



Form- A

FORM OF ORDER SHEET

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

Case No.- 7473 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2021	<p>The appeal of Mr. Shah Wali resubmitted today by Mr. Shah Faisal Ilyas 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</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>26/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

26.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 08.04.2021 whereby major penalty of dismissal from service was awarded to the appellant by respondent No.1. The appellant submitted departmental appeal against the impugned order, to the appellate authority on 07.05.2021. However, no decision could arrive on his departmental appeal where-after the instant service appeal was filed in the Service Tribunal on 21.09.2021. It was further contended that the appellant was involved in criminal case vide, FIR No. 163 dated 10.09.2020 registered under Section-302,353,186,324,7-ATA, 427,148,149. The appellant was granted bail on 05.10.2020 and request for cancellation of bail was rejected on 23.11.2020. The criminal proceedings are still under process and the appellant has been condemned departmentally without waiting for the conclusion of criminal proceedings against him by the competent court of law. The impugned order is therefore unfair, unjustified and illegal, is therefore liable to be set aside.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. 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 26.01.2022 before S.B.


Appel ~~Ad~~ deposited  
Security & Process Fee

  
(Mian Muhammad)  
Member(E)

26.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Raziq H.C for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for time to furnish reply/comments. Granted. To come up for reply/comments before the S.B on 17.02.2022.

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

28.03.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Ilyas, ASI for respondents Present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 17.06.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

17<sup>th</sup> June 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Ahmad Jan, Inspector (Legal) for the respondents present.

Despite three opportunities given to the respondents, they have not submitted reply. The respondents are given last opportunity to submit reply within 07 days from today, failing which their right to file reply shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 05.09.2022. The case will not be adjourned on the ground of non-filing of reply/comments.



(Kalim Arshad Khan)  
Chairman

05.09.2022

Due to leave of the Worthy Chairman, the Bench is incomplete. Case to come up for the same on 15.11.2022 before the D.B.

  
Reader

15<sup>th</sup> Nov. 2022 Counsel for the appellant present.

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

Former requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 10.01.2023 before the D.B.

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)