

(Late diary)

28<sup>th</sup> Oct., 2022

01. At early in the morning, Mr. Noor Muhammad Khattak, Advocate, learned counsel for the appellant was present and requested for adjournment in order to further prepare the brief. Last opportunity was granted to him and the case was adjourned to 07.12.2022 for preliminary hearing. Later on, Mr. Haider Ali, Advocate appeared on behalf of the appellant and submitted fresh Wakalatnama which is placed on file.

02. Learned counsel for the appellant submitted an application for withdrawal of the instant appeal with permission to file fresh one on the ground that there are some discrepancies in the appeal which need to be rectified. Application is placed on file.

03. In view of the above, the appeal is dismissed as withdrawn with permission to file fresh one subject to all just and legal objection. Consign.

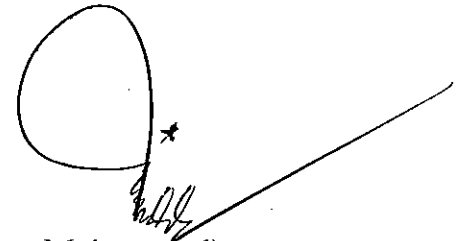
04. **Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 28<sup>th</sup> day of October, 2022.**

  
(FAREEHA PAUL)  
Member(E)

19.09.2022

Junior of learned counsel for the appellant present.

As per previous order sheet dated 11.04.2022 last opportunity had been granted to the learned counsel for appellant whereafter on 19.05.2022 he argued the case at the stage of preliminary hearing but could not produce any plausible reason to justify the claim for restoration of pay in absence of any original or appellate order against the appellant and therefore, requested for adjournment. Today junior of the learned counsel for appellant requested for adjournment on the ground that senior is out of station. Case is adjourned with specific direction to the learned counsel for appellant to come up with justification for restoration of pay of the appellant and produce original or appellate order as earlier noted in order sheet dated 19.05.2022 before the S.B other than the present one, on 28.10.2022.



(Mian Muhammad)  
Member (E)

28<sup>th</sup> Oct., 2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for preliminary hearing on 07.12.2022 before S.B.

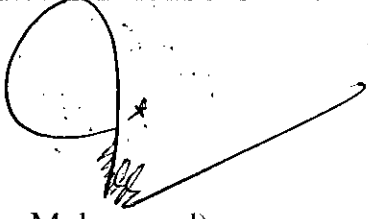
(Fareeha Paul)  
Member(E)

19.05.2022

Learned counsel for the appellant present.

Learned counsel for the appellant contended that the appellant was initially appointed as Chowkidar on contract basis on 20.04.2004 whose services were regularized w.e.f. 01.04.2006. The appellant was sick and his pay was stopped. On a question to produce original impugned order of the competent authority or appellate order to have been issued by the appellate authority, learned counsel for the appellant did not have any reply to substantiate his point of view. He could neither produce any evidence as impugned order nor any plausible reason to justify his claim for restoration of pay. There is no impugned or appellate order to have been annexed with the memorandum of appeal and reflected in the index appended to the service appeal. Therefore, the statutory requirement under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is not fulfilled. With these observations of the court, learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 18.07.2022 before S.B other than the present one.

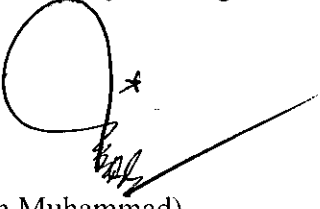
SCANNED  
KPST  
Peshawar

  
(Mian Muhammad)  
Member(E)

18.07.2022

Mr. ~~Noor~~ Muhammad Khattak, Advocate for the appellant present.

As per order sheet dated 19.05.2022, Honourabel Chariman is requested to post this case before S.B to be presided over by another learned Member. Adjourned. To come up for preliminary hearing on 19.09.2022 before S.B.

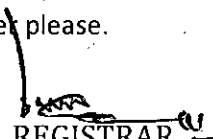


  
(Mian Muhammad)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 389/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2022	<p>The appeal of Mr. Dilawar Khan 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.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>11.04.2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Noted</i> <i>11.04.2022</i> <i>Noor Mohd Khattak</i></p> <p>Counsel for the appellant present and seeks adjournment to properly assist the court. Adjourned. Last opportunity is granted. To come up for preliminary hearing on 19.05.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>