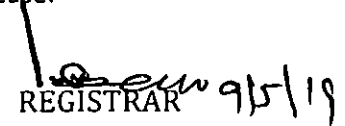



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 607/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2019	<p style="text-align: center;">The appeal of Mr. Abid Hussain resubmitted today by Syed Noman Ali Bukhari 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 9/5/19</p>
2-	10/05/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>


21.06.2019

Counsel for the appellant Abid Hussain present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable. He was imposed major penalty of dismissal from service vide order dated 23.12.2015 on the allegation of his involvement in criminal case vide FIR No. 607 dated 24.08.2015 under sections 365A, 155C, 347, 147, 149 PPC PS Khazana. It was further contended that the appellant was honorable discharged/acquitted vide order dated 27.07.2018 by the competent court therefore, the appellant filed departmental appeal on 06.08.2018 hence, the present service appeal on 19.04.2019. It was further contended that departmental proceeding was initiated against the appellant as well as one other Farman Ali. It was further contended that the said Farman Ali has already been reinstated in service on the basis of judgment of this Tribunal. It was further contended that the impugned order dated 23.12.2015 was not communicated to the appellant but when the appellant was discharged/acquitted by the competent court vide order dated 27.07.2018 then he immediately filed departmental appeal. It was further contended that neither proper inquiry was conducted nor the appellant was provided opportunity of persona hearing and defence therefore, the impugned order is illegal and liable to be set-aside.

The contentions 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 19.08.2019 before S.B.

Appellant Deposited
Security & Process Fee

AS
21/6/19


(Muhammad Amin Khan Kundi)
Member

19.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned AAG is required to contact the respondents and submit written reply/comments on the next date positively. Adjourned to 17.09.2019 before S.B.


Chairman

17.09.2019

Nemo for appellant. Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Representative of the respondents seeks time. To come up for requisite reply/comments on 09.10.2019 before S.B.

Chairman 

09.10.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

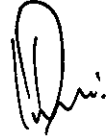
Representative of the respondents seek further time. Last opportunity is granted to the respondents for submission of requisite reply/comments on 13.11.2019 before S.B.


Chairman

13.11.2019

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

Reply on behalf of respondents No. 1 & 2 submitted by the said representative, which is placed on record. The appeal is assigned to D.B for arguments on 15.01.2020. The appellant may submit rejoinder, within a fortnight, if so advised.




Chairman

15.01.2020

Appellant absent. Learned counsel for the appellant absent. Muhammad Raziq H.C representative of the respondents present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 24.03.2020 before D.B. Appellant be put to notice for the date fixed.



Member



Member

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 10.06.2020 before D.B.



Reader

10.06.2020

Bench is incomplete as one learned Member (J) is on leave. Therefore, the case is adjourned. To come up for the same on 27.07.2020 before D.B.



Reader

27.07.2020

Due to COVID19, the case is adjourned to 11.09.2020 for the same as before.

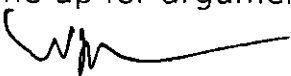


Reader

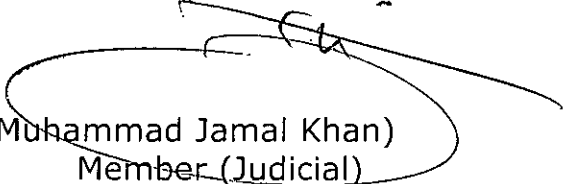
11.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondent is also present.

Appellant states that his counsel is not available today. Requested for adjournment. Adjourned to 14.10.2020 on which to come up for arguments before D.B.



(Attiq-ur-Rehman)
Member (Executive)



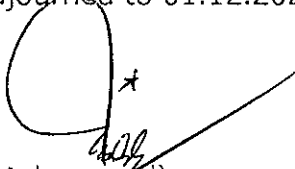
(Muhammad Jamal Khan)
Member (Judicial)

14.10.2020

Junior counsel present on behalf of appellant.

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

A request was made for adjournment as senior counsel is not available. Application for adjournment is placed on file and case is adjourned to 01.12.2020 for arguments, before D.B.




(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

12.12.2020

Due to pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same as before.

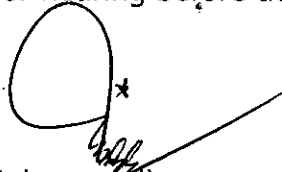


Reader

22.02.2021

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

Former requests for adjournment as his learned counsel had left the Tribunal premises due to illness. Adjourned to 01.06.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



Chairman

01.06.2021

Appellant in person present.

Javid Ullah learned Assistant Advocate General for respondents present.

Bench^{is} incomplete as learned Member Executive (Mian Muhammad) is on leave, therefore, case is adjourned to 09.08.2021 for hearing before D.B.



(Rozina Rehman)
Member(J)

09.08.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment 20.10.2021 before D.B.



(Rozina Rehman)
Member (J)




Chairman

20.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant sought adjournment; granted. Case to come up for arguments on 10.11.2021 before D.B.



(Salah-Ud-Din)
Member (Judicial)




Chairman

10.11.2021

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Aziz Shah, Reader for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 16.12.2021 before D.B.



(Mian Muhammad)
Member(E)



(Rozina Rehman)
Member(J)

16.12.21

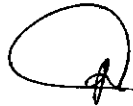
DB is on Tour case to come up
For the same on Dated. 1-4-22

Reader

01.04.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Federal Service Tribunal. Adjourned. To come up for arguments before the D.B on 06.06.2022.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

6th June, 2022

Proper D.B is not available. Therefore, case is adjourned to 24.08.2022 for the same as before.




Reader

24.08.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 30.08.2022 before the D.B.

(Rozina Rehman)
Member(J)



(Salah-Ud-Din)
Member(J)

30.08.2022

Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for remaining arguments on 12.09.2022 before the D.B.




(Salah-Ud-Din)
Member(J)

12.09.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 11.10.2022.




(Salah-Ud-Din)
Member (J)

11th Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. A.G alongwith Hazrat Bilal, HC for the respondents present.

Learned counsel for the appellant requests for adjournment..
Adjourned. To come up for arguments on 10.11.2022 before the D.B.


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

10.11.2022

Counsel for the appellant present.

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

Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 09.01.2023 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)