



Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_  
Case No. 448/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04/04/2018	<p>The appeal of Mr. Asad Ali presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 4/4/18</p>
2-	06/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>

16.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the 3<sup>rd</sup> round of litigation. This Tribunal vide judgment dated 13.12.2016 set aside the impugned order whereby major penalty of compulsory retirement was imposed on the appellant and gave further directions for conducting de-novo enquiry. De-novo enquiry was conducted and again vide impugned order dated 13.12.2017 major penalty of compulsory retirement was again imposed on him w.e.f 05.01.2010. He preferred departmental appeal on 28.12.2017 which was rejected on 27.02.2018 but communicated to the appellant on 12.03.2018, hence, the instant service appeal. De-novo enquiry was not conducted in the mode and manner prescribed in the rules and the penalty imposed on the appellant is harsh as well.

Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit, subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 06.06..2018 before S.B.

  
(AHMAD HASSAN)  
MEMBER

**06.06.2018**

Counsel for the appellant and Addl: AG present. None present on behalf of official respondents. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **26.07.2018** before S.B

  
Member

26.07.2018

Appellant, Mr. Asad Ali in person present. Mr. Sajid Khan, ADO alongwith Mr. Muhammad Jan, Deputy District Attorney present. Written reply on behalf of the respondents submitted. To come up for rejoinder/arguments on 18.09.2018 before D.B.

  
Chairman

18.09.2018 — Appellant with counsel Mr. Noman Ali Bukhari, Advocate present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for time for arguments. Adjourned. To come up for arguments on 08.11.2018 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 28.12.2018. ~~Written reply not received.~~

28-12-18

  
READER  
Due to Bench is incomplete  
therefore case is adjourned  
to 12.2.2019

  
Reader

28.02.2020

Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Appellant submitted application for adjournment. Application is placed on file. Adjourn. To come up for arguments on 13.04.2020 before D.B.

  
Member

  
Member

13.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 03.07.2020 before D.B.

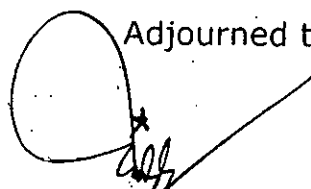
  
Reader

03.07.2020

Appellant in person and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Former requests for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court in many cases today.

Adjourned to 01.10.2020 before D.B.

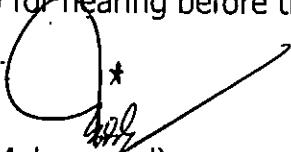
  
Member

  
Chairman

01.10.2020

Counsel for the appellant and Mr. Muhammad Riaz Paindakhel, Asstt. AG for the respondents present.

Counsel for the appellant seeks adjournment to prepare the brief of instant matter. Adjourned to 21.12.2020 for hearing before the D.B.

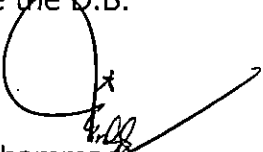
  
(Mian Muhammad)  
Member (Executive)

  
Chairman

21.12.2020

Appellant in person and Addl. AG for the respondents present.

Former requests for adjournment as his learned counsel is engaged before the Honourable Peshawar High Court today. Adjourned to 24.03.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

24.03.2021

Appellant in person present. Mr. Kabirulalh Khattak  
learned Addl. AG for respondents present.

Former requests for adjournment as his learned  
counsel is engaged before the Hon'ble High Court in various  
cases today.

Record show that on previous many occasions the  
proceedings were adjourned on the request of  
appellant/counsel. The request is, therefore, granted but as  
a last chance.

Adjourned to 21.06.2021 for arguments before D.B.

Chairman

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

448/18

26.05.2021

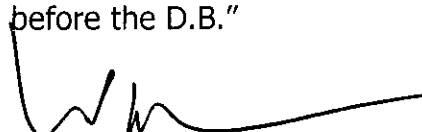
The order dated 24.03.2021 was written but could not be signed by the D.B including the then Chairman who due to unforeseen reason could not attend the office in coming days. He died in the meantime and the order sheet was left unsigned. To bring the proceedings of appeal on track, it is become expedient for ex-post facto completion of the order sheet. The unsigned order dated 24.03.2021 is reproduced below which be given effect accordingly:-

"Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Former requests for adjournment as his learned counsel is engaged before the Hon'ble High Court in various cases today.

Record shows that on previous many occasions the proceedings were adjourned on the request of appellant/counsel. The request is, therefore, granted but as a last chance.

Adjourned to 21.06.2021 for arguments before the D.B."

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

21.06.2021

Appellant alongwith his counsel Mr. Taimur Ali Khan, Advocate, present. Mr. Sajid, ADO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Both sides stated at the bar that as the issue of retrospectivity is involved in the instant appeal and the matter is already pending adjudication before the Larger Bench of this Tribunal, therefore, the appeal in hand may be adjourned. Adjourned. To come up for arguments before the D.B on 17.09.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

17.09.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments before the D.B on 14.10.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



14.10.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sajid ADEO for respondents present.

Former made a request for adjournment in order to prepare the brief; granted. To come up for arguments on 29.11.2021 before D.B.



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



(Rozina Rehman)  
Member (J)

29.11.2021 Due to unavailability of DB, the case is adjourned to 01/02/2022.



Reader

01.02.2022

Appellant alongwith clerk of his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before D.B-I of this Tribunal. Adjourned. To come up for arguments on 04.03.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

4-3-22

Due to retirement of the Honble Chairman the case is adjourned to come up for the same as before on 17-6-22

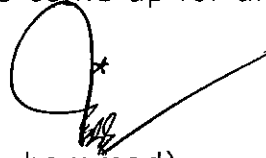


Reader

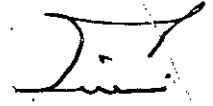
17.06.2022

Junior of learned counsel for the appellant present. Mr. Naséer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior 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 02.09.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

02.09.2022

Appellant in person present. Mr. Abdul Jalil, Litigation Officer alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 10.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (Judicial)

10<sup>th</sup> Oct, 2022

Learned counsel for the appellant. Mr. Kabirullah Khattakk, Addl: AG for respondents present.

Learned counsel for the appellant wants to amend the appeal to challenge the order dated 13.12.2017. He may do so within a week. To come up for amended appeal as well as arguments on 14.12.2022 before the D.B.



(Fareeha Paul)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman

Late Diary  
10<sup>th</sup> Oct, 2022

Despite direction for fixation of the cases for the shortest possible dates, the office has fixed this case for a longer date. The Reader of the court is warned to be careful in future. The date fixed in this case is accelerated to 16 / 11 /2022. Notices be issued to the parties and their counsel for the date fixed.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

16.11.2022

Nemo for appellant.

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

Notices be issued to appellant and his counsel for the date fixed. To come up for arguments on 14.12.2022 before D.B



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

Note  
14/11/2022