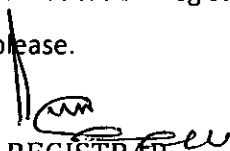




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1768 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 16/03/2020 | <p>The appeal of Mr. Kabal Khan presented today by Mr. Muhammad Ilyas Orakzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR</p> |
| 2- | 19/03/2020 | <p>This case is entrusted to Justice S. Bench for preliminary hearing to be put up there on <u>29/04/2020</u>.</p> <p> MEMBER</p> |
| | 29.04.2020 | <p>Due to COVID-19, the case is adjourned to 04.08.2020 for the same, before S.B.</p> <p> Reader</p> |

04.08.2020

Counsel for the appellant Mr. Muhammad Ilyas Orakzai, Advocate is present. Preliminary arguments heard. Learned counsel for the appellant argued that the appellant was serving as Tehsil Naib Qasid/Tehsil Sepoy, he was imposed major penalty of dismissal from service vide order dated 01.12.2014 on the allegation of not facilitating the Political Administration in securing arrest of his son namely Umer Farooq who was allegedly involved in Anti State Activities. It was contended that the impugned order dated 01.12.2014 was passed when the appellant had been behind the bar (18.06.2014 to 16.12.2015). That the impugned order was communicated to the appellant on 03.11.2019, thereafter, the appellant filed departmental appeal on 11.12.2019 but the same was not responded within the stipulated statutory period of 90 days, hence, the instant service appeal on 16.03.2020. Learned counsel for the appellant further contended that the appellant had no nexus with his son who was allegedly involved in the Anti State Activities therefore, the impugned order is illegal, unlawful, void ab-initio, and against the principles of natural justice which is liable to be set-aside.

Appellant Deposited
Security & Process Fee

6/8/20

The contentions raised by learned counsel for the appellant need consideration. The instant appeal is admitted for regular hearing subject to limitation and 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 05.10.2020.

(MIAN MUHAMMAD)
MEMBER (E)

05.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to furnish reply/comments. He is required to contact the respondents and facilitate the submission of requisite reply/comment on next date positively.

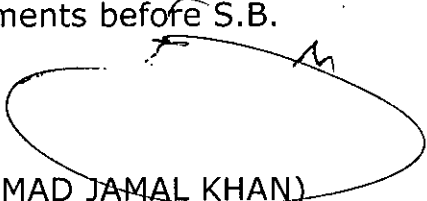
Adjourned to 26.11.2020 before S.B.


Chairman

26.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General is directed to ensure presence of representative of the department and submit reply on the next date positively. Adjourned to 18.01.2021 on which date file to come up for written reply/comments before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

18.01.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General present.

Written reply of respondents was not submitted. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G but as a last chance. To come up for written reply/comments on 11.03.2021 before S.B.


(Rozina Rehman)
Member (J)

11.03.2021

Junior to counsel for the appellant present. Addl: AG
for respondents present.

Written reply not submitted despite last opportunities.
Requested for further adjournment. Adjournment granted
subject to payment of cost of Rs. 1000/- which shall be borne
by respondents from their own pockets.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is
defunct, therefore, case is adjourned to 07.07.2021 for the same
as before.



Reader

07.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak,
Addl. AG present for the respondents present.

*Stipulated period has
passed and reply
has not been submitted.*

Learned AAG seeks further time to submit
reply/comments. He is required to contact the official
respondents and submit reply/comments in office within 10
days, positively. If the written reply/comments are not
submitted within the stipulated time, the office shall submit
the file with a report of non-compliance. File to come up for
arguments on 30.11.2021 before the D.B.



Chairman

P.S

28.07.2021 Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

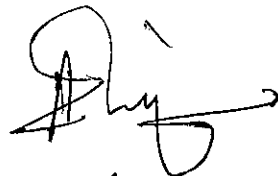
30.11.2021 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

The order pertaining to imposition of cost of Rs. 1000/- as well as submission of reply/comments could not be complied with by the stipulated date, hence, the respondents have ceased the opportunity to submit reply/comments to the court. The case is therefore placed for regular hearing/arguments before D.B. Learned AAG, however, requested that all out efforts will be made to submit reply/comments before the D.B. To come up for arguments on 28.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 1-7-2022


Realty

01.07.2022

Appellant alongwith his counsel present. Mr. Abdul Nasir, Senior Clerk alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Representative of the respondents sought further time for submission of reply/comments. Several opportunities have been given to the respondents for submission of reply/comments and on two occasions costs were also imposed upon them, therefore, the right of submission of reply/comments of respondents stand struck off. To come up for arguments on 11.10.2022 before the D.B.



(Rozina Rehman)
Member (J)

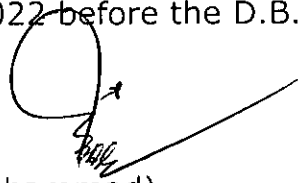


(Salah-ud-Din)
Member (J)

11.10.2022

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

Learned counsel for the appellant seeks adjournment for preparation of arguments. Adjourned. To come up for arguments on 14.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

14.11.2022

Appellant alongwith counsel present.

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

Learned Member (Judicial) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 04.01.2023 before D.B


(Fareeha Paul)
Member (E)