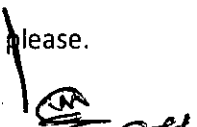




Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1582/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/11/2019	<p>The appeal of Mr. Qasim Shah received today by post through Mr. Fawad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/11/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/12/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	30.12.2019	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing before S.B on 06.02.2020.</p> <p style="text-align: right;"> Chairman</p>

Handwritten notes:
P/O
replied
26/11/19

06.02.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 25.03.2020 for preliminary hearing before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.


Reader

16.06.2020

Nemo for the appellant.

Notice be issued to the appellant/counsel for preliminary hearing on 17.08.2020 before S.B.


Chairman

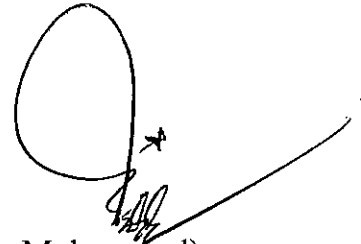
1-10

17.08.2020

Miss. Roida Khan, Advocate present and submitted fresh Wakalatnama on behalf of the appellant.

Former requests for adjournment as she has not prepared the brief.

Adjourned to 19.10.2020 before S.B.

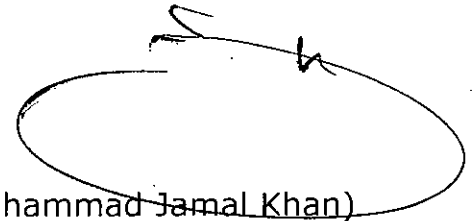


(Mian Muhammad)
Member(E)

19.10.2020

Appellant is present in person.

The legal fraternity is observing strike today, therefore, the case is adjourned to 23.12.2020 on which date to come up for preliminary hearing before S.B.

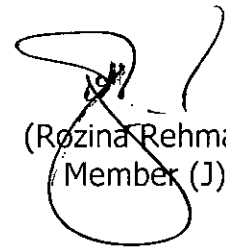


(Muhammad Jamal Khan)
Member (Judicial)

23.12.2020

Appellant present through counsel.

She made a request for adjournment. Adjourned. To come up for preliminary hearing on 16.03.2021 before S.B.



(Rozina Rehman)
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 23.06.2021 before S.B.


Reader

23.06.2021

Counsel for the appellant present and states that question regarding retrospective application to the penalty has not yet been decided by the Larger Bench and requested for adjournment. Adjourned to 22.09.2021 for preliminary hearing before S.B.


Chairman

22.09.2021

Miss. Roida Khan, Advocate present and submitted fresh Wakalatnama on behalf of the appellant.

Learned counsel for the appellant requested for adjournment on the ground that she has not prepared the brief being freshly engaged. Adjourned. To come up for preliminary hearing before the S.B on 11.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

1582/19

11.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant was proceeded against on the ground of his willful absence and consequently was discharged from service. It is not ascertainable from the narrative given in the impugned order whether the procedure provided for disciplinary action on account of willful absence was adopted which included the publication of notices in the newspapers after first notice sent to the absentee in usual manner. Moreover absence, if proved, the penalty is removal from service but the penalty of discharge from service has been imposed upon the appellant. Despite all these deficiencies, the appellant has come up to pursue his remedy against the impugned order with inordinate delay. The deficiencies in the impugned order as pointed out and its inordinate delay in pursuit of legal remedy are vice versa arguable. Subject to all just and legal objections including limitation, this appeal is admitted for regular hearing. 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 on 03.01.2022 before the S.B.

Admitted
Security & Process Fee
11/11/21

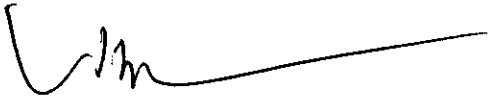

Chairman

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03.01.2022 Junior to counsel for the appellant present. Mr. Kabirullah Khattak, AAG alongwith Mr. Khalid Khan H.C for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 13.04.2022.



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

13.04.2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Atta-Ur-Rehman Inspector (Legal) for the respondents present.

Representative of the respondents submitted reply/comments which is placed on file. To come up for arguments before the D.B on 20.05.2022. The appellant may submit rejoinder within a fortnight.



(Rozina Rehman)
Member (J)




Chairman

20.05.2022

Appellant alongwith his counsel present.

Mr. Atta Ur Rehman Inspector alongwith Mr. Muhammad Rasheed learned Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the instant appeal. Adjourned. To come up for arguments on ~~19~~ 19.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

20.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 26.09.2022 before D.B.



(Fareeha Paul)
Member(E)




(Rozina Rehman)
Member (J)


26.09.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 10.11.2022 before D.B.


(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)


10.11.2022

Appellant alongwith learned Counsel present.

Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Riaz Inspector for the respondents present.

Former made a request for adjournment that he has not prepared the brief. Adjourned. To come up for arguments on 21.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)