

06.09.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Bin Yamin S.I (Legal) for respondents present.

File to come up alongwith connected Service Appeal No. 2091/2019 titled "Hafiz Ur Rehman Vs Police Department" on 24.11.2022 before D.B.

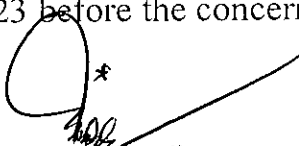
  
(Fareeha Paul)  
Member(E)


  
(Rozina Rehman)  
Member(J)

24.11.2022

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

File to come up alongwith connected Service Appeal bearing No. 2091/2019 titled "Hafiz-ur-Rehman Versus The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 02 others" on 13.01.2023 before the concerned D.B.


  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

30.03.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents for submission of written reply/comments for 09.06.2021 before S.B.

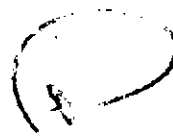
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

09.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply has not been submitted by the respondents. Learned AAG is required to contact the respondents for submission of reply/comments within 10 days in office, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021

  
Chairman



07.12.2020

Junior-to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G with direction to submit written reply/comments on 27.01.2021 before S.B.

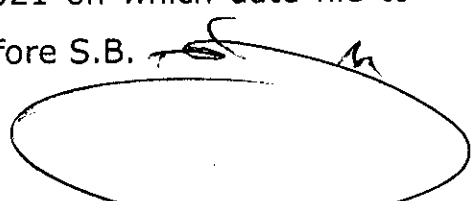


(Rozina Rehman)  
Member (J)

27.01.2021

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 30.03.2021 on which date file to come up for written reply/comments before S.B.



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

09.10.2020

Counsel for the appellant present.

Contends that the appellant alongwith others was enlisted as Constable in District Police Lakki Marwat through order dated 30.12.2016. On 29.03.2017, the order of appointment in respect of the appellant and nine others was withdrawn. The appellant submitted Writ Petition No. 343-B/2017 before the Honourable Peshawar High Court Bannu Bench which was allowed on 28.03.2018. The Honourable Court was not only pleased to set aside the order dated 29.03.2017 but the petitioners were declared to be enlisted constables for District Lakki Marwat. Despite unconditional judgment, the respondents undertook denovo enquiry which was not called for. Resultant to denovo enquiry an order was passed on 14.06.2019, whereby, the appellant was imposed upon major penalty of removal from service w.e.f. 11.04.2019. The departmental appeal there-against also did not prevail and was rejected on 08.11.2019. It is also pressed into service by learned counsel that the impugned order dated 14.06.2019 was passed without associating the appellant in the departmental proceedings. Regular/proper enquiry was never held while the appellant was subjected to major penalty. Similarly, statement of allegations, charge sheet and show cause notice were also not given to the appellant. Learned counsel referred to the impugned order dated 14.04.2019 and stated that the order itself was invalid as the penalty against the appellant was given ~~with~~ retrospective effect. *ms*

In view of the arguments of learned counsel and the available record, instant appeal is admitted to regular hearing, subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 07.12.2020 before S.B.

Appellant Deposited  
Security & Process Fee  
13/10/20



Chairman

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before

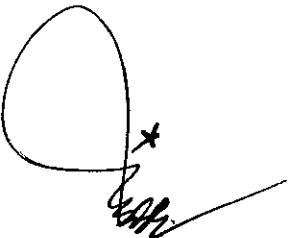
S.B.

S.F. S

  
Reader

17.06.2020


Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 18.08.2020 before S.B.

  
MEMBER

18.08.2020

Junior to counsel for the appellant present. Former requests for adjournment as learned senior counsel is not available today.

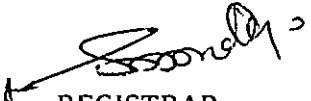

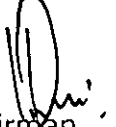

Adjourned to 09.10.2020 before S.B.

  
(Mian Muhammad)  
Member(E)

Form- A  
FORM OF ORDER SHEET

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

Case No. 2093/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.12.2019	<p>The present appeal 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>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on 07/02/20</p> <p style="text-align: right;"> CHAIRMAN</p>
	09.01.2020	<p>Junior to counsel for the appellant present. Requests for adjournment due to general strike of the Bar. Adjourned to 07.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	07.02.2020	<p>Counsel for the appellant present and requested for adjournment. Adjourned to 25.03.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>