



Form- A  
FORM OF ORDER SHEET

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

Case No. 551/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/05/2017	<p style="text-align: center;">The appeal of Mr. Saadullah presented today by Mr. Inayat Ullah Khan 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 26/5/17</p>
2	29-5-17	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>6-6-17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

06.06.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that in pursuance of this Tribunal judgment dated 18.05.2015, the appellant was reinstated in service vide impugned order dated 26.01.2017. However back benefits/arrears of pay from the date of dismissal i.e 12.01.2011 to 18.12.2015 were not granted to him. The appellant preferred departmental appeal on 22.02.2017 which was not decided within stipulated period, hence the instant service appeal. When learned counsel for the appellant confronted on the point that explicit orders were not passed by the Service Tribunal in the above judgment regarding payment of back benefits, he contended that reinstatement without back benefits was violation of various judgments of the august Supreme Court of Pakistan. In response to an observation that payment of back benefits in such cases is contingent upon submission of an affidavit by the appellant that he was not engaged in a gainful employment during the intervening period which in this case has not been submitted. Learned counsel stated that he would submit affidavit with the rejoinder. He relied on 1994 SCMR 1801.

Appellant Deposited  
Security Process Fee

Points urged need consideration. Admit. Subject to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 20.07.2017 before S.B.

  
(AHMAD HASSAN)  
Member

03. 20.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 28-8-17 before S.B.



(Muhammad Hamid Mughal)  
Member

28.08.2017

Counsel for the appellant present. Mr. Sohrab Khan, Junior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply on behalf of respondents submitted. Copy of the same also handed over to learned counsel for the appellant for rejoinder. Adjourned. To come up for rejoinder and arguments on 16.11.2017 before D.B.



(Muhammad Amin Khan Kundi)  
Member

16.11.2017

Counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Granted. To come up for arguments on 12.12.2017 before the D.B.



Member



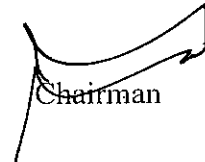
Chairman

12.01.2018

Clerk of the counsel for appellant present and Mr. Zia Ullah, DDA alongwith Sohrab Khan, Assistant for the respondents present. Clerk of the counsel for appellant seeks adjournment as his counsel is not attendance today. Granted. To come up for arguments on 15.03.2018 before D.B.



Member



Chairman

15.03.2018

Clerk to counsel for the appellant present. Mr. Muhammad Jan, learned Deputy District Attorney alongwith Mr. Suhrab H.C on behalf of respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 15.05.2018 before D.B



(Muhammad Amin Kundi)  
Member



(Muhammad Hamid Mughal)  
Member

15.05.2018

Appellant absent. Counsel for the appellant is also absent. However, clerk of the counsel for appellant present and seeks adjournment. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Adjourned. To come up for arguments on 01.08.2018 before D.B.



(Muhammad Amin Khan Kundi)  
Member




(Muhammad Hamid Mughal)  
Member

01.08.2018

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of the counsel for appellant present and requested for adjournment. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Junaid Khan, Assistant for the respondents present. Adjourned. To come up for arguments on 24.09.2018 before D.B.



(Ahmad Hassan)  
Member (E)

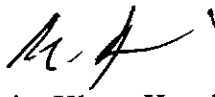


(Muhammad Hamid Mughal)  
Member (J)

24.09.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Clerk to counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 30.10.2018 before D.B.

(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

30.10.2018


Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 04.12.2018.

  
Reader

04.12.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Granted. To come up for arguments on 24.01.2019 before D.B.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

24.01.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 08.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member


30.10.2018

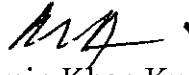
Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 04.12.2018.

  
Reader

04.12.2018


Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Granted. To come up for arguments on 24.01.2019 before D.B.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

24.01.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 08.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

08.03.2019

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Clerk of counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 29.04.2019 before D.B.

  
(M. AMIN KHAN KUNDI)  
MEMBER

  
(M. HAMID MUGHAL)  
MEMBER

29.04.2019

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 30.04.2019 before D.B.

  
Member

  
Member

30.04.2019

Clerk of counsel for the petitioner and Mr. Kabir Ullah Khattak, Additional AG for the respondents present. Clerk of counsel for the petitioner requested for adjournment on the ground that learned counsel for the petitioner is not available today. Adjourned to 20.06.2019 for arguments before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

20.06.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. Adjourn. To come up for arguments on 01.08.2019 before D.B.

  
Member

  
Member

01.08.2019 Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. Case to come up for arguments on 25.10.2019 before D.B.



Member



Member

25.10.2019 Due to tour of the Hon'ble Members to Camp Court Abbottabad, To come up for the same on 10.12.2019 before D.B.

Reader

10.12.2019 Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 10.02.2020 for arguments before D.B.



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member



10.02.2020

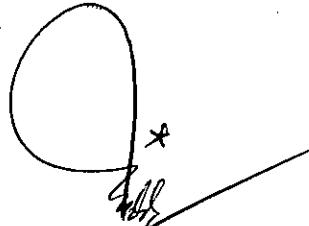
Clerk to counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sheharyar, Assistant Superintendent Jail, for the respondents present. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 13.03.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

13.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.04.2020 before D.B.

  
Member

  
Member

9.4.2020

Due to COVID19, the case is adjourned to 10/7/2020 for the same as before.

  
Reader

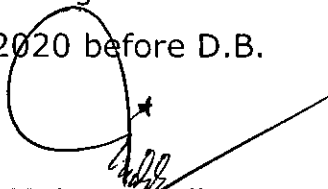
10.07.2020

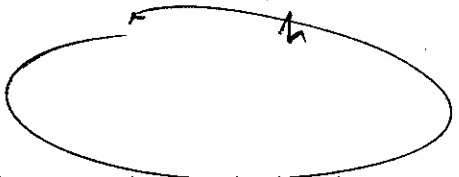
Due to COVID-19, the case is adjourned to 03.09.2020 for the same.

  
Reader

03.09.2020

Mr. Inayatullah Khan, Advocate for the appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith representative of the department Mr. Suleman, Senior Instructor for the respondents are also present. Arguments heard. File to come up for order on 17.09.2020 before D.B.

  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

17.09.2020

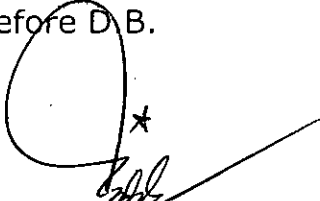
The Bench which heard the arguments, is not available being on tour at Camp Court Abbottabad. Therefore, the case is adjourned to 29.09.2020 for the same, before proper D.B.

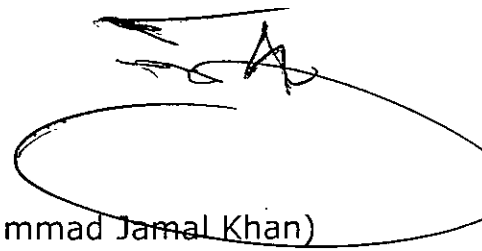
  
Reader

29.09.2020

Learned counsel for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present.

We have already heard arguments of learned counsel for the appellant as well as Learned Assistant Advocate General representing the respondents and gone through the record available on file and in this regard it would be appropriate to make reference to the order dated 26.01.2017 vide annexure-A page no. 4 wherein the last part of the referred to order a note (ii) has been given to the following effect " Government of Khyber Pakhtunkhwa has already filed CPLA in the august Supreme Court of Pakistan, against the judgment of learned Service Tribunal dated 18.12.2015, therefore, officers/officials mentioned above shall not be granted pre-mature retirement till the final decision by the august Supreme Court of Pakistan". The bench queried about the current position of the referred to CPLA, in response thereof learned Assistant Advocate General representing the respondents submitted that it is still pending therefore, no judgment in the instant appeal could be passed unless and until the referred to CPLA is decided. Therefore, file to come up for further proceedings on 18.11.2020 before D.B.

  
(Mian Muhammad)  
Member (Executive)


  
(Muhammad Jamal Khan)  
Member (Judicial)


18.11.2020

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

File to come up for further proceedings, on 20.01.2021 before D.B-II.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

20.01.2021

Due to COVID-19, the case is adjourned for the same on 29.03.2021 before D.B.

  
READER

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 21.05.2021 for the same.

  
Reader

21.5.21

*Due to COVID-19, the case is adjourned to 9.9.2021 for the same.*


  
Reader

09.09.2021

Clerk to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 24.01.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

24.01.2022

Learned counsel for appellant present. Mr. Suleman Khan Senior Instructor alongwith Mr. Kabir Ullah Khattak Additional Advocate General for the respondents present.

Mrs. Rozina Rehman learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 17.02.2022 before D.B.



(Salah-Ud-Din)  
Member (J)

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.06.2022 for the same as before.



Reader

10.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 01.09.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

01.09.2022

Bench is incomplete, therefore, case is adjourned to 11.10.2022 for the same as before.




Reader

11<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Suleman, Law Officer for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. 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.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Suleman Khan Law Officer for respondents present.

File to come up alongwith connected Service Appeal No. 516/2017 titled "Muhammad Jilani Vs Prison Department" on 01.12.2022 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)