

Form- A  
FORM OF ORDER SHEET

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

Case No. 1227 /2018

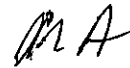
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2018	<p>The appeal of Mr. Sultan Muhammad presented today by Mr. Saifullah Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 2/10/18</p>
2-	9-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-10-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	26.10.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 13.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

13.12.2018

Counsel for the appellant Sultan Muhammad present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Constable, he was removed from service vide order dated 29.04.2015 on the allegation of his involvement in criminal case as well as absence from duty. It was further contended that the appellant filed Service Appeal which was partially accepted vide judgment dated 06.03.2018, the appellant was reinstated in service and the respondent-department was directed to conduct de-novo inquiry against the appellant and the competent authority converted the major penalty of dismissal from service into major penalty of compulsory retirement vide order dated 28.06.2018. It was further contended that the appellant filed departmental appeal on 04.07.2018 but the same was not responded hence, the present service appeal. It was further contended that neither the appellant was provided opportunity of personal hearing and defence nor any show-cause notice was issued to the appellant before passing of impugned order therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.

Appellant Deposited  
Security & Process Fee



**Muhammad Amin Khan Kundi**  
**Member**

1227/2018

04.2.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG states that the requisite reply/comments are in the process of preparation and will be positively submitted on next date. Adjourned to 27.03.2019 before S.B.

  
Chairman

27.03.2019

Clerk to counsel for the appellant present. Written reply not submitted. Salman H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 26.04.2019 before S.B.

  
Member

26.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. Salman H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 26.04.2019 before S.B.

26.04.2019

Appellant in person and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Representative of respondents requests for adjournment. Adjourned to 19.06.2019 on which written reply/comments shall positively be submitted.

  
Chairman

19.06.2019

Mr. Wali Muhammad, son of the appellant, on behalf of the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 12.07.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

12.07.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present. Learned AAG requested for adjourned. To come up for written reply on 06.09.2019 before S.B.

  
Member

06.09.2019 Petitioner alongwith counsel and Mr. Usman Ghani District Attorney alongwith Muhammad Raziq, H.C for the respondents present.

The reply on behalf of respondents No. 2, 3 and 4 is already placed on record. Learned counsel for the appellant states that in the circumstances reply/comments on behalf of respondent No. 1 are not essential.

To come up for arguments before a D.B on 08.11.2019. The record of Appeal No. 433/2016 decided on 01.03.2018 shall also be made available on next date of hearing. The appellant may furnish rejoinder, within a fortnight, if so advised.

  
Chairman

08.11.2019 Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment in view of decision of departmental appeal of the appellant, decided on 15.10.2018. Adjourn. To come up for further proceedings/arguments on 30.12.2019 before D.B.

  
Member

  
Member

30.12.2019

Appellant with counsel present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present.

The appeal was fixed for rejoinder and arguments but counsel for the appellant stated that after conducting de-novo inquiry on the direction of this Tribunal the major penalty of dismissal from service was converted in the major penalty of compulsory retirement vide order dated 28.06.2018 by the competent authority. It was further contended that the appellant filed departmental appeal on 04.07.2018 but the same was not decided within the statutory period by the departmental authority hence the present service appeal. It was further contended that after institution of the present service appeal the departmental authority has decided/dismissed the departmental appeal vide order dated 15.10.2018 therefore, he requested that the appellant may be allowed to challenge the impugned order as well as departmental authority order dated 15.02.2019 through amendment appeal. Learned Assistant Advocate General expressed no objection by filling an amendment appeal. The request of the learned counsel for the appellant is allowed. Adjournedg. To come up for amendment appeal on 14.02.2020 before D.B.



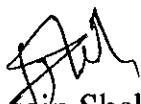
(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

14.02.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for further proceedings/arguments on 19.03.2020 before D.B.




(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

19.03.2020

Appellant in person present. Addl: AG alongwith Mr. M. Raziq, Reader for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 20.05.2020 before D.B.

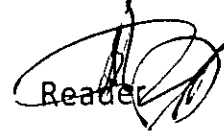
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(MAIN MUHAMMAD)  
MEMBER

A handwritten signature consisting of the letters 'M' and 'A' in a stylized, cursive font.

(M.AMIN KHAN KUNDI)  
MEMBER

\_\_\_\_\_ .2020 Due to COVID19, the case is adjourned to  
12/8 /2020 for the same as before.


  
Reader

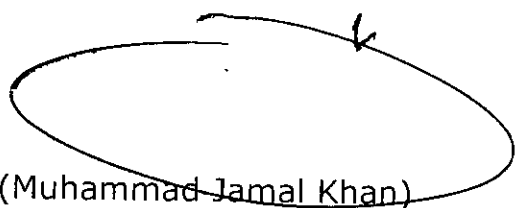
12.08.2020 Due to summer vacations case to come up for the same on  
15.10.2020 before D.B.

  
Reader

15.10.2020 Appellant in person alongwith Mr. Saifullah Khalil,  
Advocate, are present. Mr. Kabirullah Khattak, Additional  
Advocate General alongwith representative of the  
department Mr. Muhammad Raziq, Head Constable, are also  
present.

Learned Additional Advocate General informed the  
bench that they have made requisition for retrieval of  
relevant record but that has not been received so far and  
requested for adjournment so that the deficiencies in record  
is made up. The request is appropriate, the case is  
adjourned to 20.11.2020 on which to come up for arguments  
before D.B.

  
(Atiq-ur-Rehman Wazir)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

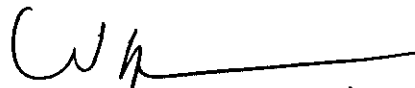


20.11.2020

Appellant in person present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available. Adjourned. To come up for arguments on 12.01.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

12.01.2021

Nemo for appellant. Addl: AG alongwith Mr. M. Raziq, H.C for respondents present. Due to pandemic of Covid-19, the case is adjourned to 31.03.2021 for the same.

  
Reader

31.03.2021

Due to non availability of concerned D.B, The case is adjourned to 01.07.2021 for the same as before.

  
Reader

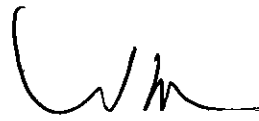


20.10.2021

Appellant with counsel present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present..

Due to paucity of time arguments could not be heard. Adjourned. To come up for arguments 06.01.2022 for arguments before D.B.



(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

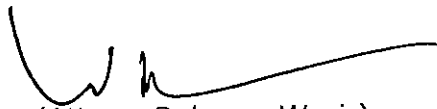


(ROZINA REHMAN)  
MEMBER (J)

06.01.2022

Clerk to counsel for the appellant present. Mr. Muhammad Rasheed, DDA for the respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 10.03.2022.



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



Chairman

10-03-2022

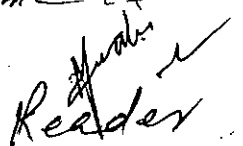
Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 5-5-2022

9-5-2022

Due to Holidays of Eid ul Fitar case is adjourned to come up for the same as before on 13-7-2022



Reader



Reader

13.07.2022

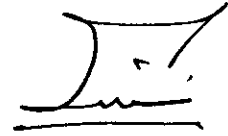
Appellant in person present.

Mr. Muhammad Raziq H.C alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.10.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

18.10.2022

Junior to counsel for appellant present.

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

Former made a request for adjournment as senior counsel for appellant is busy before Peshawar High Court, Peshawar; granted. 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 counsel present.

Naseerud Din Shah, learned Assistant Advocate General  
for the respondents present.

Entire record of inquiry proceeding is not available on file,  
produce entire record of enquiry on the date fixed. To come up  
therefore, respondents are directed to produce the requisite  
for record. Further arguments on 06.12.2022 before this D.B.  
record on the date fixed. Adjourned. To come up for production  
of record as well as arguments on 06.12.2022 before D.B.

(Fareeha Paul)  
Member (E)  
(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)  
(Rozina Rehman)  
Member (J)