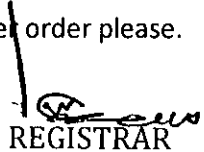



✍️

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1145/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/09/2019	<p>The appeal of Mr. Abdul Muneer 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 style="text-align: right;"> REGISTRAR 13/9/19</p>
2-	16/09/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/09/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

24.09.2019

Counsel for the appellant present.

Contends that through order dated 15.08.2017 the intervening period with effect from 11.09.2012 till the date of reinstatement of appellant was ordered to be treated as extraordinary leave without pay although the appellant was placed under suspension for the said period. The period of suspension, in view of F.R 53 could not be considered as EOL. Explaining the delay in submission of departmental appeal it was argued that the matter pertains to the salary/recovery of salary, therefore, the appellant has a recurring cause of action and the period of limitation was not to be counted in his case. He further referred to the copy of service book of the appellant wherein the requisite entry was made on 04.01.2018.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing. ^{The appellant is directed to deposit security & process fee 10% also} Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Alongwith the appeal an application for restraining the recovery of Rs. 5,67,098/- has been submitted. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the respondents shall refrain from making the questioned recovery.

Chairman

*represented on
fresh page,*

1145.19

24.09.2019

Counsel for the appellant present.

Contends that through order dated 15.08.2017 the intervening period with effect from 11.09.2012 till the date of reinstatement of appellant was ordered to be treated as extraordinary leave without pay although the appellant was placed under suspension for the said period. The period of suspension, in view of F.R 53, could not be considered as EOL. Explaining the delay in submission of departmental appeal it was argued that the matter pertains to the salary/recovery of salary, therefore, the appellant has a recurring cause of action and the period of limitation was not to be counted in his case. He further referred to the copy of service book of the appellant wherein the requisite entry was made on 04.01.2018.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing. The appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Alongwith the appeal an application for restraining the recovery of Rs. 5,67,098/- has been submitted. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the respondents shall refrain from making the questioned recovery.

Appellant Deposited
Security & Process Fee

24/9/19



Chairman

26.11.2019

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Sultan Shah, Supdt for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit the same.

Adjourned to 08.01.2020 before S.B.


Chairman

08.01.2020

Appellant in person and Addl. AG alongwith Shahid Nawab, Superintendent for the respondents present.

Representative of respondents seeks time to furnish reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

18.02.2020

Appellant alongwith junior counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sher Nawab, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices 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. Last opportunity is given to respondents to furnish written reply/comments. Adjourned to 07.04.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.



Reader

30.06.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sher Nawab Superintendent representative of respondents No.1 & 3 present.

Reply on behalf of respondents No.1 & 2 submitted. Learned AAG made request for adjournment for submission of reply on behalf of respondent No.3. Opportunity is granted. To come up for written reply/comments of respondent No.3, on 20.08.2020 before S.B.

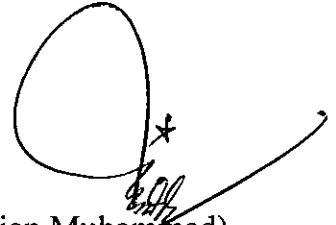

Member (J)

20.08.2020

Junior to counsel for the appellant present. Addl: AG for respondents present. Representative of the respondents are absent.

Written reply on behalf of respondent No.3 not submitted. Notices be issued to the respondent No.3 for submission of written reply/comments.

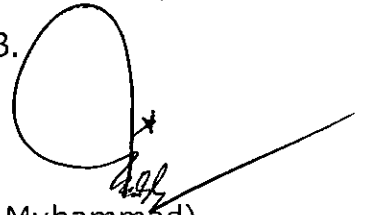
Adjourned to 02.10.2020 before S.B.



(Mian Muhammad)
Member(E)

02.10.2020

Counsel for appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith representative Mr. Muhammad Rehman Senior Auditor for respondents present. Written reply of respondent No.3 is still awaited. MR. Muhammad Rehman representative of respondent No.3, committed to submit the requisite reply before the court on 25.11.2020 before S.B.

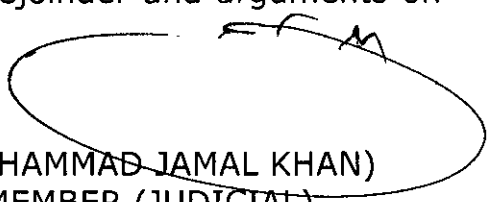


(Mian Muhammad)
Member (E)

25.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Rehman, Senior Auditor, on behalf of respondent No. 3, are also present.

Representative of respondent No. 3 submitted written reply on behalf of the said respondent, which is placed on record. Written reply on behalf of respondents No. 1 & 2 has already been submitted. File to come up for rejoinder and arguments on 23.02.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

23.02.2021

Due to COVID, 19 the matter is adjourned to 2.06.2021 for the same.


Reader

02.06.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior learned counsel is busy before Hon'ble Peshawar High Court, Peshawar; granted. To come up for arguments on 30.09.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

30-9-21

DB is on Tans case to come up
for the same on Dated, 1-2-22

Reader

01.02.2022

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

Due to paucity of time arguments could not be heard. To come up for arguments on 01.03.2022 before the D.B.



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



Chairman

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.



Reader.

6th June, 2022

Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.



Reader

23.08.2022

Appellant alongwith his counsel present. Mr. Muhammad Faheem, Assistant and Mr. Muhammad Tufail, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought time for preparation of brief of the instant appeal. Adjourned. To come up for arguments on 29.09.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

29.09.2022

Appellant alongwith counsel present.

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

File is incomplete, therefore, both the parties are directed to make sure the production of relevant record before date and file to come up for arguments on 10.11.202 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

10.11.2022

Junior to counsel for the appellant present.

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

Former requested for adjournment on ground the ground that his senior counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 08.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)