


1108/2018

13<sup>th</sup> Oct., 2022 . Counsel for the appellant present. Mr. Naseerud Din Shah,  
Asstt. dvocate General for the respondents present.

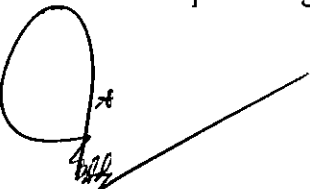
Counsel for the appellant seeks adjournment in order to further  
prepare the brief. Last opportunity is granted. To come up for  
arguments on 24.11.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

24.11.2022 Learned counsel for the appellant present. Mr. Naseer-ud-Din  
Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on  
the ground that he has not gone through the brief of the instant appeal.  
Adjourned. To come up for arguments on 31.01.2023 before the D.B.


  
(Mian Muhammad)  
Member (E)


  
(Salah-Ud-Din)  
Member (J)

16.09.2021

Ms. Uzma Syed, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she is not feeling well. Adjourned. To come up for arguments before the D.B on 30.12.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

30.12.2021

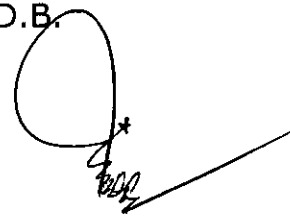
Due to winter vacation, the case is adjourned. To come up on 8/5/2022.

  
Reader

01.04.2022

Clerk to learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

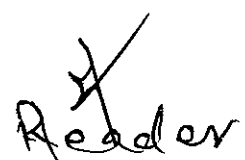
Clerk to learned counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Last chance given. Adjourned. To come up for arguments on 05.07.2022 before the D.B.

  
(Mian Muhammad)  
Member (Executive)

  
Chairman

5-7-2022

Proper DB not available the case is adjourned 13-10-2022

  
Reader

08.03.2021 Counsel for appellant present.


Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to non-availability of D.B, case is adjourned to 08.06.2021 for the same as before.

  
Reader

08.06.2021 Appellant alongwith his counsel Mr. Mir Zaman Safi, Advocate, present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant submitted fresh Vakalatnama on behalf of the appellant and sought adjournment on the ground that the issue of retrospectivity is involved in the instant appeal and as the issue is also pending adjudication before the Larger Bench of this Tribunal, therefore, the appeal in hand may be adjourned. Adjourned. To come up for arguments before the D.B on 16.09.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

25.06.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Former requests for adjournment in order to further prepare the brief.

Adjourned to 23.09.2020 before D.B.

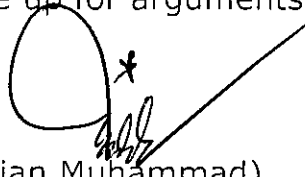
  
Member

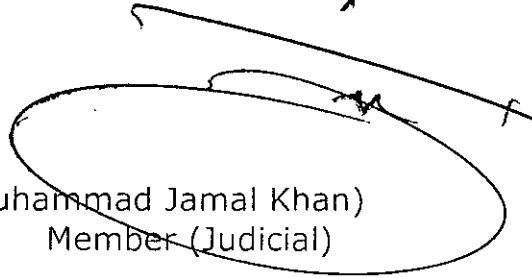
  
Chairman

23.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

According to appellant his counsel has proceeded to village in connection with domestic affairs. Requested for adjournment. Last chance is given. The case is adjourned to 14.12.2020 on which to come up for arguments before D.B.

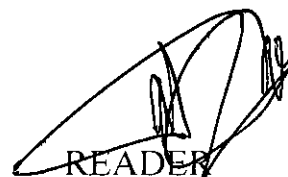
  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

14.12.2020

Counsel for appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19 the case is adjourned for the same on 08.03.2021 before D.B.

  
READER

18.12.2019

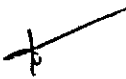
Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 31.01.2020 before D.B.

  
Member

  
Member

31.01.2020

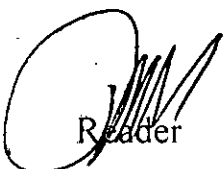
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.04.2020 before D.B.

  
Member

  
Member

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.

  
Reader

11.07.2019

Appellant in person and Addl. AG present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of representative of respondents and submission of written reply/comments on 04.09.2019 before S.B.

Chairman 

04.09.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Ihsanullah, H.C for the respondents present.

Representative of the <sup>respondents</sup> requests for further time to furnish parawise comments. Adjourned to 02.10.2019 by way of last chance to the respondents for submission of requisite reply/comments.

Chairman 

02.10.2019

Appellant alongwith his counsel present. Addl: AG alongwith Mr. Ihsan, ASI for respondents present.

Representative of the respondents submitted reply, which is placed on file.

To come up for rejoinder and arguments on 18.12.2019 before D.B.

Chairman 

26.03.2019

Appellant in person present. Written reply not submitted. Ihsan Ullah S.I legal representative of the respondent department present and seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 25.04.2019 before S.B.



Member

25.04.2019

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 requested for further adjournment for filing of written reply. Adjourned to 18.06.2019 for written reply/comments before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

18.06.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ihsanullah, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment to submit written reply. Last chance is granted. Adjourned to 11.07.2019 for written reply/comments before S.B.



(Muhammad Amin Khan Kundi)  
Member

26.12.2018

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 30.01.2019 before S.B.

  
Member

30.01.2019

Counsel for the appellant Amanullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was discharged from service vide order dated 02.10.2009 by the competent authority on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal on 12.07.2018 which was rejected on 26.07.2018 and communicated to the appellant on 31.07.2018 hence, the present service appeal on 29.08.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor inquiry was conducted therefore, the impugned order is illegal and liable to be set-aside. It was further contended that the impugned order has been passed retrospectively i.e from the date of absence therefore, the same is void and limitation does not run against the said order.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 26.03.2019 before S.B.

Appellate Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member



Form- A

FORM OF ORDER SHEET

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

Case No. 1108/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2018	<p>The appeal of Mr. Aman Ullah resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 6/9/18</p>
2-	7-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-9-2018</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p>
	22.9.2018	<p>Due to muharram ul Haramm vacations the case was not heard on 20.9.2018 Adjourned for <u>7-11-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> READER</p>
	7-11-2018	<p>Due to indisposition of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on <u>25-12-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>