

24.06.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.08.2019 before D.B.

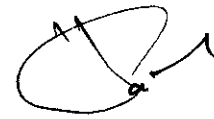

Member


Member

26.08.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 01.10.2019 before D.B.


Member


Member

01.10.2019


Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned by way of last chance. To come up for arguments on 25.11.2019 before D.B.



Member


Member

25.11.2019

Due to general strike of the bar, the case is adjourned. To come up on 28.01.2020 before D.B.


Member


Member

28.01.2020

None for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Rahim Dad, ADEO for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 26.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.


Reader

15.06.2020

Counsel for the appellant and Additional Advocate General for respondents present.

At the outset, learned AAG raised objection regarding jurisdiction of this Tribunal in proceedings with the appeal in hand. He contends that the appellant was appointed on adhoc and contract basis, therefore, was not a civil servant for the purpose of law regulating the jurisdiction of this Tribunal.

On the other hand learned counsel for the appellant referred the judgments handed down by Hon'able Peshawar High Court, Peshawar in Writ Petition No. 518-M/2016 and Review Petition No. 12-M/2017. He was of the view that the appeal in hand was maintainable on the strength of referred judgments. Learned counsel, however, requested for adjournment of the instant appeal to 26.06.2020 when other matter(s) involving similar proposition are already posted for hearing. The request appears reasonable, therefore, instant matter is adjourned to 26.06.2020. To come up alongwith service appeal No. 620/2018 before D.B.


MEMBER


CHAIRMAN

Due to incomplete bench the case is adjourned. To come up for the same on 22-09-2020

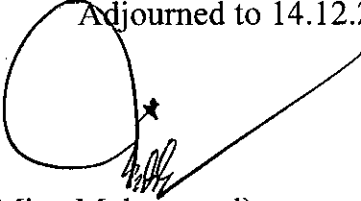

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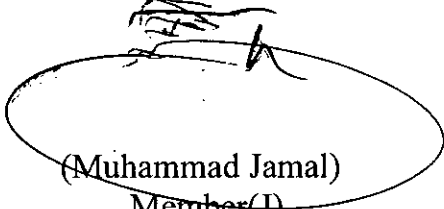
22.09.2020

Mr. Mir Zaman Safi, Advocate junior of Mr. Noor Muhammad Khattak, Advocate on behalf of the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Sherzada, ADEO (Litigation) for respondents present.

Junior requested that his senior counsel is busy in Hon'able High Court, Peshawar.

Adjourned to 14.12.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)



(Muhammad Jamal)
Member(J)

14.12.2020

Junior counsel for Appellant present.

Zara Tajwar learned Deputy District Attorney alongwith Sher Zada ADEO for respondents present.

Former made a request for adjournment as his counsel is busy before D.B-I. Adjourned. To come up for arguments on 03.03.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

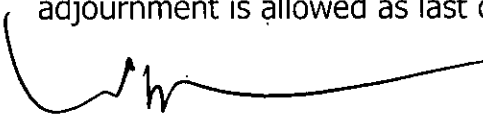

(Rozina Rehman)
Member (J)

03.03.2021

Junior to counsel for the appellant and Addl. AG alongwith Sher Zada, ADO for the respondents present.

Learned senior counsel for the appellant is reported to be busy before Darul Qaza Bench of Peshawar High Court today.

 Adjourn^{ment}ed is, therefore, sought. Adjourned to 08.06.2021 for hearing before the D.B. As the appeal in hand is old one, the adjournment is allowed as last chance.


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


Chairman

08.06.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sherzada ASDEO for respondents present.

The appellant is aggrieved from the order of respondents whereby the appointment of the appellant as Arabic Teacher was cancelled/withdrawn. The respondents No.1 to 3 raised preliminary objections while submitting the reply and among them two objections at Para-4 & 5 are significant for the determination on the basis of pro & contra evidence. Therefore, keeping in view the divergent stance of the parties, following issues are framed:

1. Whether the appellant has got no cause of action or locus-standi to prefer this appeal? (OPR).
2. Whether the appellant procured the appointment as Arabic Teacher by fraudulent means/sources? (OPR).
3. Whether the Islamic Sanad/Certificate on the basis of which the appellant was appointed, have been declared as bogus on verification under due course? (OPR).
4. Whether the educational testimonials of the appellant considered for appointment are valid being genuinely procured? (OPA)
5. Jurisdiction.

The above issues have been framed deriving the jurisdiction from Rule-13 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Both the parties are directed to file affidavits in respect of issues having regard to the relevancy of onus of proof, within 10 days before the office. If any party opts for summoning of any witness by the Tribunal, it may also apply while submitting the affidavits. The office shall summon the witness for the next date i.e. 16.09.2021 before D.B, if opted by the parties.

Adjourned accordingly.



(Rozina Rehman)
Member (J)



Chairman

16.09.2021

Appellant present through counsel.

Usman Ghani learned District Attorney for respondents present.

On previous date, issues were framed and both the parties were directed to file affidavits in respect of issuance having regard to the relevancy of onus of proof within 10 days before the office. However, both the parties have not been able to file the requisite affidavits. They are directed to do the needful on or before the next date. If any party opts for summoning of any witness by the Tribunal, it may also apply while submitting affidavits. To come up on 16.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

16.12.21

DB is an Tour case to come up
For the same on Dated. 31-3-22

\$
Rendez


31.03.2022

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

Compliance of the direction issued vide order sheet dated 08.06.2021 has not been made. Both the sides requested some time for doing the needful. They are directed to do the needful on or before the next date. Moreover, if any party opts for summoning of any witness by the Tribunal, it may also apply while submitting the affidavits. Adjourned. To come up on 25.04.2022 before the D.B.



(Rozina Rehman)
Member (J)

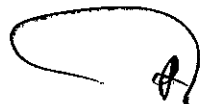


(Salah-ud-Din)
Member (J)

25.04.2022

Appellant alongwith her counsel present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Appellant submitted an affidavit in compliance of observations mentioned in order sheet dated 08.06.2021 alongwith photocopies of Educational certificates of SSC, HSSC and PTC which are placed on file. Learned AAG requested that as he is feeling not well, therefore, statement of the appellant be recorded on the next date. Adjourned. To come up for evidence of appellant on 20.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

20.05.2022

Appellant present through counsel.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

When the appeal in hand was earlier called on for hearing, learned counsel for the appellant was stated to be busy in the august Peshawar High Court, Peshawar. Learned counsel for appellant is now present, however, it is now closing time of the Court, therefore, evidence of the appellant could not be recorded. Adjourned. To come up for evidence of the appellant on 19.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)


19.07.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Appellant's evidence is not available, therefore, learned counsel for the appellant made a request for adjournment. He is directed to produce his entire evidence on 12.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

12.09.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to make preparation of the case. Adjourned. To come up for evidence of the appellant on 11.11.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

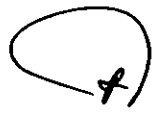
11.11.2022

Appellant not present in person. Her counsel is present.

Naseer Ud.Din Shah, learned Additional Advocate General for respondents present.

Evidence of appellant is not available, therefore, learned counsel made a request for adjournment. Last chance is given. To come up for appellant's evidence on 06.12.2022 before D.B.

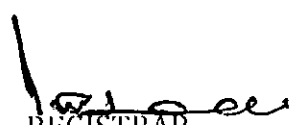




(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 568/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/05/2016	The appeal of Mst. Naz Begum resubmitted 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.  REGISTRAR
2	30-5-16	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-5-16</u> .  CHAIRMAN
	31.05.2016	None present for the appellant. Appeal be relisted for preliminary hearing for 20.06.2016 before S.B.  Chairman
	20.6.2016	Clerk to counsel for appellant present. Seeks adjournment. Adjourned for preliminary hearing on 30.6.2016.  Member

30.6.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PST when her appointment order dated 20.05.2014 was unilaterally cancelled vide impugned order dated 20.11.2014 communicated to the appellant on 18.12.2015 where-against she preferred departmental appeal on 15.1.2016 which was not responded and hence the instant service appeal on 13.05.2016.

That the allegations of not submitting of arrival report and not performing duty are false and that no enquiry whatsoever was conducted in the manners prescribed by rules.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.08.2016 before S.B.


Chairman

Appellant Deposited
Security & Process Fee

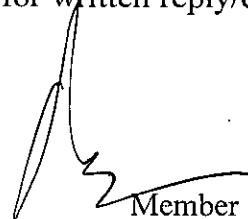
29.08.2016

Clerk to counsel for the appellant and Mr. Khan Muhammad, DEO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 31.10.2016 before S.B.


Chairman

31.10.2016

Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2016 before S.B.



Member

29.12.2016

Appellant in person and Mr. Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 22.2.2017.



Chairman

22.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 05.06.2017 before D.B.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

05.06.2017

Clerk of the counsel for appellant present Mr. Muhammad Adcel Butt, Additional AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 02.10.2017 before D.B.



(GUL AZEEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.10.2017

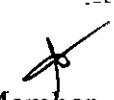
Clerk of the counsel for appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that senior counsel was busy before Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 20.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)

20.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 16.02.2018 before the D.B.

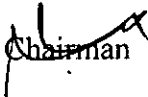

Member


Chairman

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24.04.2018 before the D.B.

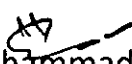

Member


Chairman

24.04.2018

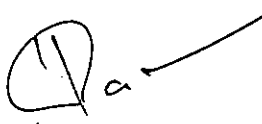
Junior to counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 9.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

Learned counsel for the appellant and Mr. Sardar Shaukat learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

20.08.2018

Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.10.2018 before D.B.

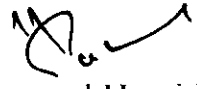

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

08.10.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 22.11.2018 before D.B



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

22.11.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.01.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


29.03.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment due to over work before the Honourable High Court today.

Adjourned to 24.06.2019 before the D.B.


Member


Chairman