

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1299/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2018	<p>The appeal of Mr. Muhammad Irshad 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</p>
2-	17-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-11-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
	12-11-2018	<p><i>Due to retirement of Honorable chairmen the Tribunal is non functional therefore the case is adjourned to come up for the same on 31-12-2018</i></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
	31.12.2018	<p>Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 11.02.2019 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Muhammad Amin Khan Kundi Member</p>

11.02.2019


Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 15.03.2019 before S.B.


Member

15.03.2019

Counsel for the appellant Arshad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Lab Attendant in Education Department. He was imposed major penalty of compulsory retirement vide order dated 25.06.2015 by the competent authority on the allegation of misconduct. The appellant filed departmental appeal on 19.06.2016 which was partially accepted and the appellant was reinstated in service by the departmental authority vide order dated 23.11.2017 while the intervening period with effect from 25.06.2015 to 23.11.2017 i.e date of departmental decision was treated as extraordinary leave. The appellant filed departmental appeal against the order dated 23.11.2017 to the Secretary Elementary & Secondary Education but the same was not decided hence, the present service appeal. It was further contended that since the departmental authority has accepted the appeal of the appellate and reinstated him in service which shows that the appellant was imposed major penalty of compulsory retirement illegally and there was no fault of the appellant therefore, the departmental authority was required to reinstate him with back benefits.

The contention raised by the learned counsel for the appellant need 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 29.04.2019 before S.B.



Appellant Deposited
Security & Process Fee


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.04.2019 Counsel for the appellant present. Adll: AG for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up written reply/comments on 20.06.2019 before S.B.


(Ahmad Hassan)
Member

20.06.2019 Clerk of 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. Adjourned to 02.08.2019 for written reply/comments before S.B.

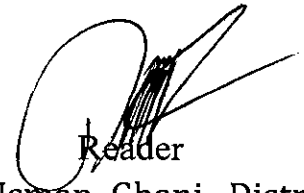

(Muhammad Amin Khan Kundi)
Member

02.08.2019 Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Touseef, ADO for respondents present. Written reply/comments on behalf of the respondents submitted, which is placed on file. The appellant may file rejoinder to the comments submitted by the respondents, if so, advised.

Adjourned to 29.10.2019 for arguments before D.B.


(Ahmad Hassan)
Member

29.10.2019 Due to incomplete bench the case is adjourned. To come up for the same on 02.01.2020 before D.B.

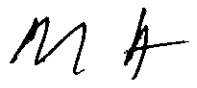


Reader

02.01.2020 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.03.2020 for arguments before D.B.



(Hussam Shah)
Member



(M. Amin Khan Kundi)
Member

09.03.2020 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 11.05.2020 before D.B.



Member



Member

11.05.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.



Reader

07.08.2020 Due to summer vacation case to come up for the same on 27.10.2020 before D.B.

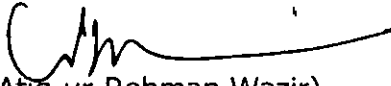


Reader

27.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

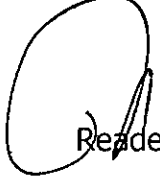
The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.


Reader

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.


Reader

28.07.2021

None for the appellant and Mr. Usman Ghani, District Attorney for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 03.12.2021 for the same before D.B.



(Rozina Rehman)
Member (Judicial)



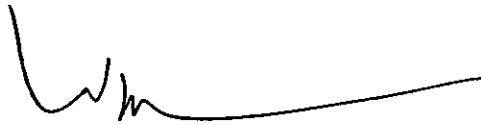
Chairman

03.12.2021

Counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney present.

Request for adjournment was made on behalf of appellant. Request is accorded. To come up for arguments on 29.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

29.03.2022

Miss. Uzma Syed, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 02.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

02.06.2022

Appellant present through representative.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 08.08.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

8.8.22

Due to the Public holiday the case is adjourned to 22-11-22

Reader

22.11.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt 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 for arguments before the D.B. on 19.01.2023.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman