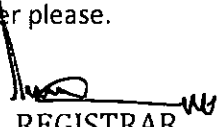
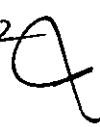



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 170/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/02/2022	<p>The appeal of Mr. Mukhtair Hussain presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>01-04-2022</u></p> <p> CHAIRMAN</p>
	01.04.2022	<p>Junior of learned counsel for the appellant present. Seeks adjournment on the ground that learned senior counsel is not available today due to some domestic engagement. Adjourned. To come up for preliminary hearing on 21.04.2022 before the S.B.</p> <p> Chairman</p>

21.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case at Preliminary hearing, contended that the appellant is aggrieved of the impugned order dated 13.04.2021 whereby minor penalties of withholding of promotion for a period of two year and recovery of emoluments so received as a result of out of turn promotion on the basis of "proved fake documents" were imposed against the appellant. His departmental appeal dated 06.05.2021 was not responded within the stipulated time where-after the service appeal has been instituted invoking the jurisdiction of Service Tribunal ^{under} Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. It was further argued that the appellant was appointed as Road Inspector on 01.04.2011 who acquired Diploma of Associate Engineer during service in 2013 which has been made the basis for awarding him the penalties. No regular enquiry has been conducted against the appellant and no charge sheet/statement of allegations issued to him. The ends of justice have not been met before awarding him the penalty. On the question of limitation i.e about one month, learned counsel for the appellant replied that being a recurring cause and a void order, no limitation runs against it.

The appeal is admitted to 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 submission of reply/comments. To come up for reply/comments on 09.06.2022 before S.B.

Alongwith the service appeal an application for suspension of order dated 13.04.2021 to the extent of recovery of emoluments received so due to the promotion, till final disposal of the appeal. Notice of this application be also issued to the respondents for the date fixed.

(Mian Muhammad)
Member(E)

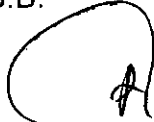
Rs-500/-
Security & Process Fee
A. J. with
25/4/22

09.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Painsakheil learned Assistant Advocate General alongwith Habib Ullah Superintendent for respondents present.

Reply on behalf of respondents was not submitted. Representative of respondents requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 05.07.2022 before S.B.


(Rozina Rehman)
Member (J)

05th July, 2022

Counsel for appellant present. Mr. Naseer ud Din Shah, Assistant AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 06.09.2022 before S.B.


(Kalim Arshad Khan)
Chairman.

06 September, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak. Addl. AG alongwith Nascemul Haq. B&AO for the respondents present.

Representative of the respondents submitted reply/comments which is placed on file. To come up for arguments on 15.11.2022 before D.B. P.P is given to the parties.


(Kalim Arshad Khan)
Chairman

15^h Nov. 2022 Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Naeemul Haq, Budget & Accounts Officer t for the respondents present.

Former requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 11.01.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)