

13th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 24.11.2022 before the D.B.



(Fareeha Paul)
Member (E)

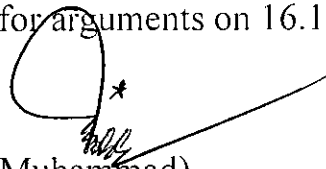


(Kalim Arshad Khan)
Chairman

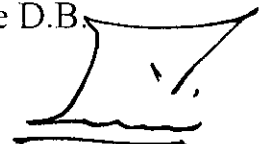
24.11.2022

Mr. Umar Farooq, Advocate, junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, 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 16.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

16.06.2022

Learned counsel for the appellant present. Mr. Munawar Khan, ADEO (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 05.07.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

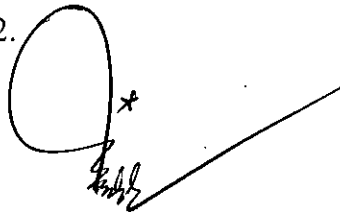


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.07.2022

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

Due to paucity of court time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 15.09.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.09.2022

Appellant present in person.

Muhammad Jan, learned District Attorney alongwith Munawar Khan, ADEO for respondents present.

Former made a request for adjournment as his learned counsel is not available today. Adjourned. To come up for arguments on 13.10.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

11.03.2021

Due to non availability of Bench, the case is adjourned to 26.04.2021 for arguments before D.B

26.4.21

Due to COVID-19, the case is adjourned to 16.8.2021 for the same.


READER

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 01.12.2021 for the same as before.

1-12-22

As on Tour, therefore the case is adjourned to 14-3-22 for same.


Reader

14-3-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to come up for the same as before on 16-6-22

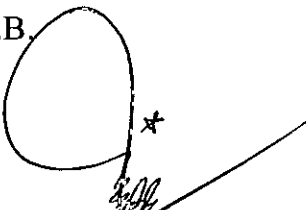

Reader

15.10.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Munawar Khan, SST for the respondents is present.

Learned counsel for the appellant while making reference to impugned order dated 05.06.2014 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose, therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal this appeal is kept pending.

File to come up for further proceedings on 22.12.2020 before D.B.



(Mian Muhammad)
Member (E)

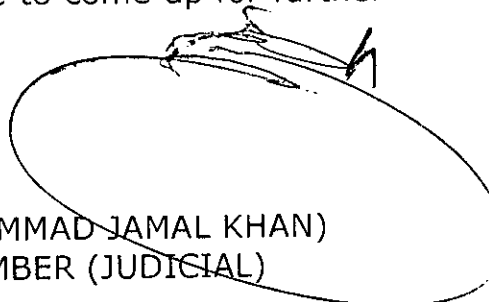

(Rozina Rehman)
Member(J)

22.12.2020

Mr. Noor Muhammad Khattak, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Munawar Khan, SST, for the respondents are also present.

Learned counsel representing appellant while making reference to impugned order dated 05.06.2014 submitted that retrospective effect was given to the referred to order, since the issue with retrospectivity is pending before the Larger Bench of this Tribunal constituted for the purpose, therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 11.03.2021 before D.B.


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


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

10.03.2020 Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourn. To come up for arguments 23.04.2020 before D.B.

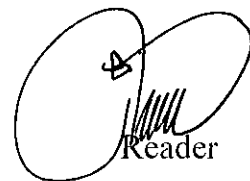

Member


Member

23.04.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.


Reader

04.08.2020 Due to summer vacation case to come up for the same on 15.10.2020 before D.B.


Reader

13.11.2019

Mir Zaman Advocate present on behalf of learned counsel for the appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Mir Zaman Advocate seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned by way of last chance. To come up for arguments on 31.12.2019 before D.B.


Member


Member

31.12.2019

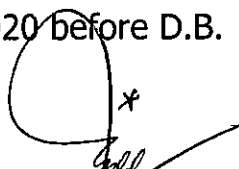
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.02.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.02.2020

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 10.03.2020 before D.B.


Member


Member

24.04.2019

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

Learned Addl. AG requests for adjournment to produce the requisite record noted in the order dated 11.03.2019. The requisite record shall positively be submitted within a fortnight alongwith extra copy.

Adjourned to 11.07.2019 for arguments before the D.B.


Member

Chairman 

11.07.2019

Appellant in person and Mr. Usman Ghani learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 29.08.2019 before D.B.


Member


Member

29.08.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment.. Adjourn. To come up for arguments on 13.11.2019 before D.B


Member


Member

28.12.2018

Mr. Mir Zaman, Advocate to Mr. Noor Muhammad Khattak Advocate for appellant, Mr. Ziaullah, DDA for the respondents present.

Learned senior counsel for the appellant is reported to be indisposed. Adjourned to 11.03.2019 for arguments before the D.B.


Member


Chairman

11.03.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Daud Jan, Superintendent for the respondents present.

The representative of respondents requests for some time in order to update the brief of instant appeal with document(s) relating to the travel history of appellant as the impugned order carries a reference thereto.

The requisite record may be submitted within a fortnight alongwith extra copy. Adjourned to 24.04.2019 for arguments before the D.B.


Member


Chairman

26.07.2018

Due to sickness of learned Member (Executive), further proceedings could not be conducted. Adjourned. To come up for arguments on 19.09.2018 before D.B.




Member

19.09.2018

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Counsel for the appellant is directed to provide Member copy of the present appeal on or before the next date of hearing. Adjourned. To come up for arguments on 05.11.2018 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

05.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.

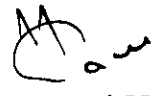


CHAIRMAN

20.03.2018

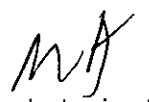
Learned counsel for the appellant and Mr. Muhammad Jan, learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.05.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

24.05.2018

Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.06.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

12.06.2018

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 is not in attendance. Adjourned by way of last chance. To come up for arguments on 26.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18/10/2017

Clerk of counsel for the appellant present and seeks time for deposit of security and process fee. Clerk of counsel for the appellant is directed to deposit security and process fee within 7 days, thereafter notices be issued to respondents for submission of written reply/comment on 30/11/2017 before SB.

Appellant Deposited
Security Process Fee

30/11/2017

(GUL ZEB KHAN)
MEMBER
Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Daud Jan, Litigation Officer for respondent present. Written reply not submitted and AAG seeks further time. To come up for written reply/comments on 29/12/2017 before DB.

29.12.2017

(Ahmad Hassan)
None present on behalf of appellant and Member Counsel. Mr. Kabir Ullah Khattak, Learned Addl: AG present. None present on behalf of respondent. Therefore, notice be issued to the appellant and his counsel as well as respondents for attendance. Written reply not submitted and AAG seeks further time. To come up for written reply/comments on 16.01.2018 before S.B.

16.01.2018

(Gul Zeb Khan)
Member (E)
Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent and Mr. Hajj Muhammad, AAEO for the respondents also present. Written reply on behalf of respondent No. 2 submitted. Representative of respondent No. 2 rely on the written reply submitted by respondent No. 2 on behalf of respondents No. 1 and 3. Adjourned. To come up for rejoinder and arguments on 20.03.2018 before D.B.

(Muhammad Amin Khan Kundi)
Member

24/8/2017


Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 13/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

13.09.2017

Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the impugned order of termination was passed against the appellant on 05.06.2014 against which he filed departmental appeal on 29.06.2014 which was not responded to and thereafter, the present appeal on 14.10.2014. The learned counsel for the appellant further argued that the termination order was passed without following the procedural due process. That no charge sheet and statement of allegations was served upon the appellant nor proper enquiry was conducted.

The points raised need consideration. The appeal is admitted to regular hearing. 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 18.10.2017 before S.B.


Chairman

04.07.2017

Appellant with counsel present. Learned counsel for the appellant advanced arguments on the application for restoration of appeal dismissed in default vide order dated 31.07.2015. Attention is invited to order sheet dated 30.01.2017, whereunder the appeal in hand was restored for regular hearing. As such ^{it} stands restored. To come up for preliminary hearing on 25.07.2017 before S.B.


(Ahmad Hassan)
Member

25.07.2017

Counsel for the appellant seeks adjourned. Granted. To come up for preliminary hearing on 08.08.2017 before S.B.


Chairman

08.08.2017

Clerk to counsel for the appellant present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 24.08.2017 before S.B.

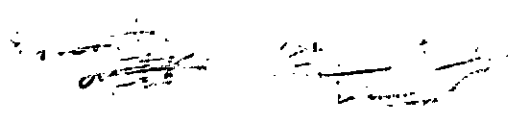

(Ahmad Hassan)
Member

29.05.2017

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 04.07.2017 before S.B.

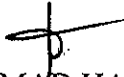

(AHMAD HASSAN)
MEMBER





20.02.2017

Clerk to counsel for the appellant present. Requested for adjournment. Request accepted. To come up for preliminary hearing on 08.03.2017 before S.B.


(AHMAD HASSAN)
MEMBER

08.03.2017

None present on behalf of the appellant. Notice be issued to appellant and his counsel for prosecution for 30.03.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

30.03.2017

Junior to counsel for the appellant (Noor Muhammad Khattak, Advocate). Requested for adjournment as learned Senior counsel for the appellant has gone abroad for performing Umra. Adjourned for preliminary hearing to 26.4.2017 before S.B.


Chairman

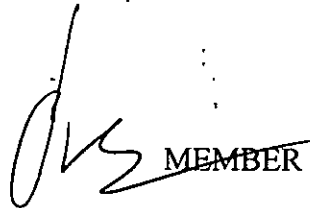
26.04.2017

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 29.05.2017 before S.B.


(Ahmad Hassan)
Member

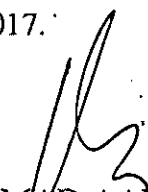
31.10.2016

Clerk to counsel for the petitioner and Addl. AG for respondents present. Requested for adjournment. Request accepted. To come up for written reply and arguments on application on 20.12.2016 before S.B.


MEMBER

20.12.2016

Clerk of Mr. Noor Mohammad Khattak, Advocate filed Wakalat Nama on behalf of the petitioner and requested for adjournment. Adjournment granted. To come up for written reply and arguments on application on 30.01.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER

30.01.2017

Counsel for the petitioner present. Arguments on restoration application heard and record perused.

Since the appeal was dismissed in default at the stage of preliminary hearing and when no notice was issued to the respondents as such the application for restoration of appeal is accepted and the appeal restored for regular hearing. To come up for preliminary hearing on 20.02.2017 before S.B.


Chairman

30.01.2017

22.02.2016

Counsel for the petitioner and Addl. A.G for respondents present. To come up for reply and arguments on application on 25.4.2016 before S.B.


Chairman

25.4.2016

Agent of counsel for the petitioner and Addl. AG for the respondents present. Counsel for the appellant as well as counsel for Political Agent Khyber are not in attendance. Seeks adjournment. Adjourned for reply and arguments on application for 21.7.2016 before S.B.


Chairman

21.07.2016

Agent of counsel for the petitioner and Additional AG for the respondents present. Agent of counsel for the petitioner requested for adjournment due to sickness of learned counsel for the petitioner. Request is accepted. To come up for reply and arguments on application on 29.08.2016 before S.B.


MEMBER

29.08.2016




None for the petitioner and Mr. Daud Jan, Sudt. Alongwith Addl. AG for respondents present. Addl. AG requested for adjournment. To come up for reply and arguments application on 31.10.2016 before S.B.


Chairman

FORM OF ORDER SHEET

Court of _____

Misc. Application No. 1229 /2015

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/11/2015	<p style="text-align: center;">The application for restoration of appeal no. 1229/2014 submitted by Mr. Haji Muhammad through Mr. Nawab Zada Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right; margin-right: 50px;">  REGISTRAR </div> <p style="text-align: center;">This Misc. application be put up before S. Bench on <u>25-11-15</u></p> <div style="text-align: right; margin-right: 50px;">  CHAIRMAN </div>
2-	25.11.2015	<p style="text-align: center;">Agent of counsel for the petitioner present. Notice and record for 22.2.2016 before S.B.</p> <div style="text-align: right; margin-right: 50px;">  Chairman </div>

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Misc. application no. 137/2015
in Service Appeal No. 1229 of 2014

1315
16-11-15

Haji Muhammad **VERSUS** AEO, Khyber Agency and
others

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED SERVICE APPEAL.**

Respectfully Sheweth:

- 1- That the above titled service appeal pending adjudication before this august Tribunal.
- 2- That the above titled service appeal is fixed for preliminary hearing and due to non-functioning of august Tribunal the case was adjourned several time.
- 3- That on date fixed my clerk attend this august Court and Conway 10/11/2015 to me on that my child was hospitalized due to which I was unable to personally appear before your lordship.
- 4- That on 10/11/2015 the titled case was not mentioned in the cause list the Tribunal reader information me that the case is dismissed in default.
- 5- That non-appearance on date fixed was nor deliberately nor intentionally but due the above mentioned reasons.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled case may kindly be restored.

Dated 12/11/2015

Through  Applicant
Nawab Zada
Advocate, Peshawar

30.06.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated indisposed. Adjourned to 31.7.2015 for preliminary hearing before S.B.


Chairman

31.07.2015

None present for appellant despite repeated calls. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED
31.7.2015.


Chairman
31.07.15

3
Reader Note:

24.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 06.03.2015 for the same.

Σ

Reader

4,
06.03.2015

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for Preliminary hearing on 31.03.2015.

Member

5,
31.03.2015

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 18.05.2015.

Member

18.05.2015

None for the appellant present. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 30.06.2015 before S.B.


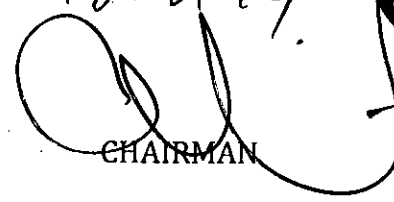
Member

Noted
30/5/15
2015
19/5/15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1229/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/10/2014	<p>The appeal of Mr. Haji Muhammad presented today by Mr. Nawabzada Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-12-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>