



Form- A

### FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/03/2020	<p>The appeal of Didar Ali resubmitted be placed before S.B for office objection on <u>30-04-2020</u></p> <p style="text-align: right;"> REGISTRAR</p> <p>2- 30.04.2020</p> <p>None is present on behalf of the appellant. Notices be issued to appellant and his counsel for arguments on office objections on 07.05.2020.</p> <p style="text-align: right;"> (M. AMIN KHAN KUNDI) (MEMBER-J)</p> <p><i>[Faint, illegible text and stamps are present in this section]</i></p>

Appellant's  
Security  
Recorded  
Process Fee

*Miscellaneous  
Charges Rs 20/4/2020*

Appeal No. 4315/2020


07.05.2020

Learned counsel for the appellant Didar Ali present. Preliminary arguments heard.

It was contended by the learned counsel for the appellant that the appellant was serving as Sweeper in Higher Education Department, he was imposed major penalty of removal from service vide order dated 09.03.2018 on the allegation of misconduct mentioned in the charge sheet. The appellant filed departmental appeal on 24.10.2019 but the same as rejected vide order dated 22.01.2020 hence the present service appeal.

Learned counsel for the appellant contended that departmental proceeding was initiated against the appellant on the charge that <sup>he</sup> she had harassed one Mst. Tahira bibi. It was further contended that in this regard FIR No.145 U/S 506, 354, PPC P.S Mastuj, Chitral <sup>dated 3.12.2015</sup> ~~dated~~ <sup>dated</sup> ~~03.12.2015~~, was also registered against the appellant. It was further contended that later on, the victim namely Mst. Tahira Bibi made suicide and another FIR No.135 dated 05.08.2016 U/S 322, PPC P.S Chitral was registered wherein the appellant was involved as accused. It was further contended that after conclusion of trial, the appellant was acquitted in both aforementioned criminal cases. It was further contended that inquiry was initiated against the appellant on the said allegation but the inquiry officer has not recorded statement of any witness nor the appellant was associated in inquiry proceeding nor he was provided opportunity of defense nor he was provided opportunity of personal hearing. Therefore the impugned order is illegal and liable to be set aside.

Contention raised by the learned counsel, need consideration. The appeal is admitted to regular hearing subject to all just legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 16.06.2020 before S.B.

  
(M. AMIN KHAN KUNDI)  
(MEMBER-J)

16.06.2020

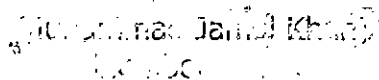
Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks time to furnish written reply/comments. Adjourned to 28.07.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

29.07.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and furnish reply/comments. Adjourned to 22.09.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

  
Chairman

22.09.2020

Junior to counsel for the appellant present. Nemo on behalf of the respondents.

Fresh notices be issued to the respondents for submission of written reply/comments on 11.11.2020 as last chance.

  
Chairman

11.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Zulfiqar, DEO (Upper Chitral), for the respondents are present.

Representative of the department submitted application for deletion/correction of respondent No. 4, as Chitral has been bifurcated into two districts. The same be noticed to appellant. File to come up for further proceedings on 31.12.2020 before S.B.

(Muhammad Jamal Khan)  
Member (Judicial)

31.12.2020

Nemo for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Adjourned to 23.02.2021 for further proceedings before S.B.

(Mian Muhammad)  
Member(E)

23.02.2021

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

Application for deletion/correction of respondent No. 4 as already written as DEO (Male) Chitral has already been submitted by representative of the department vide order sheet dated 11.11.2020, copy of the same is handed over to learned counsel for appellant today. File to come up for further proceedings on 01.04.2021 before S.B.

(Muhammad Jamal Khan)  
Member

Dildar Ali

01.04.2021

Learned counsel for the petitioner present.

Mr. Kabirullah Khattak learned Addl. AG for respondents present.

On 11.11.2021 representative of the respondents department has submitted application for deletion/correction of respondent No.4 as DEO (Male) Chitral has been bifurcated. Copy of the same is handed over to the learned counsel for the appellant.

Today counsel for the appellant stated at the bar that he got no objection on the application. In the meanwhile furnish application for impleading DEO (Male) Lower Chitral as respondent. Copy of the same is handed over to the learned Additional Advocate General and he did not object over the same.

In view of the above DEO (Male) Lower Chitral is impleaded in the panel of respondents. Mohrrar of the court is directed to array the same in the panel of respondents with Red Ink, therefore, notice be issued to newly respondent.

Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 03.06.2021 before S.B.



(Atiq Ur Rehman Wazir)  
Member (E)

03.06.2021

Counsel for the appellant and Mr. Farid Ahmad, ADO Lower Chitral alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Notices be issued to both the District Education Officers, Lower Chitral and Upper Chitral to ensure their attendance on the next date for resolution of their respective jurisdiction. Case adjourned to 15.07.2021 before S.B.

  
Chairman

15.07.2021

Counsel for the appellant and Addl. AG alongwith Farid Ahmad, ADO Chitral (Lower) for the respondents present.

Mr. Fareed Ahmad, ADO present before the Court has informed that the territorial question of the district is not relevant to the case of the appellant. The matter involving in this appeal relates to District Lower Chitral. It seems that submission of the comments/reply was pending due to the question of limits of the newly created district. By now the territorial jurisdiction has been settled belonging to district lower Chitral. The said office has already been made respondent in pursuance to order dated 01.04.2021. Therefore, respondents are directed to submit written reply/comments within 10 days in office, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.12.2021 before the D.B.

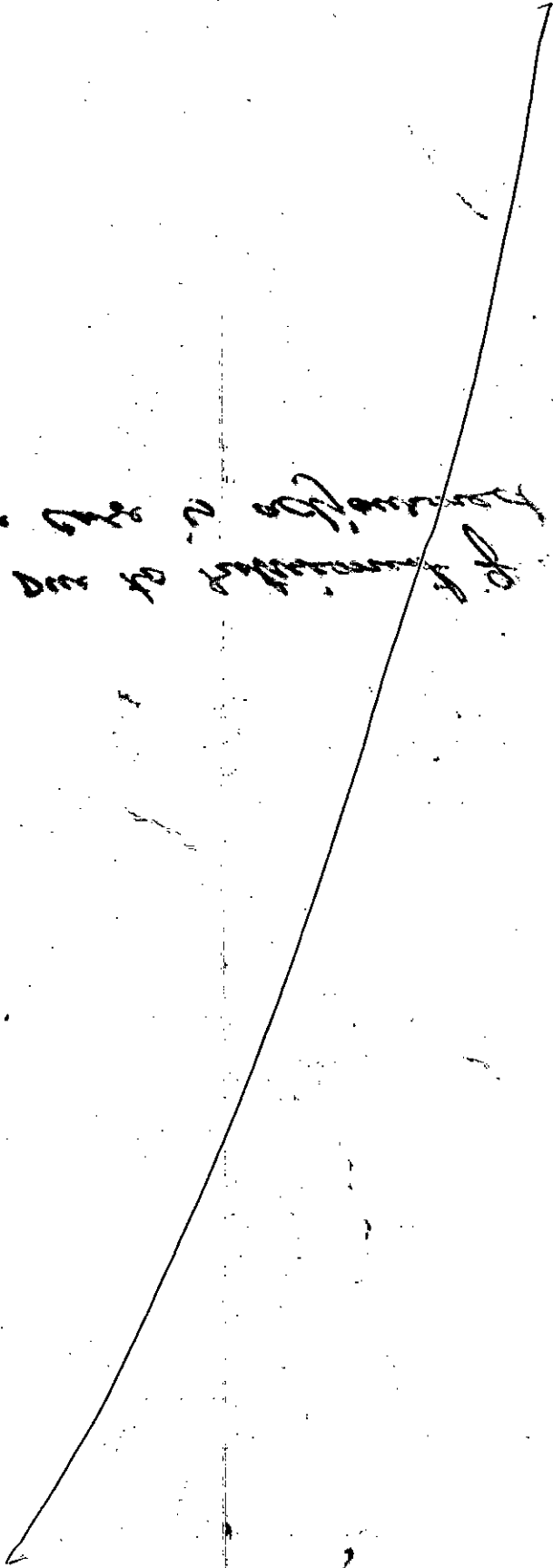
*Stipulated period  
has passed and  
reply has not been  
submitted.*

  
Chairman

55-3-7

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P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

  
Chairman

06.12.2021

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Farid Ahmad, ADEO for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is handed over to the junior of learned counsel for the appellant. To come up for arguments on 07.03.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

7-3-22

*Due to retirement of the Hon.ble Chairman  
the case is adjourned to 28-6-22*

*Signature*  
R. Adhikari



28.06.2022

Junior of learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondent present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 05.10.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah Ud Din)  
Member (J)

5<sup>th</sup> October, 2022 Junior to learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Last chance is given to argue the case on the next date failing which the case will be decided without the arguments. To come up for arguments on 07.10.2022 before the D.B.



(Fareeha Paul)  
Member(Executive)

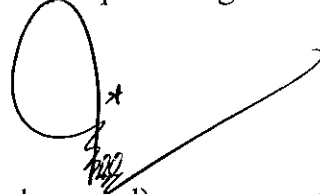


(Kalim Arshad Khan)  
Chairman

07.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Last opportunity granted. To come up for arguments on 17.11.2022 before D.B.



(Mian Muhammad)  
Member (I)



(Kalim Arshad Khan)  
Chairman

17.11.2022

Clerk of counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 11.01.2023 for arguments before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)