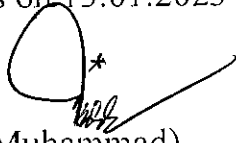
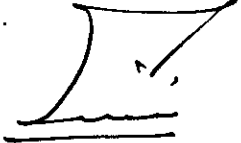


24.11.2022

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

Partial arguments were heard by a D.B comprising of Ms. Rozina Rehman learned Member (Judicial) and Ms. Fareeha Paul learned Member (Executive), therefore, the appeal in hand may be placed before the concerned D.B. Adjourned. To come up for arguments on 13.01.2023 before the concerned D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

26.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Abu Sufyan Si (Legal) for respondents present.

Complete record submitted, however, arguments could not be heard as Ms. Fareeha Paul, learned Member (Executive) is on leave. Therefore, case is adjourned to 06.09.2022 for remaining arguments before D.B.



(Rozina Rehman)
Member (J)

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.

Complete record submitted. Copy of the same was handed over to junior counsel for appellant who requested for adjournment as senior counsel is busy before the Hon'ble Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments on 24.11.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member(J)

22.03.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Younis, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk 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 rejoinder, if any, as well as arguments on 18.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

18.05.2022

Learned counsel for the appellant present. Mr. Younas Khan SI (Legal) alongwith Mr. Naseer ud Din Shah, Assistant Advocate General for respondents present.

Complete record of the inquiry has not been submitted by the respondents, therefore, the same may be produced and to come up for arguments on 20.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



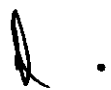
(Salah-Ud-Din)
Member (J)

20.07.2022

Learned counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Partial arguments heard. Learned AAG requested for adjournment in order to submit complete record; granted. To come up for production of record and remaining arguments on 26.07.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

01.11.2021

Junior to counsel for appellant present.

Javid Ullah, learned Assistant Advocate General for respondents present.


The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 02.02.2022 before D.B. Respondents be put on notice to submit reply within 10 days in office.


Chairman

02.02.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. M. Zaman, SI for respondents present.


Representative of the respondents submitted written reply which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder/arguments on 22.03.2022 before D.B.


(Attiq Ur Rehman Wazir)
Member(E)

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

Stipulated period has passed in this appeal along with 06 errors and reply has not been submitted.


Chairman

P.S

22.06.2021

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


Chairman

22/6/21

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.

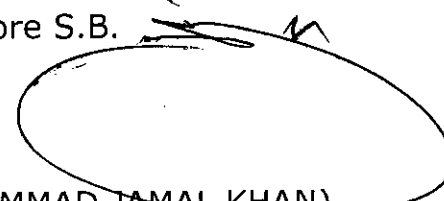


(Rozina Rehman)
Member (J)

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. 

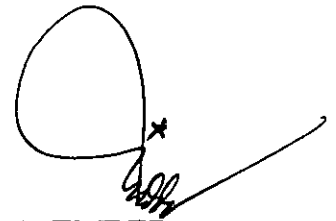
In view of the arguments of learned counsel and the available record, instant appeal is admitted to regular hearing, subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments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

Appellate Deposited
Security & Process Fee

19/10/20


Chairman

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.

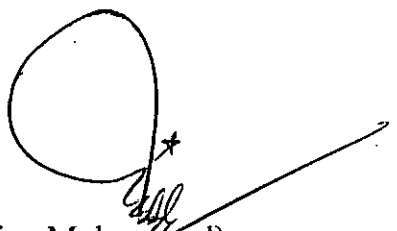


MEMBER

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. 2091/2019

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 <u>07/02/20</u></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>
	25.03.2020	<p>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.</p> <p style="text-align: right;"> Reader</p>