



Form- A  
FORM OF ORDER SHEET

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

Case No. 51/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2019	<p>The appeal of Mr. Bakht Hussain 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 11/1/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

12.02.2019

Learned counsel for the appellant present: Preliminary arguments heard.

The appellant (Ex-Chowkidar) has filed the present service appeal against the order dated 04.01.2018 whereby he was awarded major penalty of removal from service on the ground of absence from duty. The appellant has also challenged the order dated 24.09.2018 through which his departmental appeal was rejected.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply. To come up for written reply/comments on 28.03.2019 before S.B.

Appellant Deposited  
Security & Process Fee

  
Member

28.03.2019

Clerk of counsel for the appellant present: Mr. Kabirullah Khattak, Additional for the respondents present and seeks adjournment for filing of written reply. Adjourned to 30.04.2019 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.04.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present.

Learned District Attorney requests for adjournment to procure written reply from the respondents.

Adjourned to 20.06.2019 for submission of written reply.

  
Chairman

20.06.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department 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. Adjourned but as a last chance. Case to come up for written reply/comments on 05.08.2019 before S.B.



(Muhammad Amin Khan Kundi)  
Member

05.08.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

On the last date of hearing, the respondents were allowed last chance for submission of written reply today which they failed to.

To come up for arguments on 26.09.2019 before D.B.

  
Chairman

26.09.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 13.11.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

13.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 08.01.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

08.01.2020

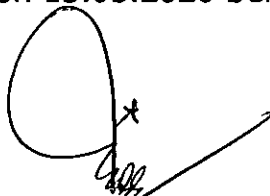
Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 12.03.2020 before D.B.

  
Member

  
Member

12.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.



Member



Member

13.5 .2020

Due to COVID19, the case is adjourned to


5/8 /2020 for the same as before.

  
Reader

05.08.2020

Due to summer vacation case to come up for the same on

06.10.2020 before D.B.


  
Reader

06.10.2020

Representative of appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 25.11.2020 for arguments, before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

25.11.2020

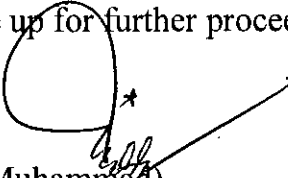
Due to non-availability of D.B, the case is adjourned to 08.02.2021 for the same as before.

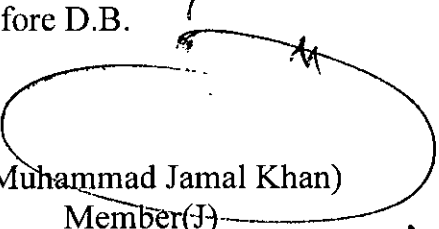
  
Reader

08.02.2021

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

As a result of involvement of question of retrospectivity in the instant appeal we are unable to hear arguments as the issue is pending adjudication in the Larger Bench of this Tribunal constituted for the purpose. Till a judgement is made, the instant appeal is adjourned to 12.04.2021 on which date file to come up for further proceedings before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal Khan)  
Member (J)

12.4.21

*Due to COVID 19, the case is adjourned to 29.7.21 for the same.*

  
Mian Muhammad

29.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments before the D.B on 24.09.2021.

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

24.09.2021

Appellant present through counsel.

Javid Ullah learned A.A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 12.01.2022 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

12.01.2022

Due to non-availability of the concerned DB, the case is adjourned to 28.04.2022 for the same before D.B.

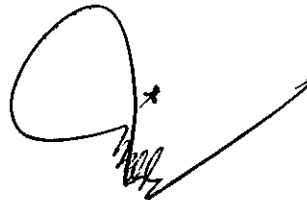


Reader

28.04.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record due to some domestic engagement. Adjourned. To come up for arguments on 22.06.2022 before the D.B.



(Mian Muhammad)  
Member (E)



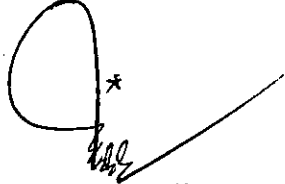
(Salah-ud-Din)  
Member (J)



22.06.2022

Clerk of learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 08.09.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

08.09.2022

Appellant present through counsel.

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

Record shows that despite last chance, comments were not submitted by the respondent vide order sheet dated 05.08.2019 and case was fixed for arguments. Neither the respondents were placed ex-parte nor their right of submission of comments was struck off, therefore, learned AAG is required to make sure the presence of respondents before this Tribunal on the next date with further directions to submit comments within 10 days positively. To come up for arguments on 16 / 11 / 2022 before D.B.



(Fareeha Paul)  
Member(E)




(Rozina Rehman)  
Member(J)


16.11.2022

Junior to counsel for the appellant present.

Muhammad Jan learned District Attorney for respondents present.

Former requested for adjournment as his senior counsel is not available today. Adjourned. To come up for arguments on 23.12.2022 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)