

10.02.2020

Clerk to counsel for the appellant and Mr. Riaz Ahmad Painsakheil, Assistant AG alongwith Mr. Sheharyar, Assistant Superintendent Jail, for the respondents present. Reply on restoration application on behalf of respondents not submitted. Representative of the department requested for adjournment. Adjourned to 13.03.2020 for reply and arguments on restoration application before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.03.2020

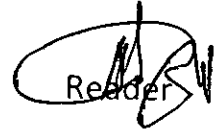
Counsel for the petitioner present. Mr. Muhammad Jan, DDA alongwith Mr. Suleman, Law Officer for respondents present. Reply on application for restoration of appeal not submitted. Representative of the respondents seeks time to submit the same. Adjourned. To come up for reply and arguments on 09.04.2020 before D.B.


Member


Member

9/6/20.2020

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


Reader

~~10/9~~.07.2020

Due to COVID-19, the case is adjourned to ~~09~~.09.2020
for the same.


Reader

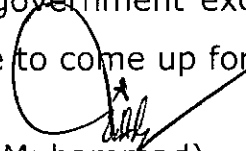
03.09.2020

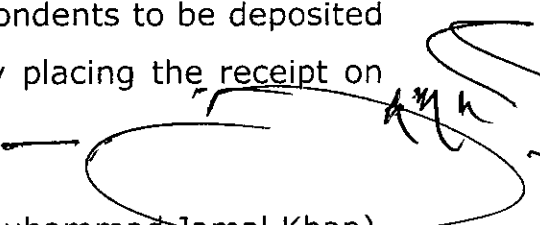
Mr. Inayatullah Khan, Advocate for the appellant, is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith representative of the department Mr. Suleman, Senior Instructor for the respondents are also present.

2. Learned counsel for the appellant invited the attention of the bench to the application for restoration of the titled Service Appeal which was dismissed in default and submitted that besides the instant appeal he has been engaged in four other service appeals of similar nature involving common question of law and facts in which he has been marked present however, strangely enough the instant appeal was having a dissimilar fate, as proceedings continued in those appeals accordingly. He further argued that he has not been marked present in the instant appeal, therefore, he submitted that on the stated grounds this appeal is restorable.

3. On the other hand, the learned Assistant Advocate General raised no objection on the acceptance of the restoration application.

4. It is evident on record that the present service appeal was called on for hearing on 15.05.2018 but no one appeared on behalf of the appellant resulting into its dismissal in default. The application for restoration of appeal was submitted on 25.10.2019 beyond the prescribed period of limitation nevertheless, while keeping in view the arguments of the learned counsel for petitioner/appellant and the law and precedent on the subject which prefer decision on merits rather than looking at technicalities and since valuable rights are involved, therefore, the appeal is restored to the file but for admonition a costs of Rs. 2000/- is imposed to be paid to the respondents. On payment of costs receipt in this regard has to be obtained from the duly authorized representative of the respondents to be deposited in the government exchequer and by placing the receipt on file. File to come up for arguments on


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

17.09.2020

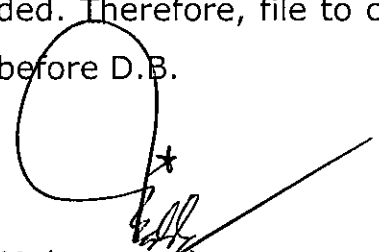
The Bench which heard the arguments, is not available being on tour at Camp Court Abbottabad. Therefore, the case is adjourned to 29.09.2020 for the same, before proper D.B.

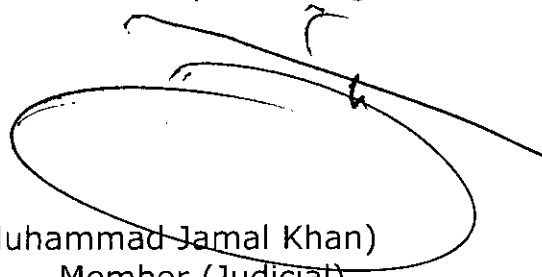

Reader

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)

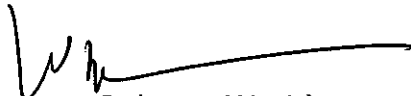

(Muhammad Jamal Khan)
Member (Judicial)


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.

21.5.21

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


Reader


Reader

09.09.2021

Clerk to counsel for appellant present.

Kabir Ullah Khattak learned Additional A.G 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)

17-2-22

*Due to retirement of the Honorable
Chairman the case is adjourned
on 10-6-22*

Reader

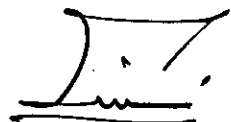
10.06.2022

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.

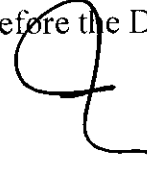
Reader

11th 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

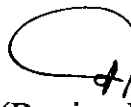
10.11.2022

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)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 683/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/06/2017	<p style="text-align: center;">The appeal of Mr. Muhammad Rauf received today by post through Mr. Rustam Khan Kundi 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 23/6/17</p>
2-	10-7-17	<p style="text-align: center;">This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>23.8.17</u></p> <p style="text-align: right;"> CHAIRMAN</p>

01.08.2017


Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was dismissed from service by the competent authority, however, the Service Tribunal accepted his appeal and reinstated him in service and converted his dismissal from service into reduction to the lower post of Senior Clerk for a period of three year. It was further contended that the respondent-department has reinstated him in service vide order dated 19.01.2017 but without back benefits. It was further contended that since the Tribunal has not withheld the back benefits of the appellant in the judgment, therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 28.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

28.08.2017

Counsel for the appellant present. Security and process fee not deposited. Learned counsel for the appellant requested for further time for depositing of security and process. Directed to deposit the same within seven days, thereafter, notices be issued to the respondents for written reply/comments for 02.10.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member

Appellant Deposited
Security & Process Fee

Service Appeal No. 683/2017

02.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Representative of the respondent-department is not in attendance therefore, notice 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. Adjourned. To come up for written reply/comments on 02.11.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

02.11.2017

Counsel for the appellant and Additional Advocate General alongwith Sheryar Khan Assistant for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 29.11.2017 before S.B.


Chairman

29.11.2017

Learned counsel for the appellant present. MR. Kabir Ullah Khattak learned Additional AG Muhammad Rauf, Senior Clerk for the respondents present. Reply submitted on behalf of the respondents. To come up for arguments/rejoinder on 22.01.2018 before D.B


(Muhammad Hamid Mughal)
MEMBER

22.01.2018

Counsel for the appellant present. Mr. Riaz Painsa Khel, Assistant AG alongwith Mr. Sohrab Khan, Assistant for the respondents present. Rejoinder submitted. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.03.2018 before D.B.

Member

Chairman

15.03.2018

Appellant in person present. Learned District Attorney for the respondents present. Appellant seeks adjournment as his counsel 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

None present on behalf of appellant. Mr. Muhammad Jan, Learned Deputy District Attorney present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. File be considegned to record room.





(Muhammad Amin Kundi)
Member

(Muhammad Hamid Mughal)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 3952019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.10.2019	<p>The application for restoration of appeal No. 683/2017 submitted by Inayatullah Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 25/10/19</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>10-12-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
10.12.2019		<p>Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the petitioner is not available today. Adjourned to 10.02.2020 for further proceeding before D.B.</p> <p style="text-align: center;">  (Ahmad Hassan) Member  (M. Amin Khan Kundi) Member </p>

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. Reply on restoration application on behalf of respondents not submitted. Representative of the department requested for adjournment. Adjourned to 13.03.2020 for reply and arguments on restoration application before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.03.2020

Counsel for the petitioner present. Mr. Muhammad Jan, DDA alongwith Mr. Suleman, Law Officer for respondents present. Reply on application for restoration of appeal not submitted. Representative of the respondents seeks time to submit the same. Adjourned. To come up for reply and arguments on 09.04.2020 before D.B.


Member


Member