


03.12.2018

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 02.01.2019 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

02.01.2019

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Sarwar Khan ADEO present. Representative of the respondents seeks time to furnish complete record. Granted. To come up for record and arguments on 30.01.2019 before D.B.


Member


Member

30.01.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith M/S Bahadur Computer Operator and Daud Jan Superintendent present. Adjournment requested. Adjourn. To come up for arguments on 14.03.2019 before D.B.


Member


Member

14.03.2019

Junior for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourn. To come up for arguments on 29.03.2019 before D.B.

MA

(M. AMIN KHAN KUNDI)
MEMBER

Q

(M. HAMID MUGHAL)
MEMBER

29.03.2019. The bench is incomplete, therefore, the case is adjourned to. 14-5-19

14-5-19 The bench is incomplete therefore the case is adjourned to 16-10-19. & Readeo

16-10-19 The bench is incomplete Therefore the case is adjourned to 17-10-19

Q
Readeo

17.10.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned Assistant AG requested for adjournment. Adjourned to 21.11.2019 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

21.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present. Learned Asst: AG requested that the inquiry report is not available on record, therefore, the same may be requisitioned. Respondents are directed to direct the representative to attend the court and furnished the relevant inquiry record on the basis of which the appellant was terminated vide order dated 11.12.2015 positively on the next date. Adjourned. To come up for record and arguments on 06.01.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.01.2020

Learned counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Fawad Afzal, Senior Clerk for respondents present. Representative of the respondents seeks time for submission of enquiry record. Adjourn. To come up for enquiry record and arguments on 04.02.2020 before D.B.


Member


Member

04.02.2020

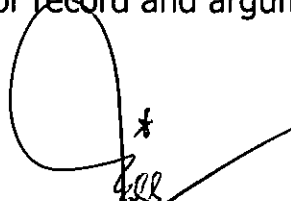
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Tariq, Assistant for the respondents present. Case to come up for inquiry record mentioned in order sheet dated 21.11.2019 and arguments on 09.03.2020 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Enquiry record not submitted. Respondents are strictly directed to produce enquiry report mentioned in order sheet dated 21.11.2019 positively on the next date of hearing. Adjourned. To come up for record and arguments on 03.04.2020


Member


Member

03-4 .2020

Due to COVID19, the case is adjourned to

06/8/2020 for the same as before.


Reader

06.08.2020

Due to summer vacation case to come up for the same on
08.10.2020 before D.B.



Reader

08.10.2020

Counsel for appellant present.

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

Learned AAG made a request for adjournment in order to
produce record/inquiry report. Adjourned. To come up for
record/arguments on 02.12.2020 before D.B.


(Atiqur Rehman Wazir)
Member (E)

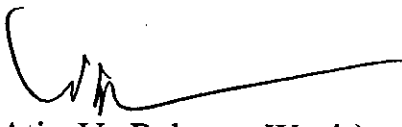

(Rozina Rehman)
Member (J)

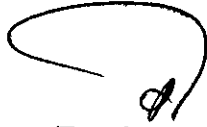
02.12.2020

Counsel for appellant present.

Riaz Paindakhel learned Assistant Advocate General for respondents present.

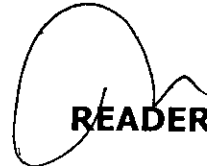
Former requests for adjournment as issue involved in the present case is pending before a Larger Bench of this Tribunal. Adjourned. To come up for arguments on 01.03.2021 before D.B


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

01.03.2021


Due to COVID-19, the case is adjourned for the same on 01.06.2021.


READER

01.06.2021

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

Former sought adjournment on the ground that similar issue involved in the instant appeal is pending before a Larger Bench of this Tribunal, therefore, Adjourned. To come up for arguments before the D.B on 02.08.2021.


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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.08.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Javed Iqbal Stenographer for respondents present.

At the very outset, a notification bearing endorsement No.2715-20 dated 10.10.2019 was produced which shows that in compliance to the judgment of Hon'ble Pehsawar High Court, the present appellant alongwith others were conditionally appointed subject to final decision filed in the Hon'ble Supreme Court of Pakistan. When learned counsel was confronted with the notification he requested for adjournment in order to apprise the Tribunal in respect of the present situation: Case is adjourned to: 09.12.2021 for arguments/ further proceedings in view of the notification produced today before this Tribunal.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

09.12.2021


Counsel for the appellant and Mr. Muhammad Asif Masood, DDA alongwith Muhammad Murtaza, Superintendent for the respondents present.

Learned AAG seeks time for preparation. Request is accorded. To come up for arguments on 30.03.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

36-3-2022 Proper DB not available the case is adjourned to come up for the same as before on 6-6-2022


Recd

06.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, 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 not available today due to strike of lawyers. Adjourned. To come up for arguments on 18.08.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

18-8-22

due to summer vacation the case is adjourned to 15-9-22 for the same.



15.09.2022

Nemo for parties.

Muhammad Adeel, learned Additional Advocate General present.

*Noted
5/10/22
H. Khattak*

Preceding date was changed on Reader note, therefore, both parties be put on notice for arguments on 13.10.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

13th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant 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 23.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

23rd Nov. 2022

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

Last opportunity was granted to appellant to argue the case but today adjourned is being sought. To come up for order on 30.01.2023 before the D.B. Learned counsel for the appellant may argue the case before announcement.



(Fareeha Paul)
Member (E)

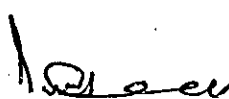




(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 304/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.03.2016	<p>The appeal of Mst. Bibi Jamilla presented 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	29.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	12.04.2016	<p>Junior to counsel for the appellant present. Seeks adjournment. Case is adjourned for preliminary hearing to 26.4.2016.</p> <p style="text-align: right;"> Chairman</p>

14.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as D.M (BPS-15) GHS Kochi Kuram Agency when terminated from service vide impugned order dated 11.12.2015 on the allegations of irregularities in his appointment where-against he preferred departmental appeal on 18.12.2015 which was not responded and hence the instant service appeal on 28.03.2016.

That appointment of the appellant was made in accordance with provisions of Rule-10 of Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989 and that there was neither any illegality nor irregularity in the said appointment and, moreover, neither any enquiry was conducted nor any opportunity of hearing extended to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.06.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

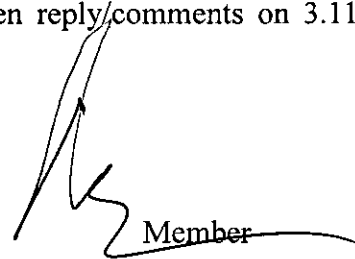
15.06.2016

Counsel for the appellant and Asstt. AG alongwith Daud Jan, Supdt. for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2016 before S.B.


Chairman

24.08.2016

Clerk to counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. . Requested for further adjournment. Last opportunity is extended. To come up for written reply/comments on 3.11.2016 before S.B.



Member

03.11.2016

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for further adjournment. Another last opportunity is extended. To come up for written reply/comments on 12.01.2017 before S.B.



Member

12.01.2017

Counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Additional AG for respondents present. Written statement by respondents No. 2 & 3 submitted. Learned Additional AG relies on the same on behalf of respondents No. 1 & 4. The appeal is assigned to D.B for rejoinder and final hearing for 07.03.2017 before D.B.



Chairman

07.03.2017

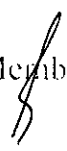
Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 10.07.2017 before D.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

10.07.2017

Counsel for the appellant and Muhammad Jan, Government Pleader for the respondents present. Vide our detailed order of to-day in service appeal No. 261/2016, entitled "Hamid Ullah Khan Versus Director of Education FATA, FATA Secretariat, Peshawar and others" a special bench of 3 members is constituted in which Mr. Muhammad Hamid Mughal, Learned Member (Judicial) shall also be included in addition to the present bench. To come up for arguments on the point of jurisdiction on 17.08.2017.


Member

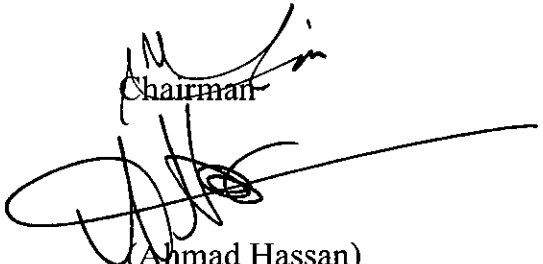

Chairman

17.08.2017

Junior to counsel for the appellant and Asstt. AG alongwith Daud Jan, Superintendent for the respondents present.

Since the matter in controversy has already been resolved by the judgment of Hon'ble Peshawar High Court reported as PLD 2014-Peshawar-132, there is no need to decide this issue any further. The matter may be put up before the D.B for decision on merits. To come up for arguments before the D.B on 29.11.2017.



(M. Hamid Mughal)
Member


Chairman
(Ahmad Hassan)
Member

29.11.2017

Counsel for the appellant Mr. Ziaullah, DDA alongwith Mr. Daud Jan, Supdt for the respondents present. Representative of the respondents is directed to bring enquiry report and other documents. To come up for such record and arguments on 08.02.2018 before the D.B.


Member


Chairman

08.02.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present. Due to shortage of time, arguments could not be heard. To come up for record and arguments on 29.03.2018 before the D.B.


Member


Chairman

29.03.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Adjourned. To come up for record and arguments on 04.04.2018 before D.B.


Member


Chairman

04.04.2018

Counsel for the appellant and Addl; AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for record and arguments on 10.04.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

10.04.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Last opportunity granted. To come up for record and arguments on 23.04.2018 before the D.B.

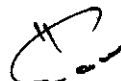

Member


Chairman

23.04.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Ahmad Khan AEO for the respondents present. Arguments heard. To come up for order on 09.05.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

09.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 28.05.2018


READER

28.05.2018

Bench is incomplete. To come up for order on 31.05.2018 before D.B


Member

31.05.2018

Learned Additional Advocate General present. Some points need further consideration. Learned counsel for the appellant is not available. Adjourned. To come up for further arguments on 07.06.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07.06.2018


Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Daud Jan ADO for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 29.06.2018 for arguments before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

29.06.2018

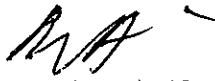
Appellant with counsel present. Mr. Kaibrullah Khattak, Additional AG alongwith Mr. Ahmad Khan, Agency Education Officer and Mr. Daud Jan, Superintendent for the respondents present and requested for adjournment. Adjourned. To come up for arguments on 17.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

17.08.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.08.2018 before D.B.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

28.08.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Ahmad Khan, Additional Agency Education Officer and Mr. Daud Jan, Superintendent for the respondents present. Arguments heard. To come up for order on 31.08.2018.



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

31.08.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Adjourned. To come up for order on 18.09.2018.



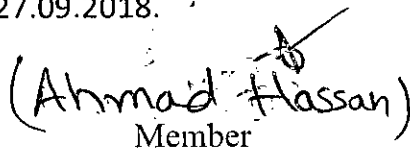
(Ahmad Hassan)
Member



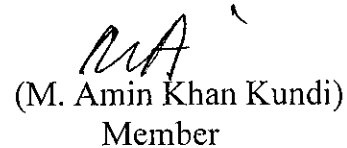
(Muhammad Amin Khan Kundi)
Member

18.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Adjourned. To come up for order on 27.09.2018.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

27.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. The case was fixed for order, however, Judicial Member want to submit that perusal of the file reveal that on 23.04.2018 the bench comprising of Mr. Muhammad Hamid Mughal and Mr. Ahmad Hassan heard the arguments in all connected appeals including the present appeal but decided only five appeals out of total connected appeals and adjourned the remaining connected appeals including the present appeal for arguments. Propriety demand that the bench comprising above named members should also decide the remaining connected appeals including the present one. Hence, the case file be put up today before the learned Chairman of Service Tribunal for appropriate orders.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Kundi)
Member (J)

27.09.2018

As per order of worthy chairman in service appeal No, 296/16 Sakhi Akbar vs Secretary Education etc, this case be fixed before the bench comprising of Mr Mohammad Hamid Mughal learned Member (J) & Mr Ahmad Hassan learned Member (E) for hearing and disposal. *on 1-11-2018*


Registrar

01.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 03.12.2018 before D.B.


Reader