

Service Appeal No. 4295/2020

28.11.2022

Nemo for the appellant. Mr. Asad Ullah SDEO alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED

28.11.2022

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line extending to the right. There is a small asterisk-like mark above the signature.

(Mian Muhammad)
Member (Executive)

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line.

(Salah-ud-Din)
Member (Judicial)

7th Sept. 2022

Counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Learned Asst: AG seeks time to further prepare the case. Last opportunity granted for arguments. To come up for arguments on 28.11.2022 before the D.B



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

25.11.2021

Proper DB is not available, therefore, the case is
adjourned to 4/3/22 for the same ^{as} before ~~D.B.~~


Reader

4-3-22

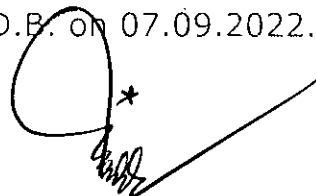
due to Retirement of the Hon.ble Chairman
The case is adjourned to come up for the
same as before on. 13-6-22


Reader

13.06.2022

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

Clerk of counsel for the appellant stated that learned
counsel for the appellant is unable to attend the Tribunal today
due to strike of Lawyers. Adjourned To come up for arguments
before the D.B. on 07.09.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.05.2021

Junior to counsel for the appellant present and submitted an application for adjournment due to indisposition of learned senior counsel for the appellant today. Adjourned to 06.07.2021 for preliminary hearing before S.B.


Chairman

06.07.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant, in view of his submissions made in the memorandum of appeal, has succeeded to earn recommendation in his favour reflected in minutes of Appellate Committee regarding disposal of departmental appeals. The copy of said minutes is available on file at Page 14 (Annexure-C). The case of the appellant was taken up by the said committee as Item No. 4. In light of said minutes and after assigning certain reason, the committee came up with recommendations for reinstatement of appellant without back benefits converting intervening period into leave without pay. Learned counsel for the appellant contends that this recommendation of the departmental committee has so far not been acted upon by the department and the appellant is nowhere till time.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, 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 25.11.2021 before the D.B.


Chairman

A. No. 4295/2020
M. Ashraf vs Govt

03.02.2021

Counsel for the appellant present.

On the last date of hearing the DEO(M) District Orakzai was impleaded as one of the respondents. The added respondent was required to be issued notice for hearing today and production of record regarding posting and payment of salary to the appellant.

The record reflects that the requisite notice alongwith copy of order dated 04.01.2021 was sent to respondent No.4 through register^{ed} post on 06.01.2021. Despite, neither the concerned respondent is available today nor is being representing^{ed} by duly authorized representative.

In the circumstances, the respondent No.4 shall be issued notice for personal appearance alongwith the requisite record on next date of hearing. Failing which, punitive action shall be initiated against the defaulting official(s) in accordance with law.

Adjourned to 25.05.2021 before S.B.



Chairman

25.05.2021

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

Learned counsel for the appellant requests for adjournment in order to further prepare the case. Adjourned to 28.05.2021 for arguments before S.B.



Chairman

04.01.2021

Appellant alongwith counsel present.

In pursuance to order dated 08.12.2020, notice of appearance was issued to respondent No. 2. In response, the respondent addressed a memo. to the learned Registrar of this Tribunal. The concerned respondent stated that the appellant belongs to District Orakzai (NMD) and not District Hangu. In view of the reply, learned counsel requests for impleadment of District Education Officer (NMD) District Orakzai as one of the respondents in order to reach just conclusion in the matter.

Request of learned counsel appears to be reasonable, therefore, the office is required to endorse the DEO (M) District Orakzai in the calendar of respondents as per procedure. The added respondent shall be sent notice alongwith copy of instant order for next date of hearing. The added respondent shall produce the record regarding posting and payment of salary to the appellant.

Adjourned to 03.02.2021 before S.B.


Chairman

08.12.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Despite directions by the learned Chairman on the preceding date, neither respondent No.2 attended the Tribunal nor requisite record was produced, therefore, notice be issued to respondent No.2 to attend the Tribunal in person alongwith entire record in respect of posting and salaries of the present appellant on the next date of hearing.

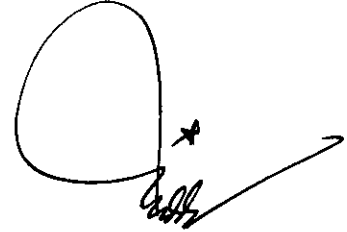
Adjourned to 04.01.2021 before S.B.



(Rozina Rehman)
Member (J)

02.06.2020

None for the appellant present. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 11.08.2020 before S.B.



(MAIN MUHAMMAD)
MEMBER

11.08.2020

Counsel for the appellant present.

Notice be issued to respondent No. 2 for production of entire record pertaining to the case of appellant on next date of hearing.

Adjourned to 30.09.2020 before S.B.



Chairman

30.09.2020

Counsel for the appellant and Addl. AG present.

Learned AAG is required to contact respondent No. 2 and facilitate the production of requisite record on next date of hearing. Adjourned to 08.12.2020 before S.B.



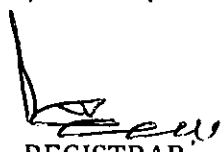
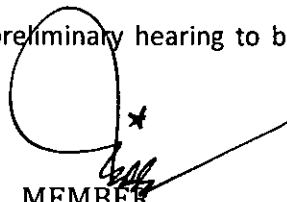
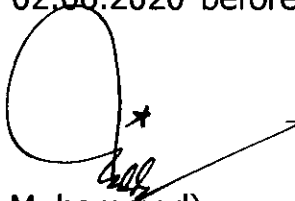
Chairman

P-112

Form- A

FORM OF ORDER SHEET

Court of _____
Case No.- 4295 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/05/2020	<p>The appeal of Muhammad Ashraf submitted today i.e 11.05.2020 by Mr. Saifullah Khan Khalil, 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;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>15-05-2020</u></p> <p style="text-align: right;"> MEMBER</p>
2-	15.05.2020	<p>None for the appellant present. Adjourned. To come up for preliminary hearing on 02.06.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member</p>