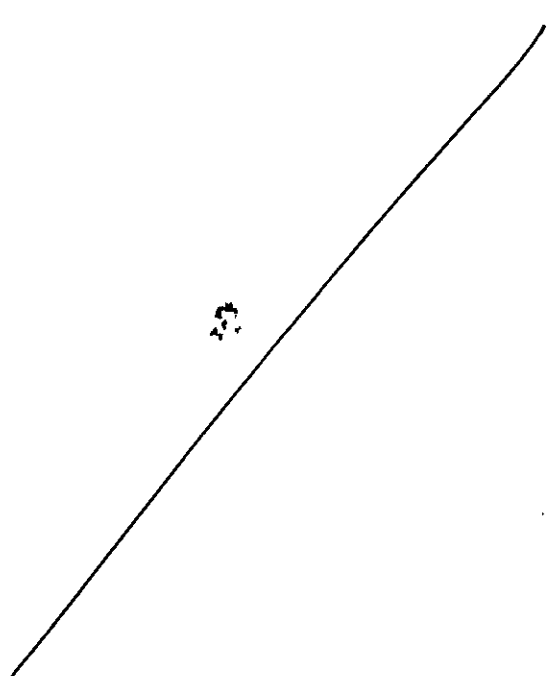


Form-A  
FORM OF ORDERSHEET

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

Case No. 1048/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/09/2017	<p>The appeal of Mr. Qamar Ali Khan presented today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20/9/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>S-10-2017</u></p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: center;"></p>

05.10.2017

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Chowkidar in Education Department however, during service a criminal case was registered against the appellant vide FIR No. 140 dated 14.11.2004 under sections 302/324 PPC Police Station Saddar. It was further contended that after registration of the said criminal case the attendance of the appellant was beyond his control therefore, the competent authority terminated him from service vide order dated 20.03.2007 on the allegation of his absence. It was further contended that the competent court vide order dated 29.05.2013 acquitted the appellant from the charges level against him on the basis of compromise and thereafter the appellant filed departmental appeal on 20.05.2016 as well as departmental appeal dated 25.05.2017 but the same was not responded hence, the present service appeal. When the learned counsel for the appellant was confronted that the appellant was acquitted on 29.05.2013 but the appellant filed the departmental appeal in the year 2016 and another departmental appeal in the year 2017 and the same is beyond the date of limitation period. Learned counsel for the appellant contended that since the matter pertains to pensionary benefits and the impugned order of termination of the appellant has been passed retrospectively therefore, the same is void ab-initio. As such the limitation does not run against the void order. Since the departmental appeal has been filed after the limitation period therefore, pre-admission notice be issued to the Learned Additional Advocate General Office for assistant on the point of limitation. Adjourned. To come up for preliminary hearing on 26.10.2017 before S.B.

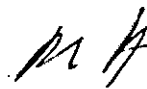


(Muhammad Amin Khan Kundi)  
Member

Service Appeal No. 1048/2017

26.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for preliminary hearing on 14.11.2017 before S.B.



(Muhammad Amin Khan Kundi)  
Member

14.11.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 07.12.2017 before S.B.



(Gul Zeb Khan)  
Member

07.12.2017


Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 02.01.2018 before S.B.



(Gul Zeb Khan)  
Member (E)

02.01.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 24.01.2018 before S.B.

  
(Gul Zeb Khan)  
Member (E)


24.01.2018

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.2018 before S.B.

  
(Muhammad Hamid Mughal)  
MEMBER

20.02.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 14.03.2018 before S.B.

  
(Gul Zeb Khan)  
Member

24.01.2013

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.201 before S.B.

(Muhammad Hamid Mughal)  
MEMBER

14.03.2018

Learned counsel for the appellant present. None present on behalf of the respondents. The present case is lingering on at the stage of pre-admission notice for sufficient time. Hence in the circumstances of the case, to avoid further delay the present appeal is admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 30.04.2018 before S.B

Appellant Deposited  
Security & Process Fee



Member

30.04.2018

None present on behalf of appellant. Learned Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.06.2018 before S.B.



Reader

27.06.2018

Junior counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 02.08.2018 before S.B.



Member

02.08.2018

Miss. Uzma Syed, Advocate put appearance on behalf of counsel for the appellant. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Addl: AG requested for adjournment. Granted. To come up for written reply/comments on 13.09.2018 before S.B.

  
Chairman

13.09.2018

Miss. Uzma Syed, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned AAG requested for adjournment. Granted but as a last chance. Case to come up for written reply/comments on 29.10.2018 before S.B.

  
Chairman

29-10-18

*Due to Retirement of Honorable  
Chairman the Tribunal is non  
functional therefore the case is adjourned  
to come up for the same on 13/12/18*  
*Rekber*

*1-18*

**Service Appeal No. 1048/2017**

**13.12.2018**


Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted despite last chance. Learned Additional AG requested for further adjournment. Last chance for filing of written reply is further extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Representative of the department is also not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 22.01.2019 before S.B.

  
**Muhammad Amin Khan Kundi**  
Member

22.01.2019 Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Barkat Ali Litigation Officer present and submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 09.04.2019 before D.B.

  
Member

received 1000



09.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment. Adjourn. To come up for further proceeding on 25.06.2019 before D.B.

  
Member

Member

25.06.2019

Counsel for the appellant and Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 27.08.2019 before D.B.

  
Member

  
Member

27.08.2019

Appellant in person present. Mr. Zia Ullah learned DDA present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 11.11.2019 before D.B.

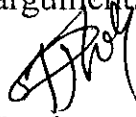
  
Member

Member



11.11.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.01.2020 before D.B.

  
Member

  
Member

13.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 13.03.2020 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

13.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.05.2020 before D.B.

  
Member

Member

15.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.



Reader

18.08.2020

Due to summer vacations, the case is adjourned to 20.10.2020 for the same.

Reader

20.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.



(Mian Muhammad)  
Member



Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.



Reader


01.04.2021

Nemo for parties.

Kabirullah Khattak, Additional Advocate General for respondents present.

The preceding date was adjourned on Reader's Note, therefore, both the parties be put on notice for 16-07-2021 for arguments before D.B.

(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(ROZINA REHMAN)  
MEMBER (JUDICIAL)

16.07.2021

Son of the appellant alongwith Mr. Arbab Saif-ul-Kamal, Advocate, present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he has been informed that the appellant has died, therefore, he will submit list of legal heirs of deceased appellant for impleadment as appellants in the instant appeal. Adjourned. To come up for further proceedings before the D.B on 16.09.2021.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)


Handwritten notes on the left margin: "S.M. Wazir. B. 16-07-21. Paper" and a signature.

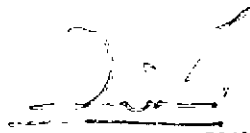
16.09.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Mr. Arbab Saif-ul-Kamal, Advocate submitted list of legal heirs of the deceased appellant alongwith Wakalat Nama, which are placed on file.

Office is directed to make necessary entries in this respect in the memo of appeal as well as relevant record accordingly. Adjourned. To come up for arguments before the D.B on 10.11.2021.


  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

10.11.2021

Mr. Arbab Saiful Kamal, Advocate for the appellant present Mr. Asif Masood Ali Shah, Deputy District Attorney 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 01.02.2022.

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

  
(SALAH-UD-DIN)  
MEMBER (J)

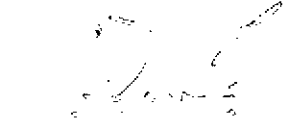
01.02.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.04.2022 before the D.B.



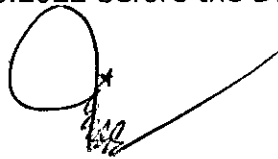
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

1<sup>st</sup> April, 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Former requests for adjournment due to non-availability of learned senior counsel. Adjourned. Last opportunity is granted. To come up for arguments on 09.06.2022 before the D.B.



(MIAN MUHAMMAD)  
Member (E)



CHAIRMAN

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.



(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

30.08.2022

Counsel for the appellant present. Mr. Kabir Ullah  
Bench is incomplete, therefore, case is adjourned to  
Khattak, Additional Advocate General for respondents  
07.10.2022 for the same as before.  
present.

07.10.2022

Learned counsel for the appellant made a request for  
adjournment in order to prepare the brief. <sup>Reader</sup> Adjourned. To  
come up for arguments on 07.11.2022 before D.B.

(Mian Muhammad)  
Member (I)

(Kalim Arshad Khan)  
Chairman

07.11.2022

Appellant present in person.

Naseer Ud Din Shah learned Assistant Advocate General  
for the respondents present.

Former requested for adjournment on the ground that his  
learned counsel is busy in hon'ble Peshawar High Court  
Peshawar. Last chance is given. To come up for arguments on  
27.12.2022 before D.B.

(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)