

29<sup>th</sup> Nov, 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Farooq Khan, DSP (Legal) for respondents present.

Representative of the respondents submitted copy of record which is placed on file. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Last chance is given to the appellant to argue the case. To come up for preliminary hearing on 20.12.2022 before S.B.

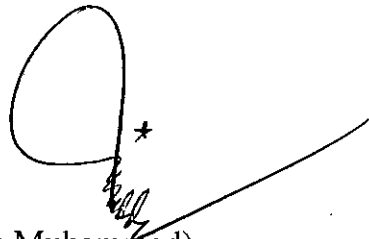


(Kalim Arshad Khan)  
Chairman

22.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for production of record as well as preliminary hearing on 03.10.2022 before the S.B.

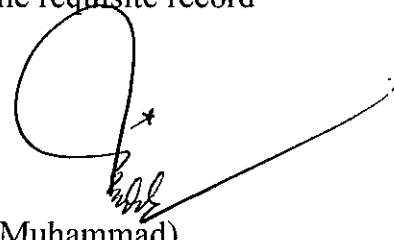


(Mian Muhammad)  
Member (E)

03.10.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Despite repeated directions given by the Tribunal i.e. order sheet dated 14.07.2022, followed by order sheet dated 27.07.2022, 15.08.2022 and lastly 22.09.2022, the department did not come up with the required/connected record. Last opportunity was granted on 27.07.2022 but to no avail. As a result thereof, monthly salary of respondents No. 1 & 2 (i.e. Regional Police Officer, Bannu & District Police Officer, Bannu) is attached till further order. To come up for the requisite record and preliminary hearing on 29.11.2022 before S.B.



(Mian Muhammad)  
Member (E)

27.07.2022

Appellant present through counsel.

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

Directions issued in the preceding order sheets were not complied with. Last chance is given to the respondents to make sure the production of entire record in view of the directions issued vide order sheet dated 14<sup>th</sup> July, 2022. To come up for production of record and preliminary hearing on 15.08.2022 before S.B.

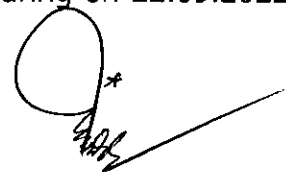


(Rozina Rehman)  
Member (J)

15.08.2022

Miss Roeda Khan Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Farooq Khan, Inspector for the respondents present.

Representative of the respondents though attended the court in some other case(s) today, was not in position to explain department's position regarding the required record. Copies of the order sheet dated 14.07.2022 and 27.07.2022 be provided to the representative with strict direction to the respondents to submit the required record on the next date without fail. Adjourned. To come up for production of <sup>the requisite</sup> record and preliminary hearing on 22.09.2022 before S.B.



(Mian Muhammad)  
Member (E)

06<sup>th</sup> July, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Last opportunity is granted. To come up for preliminary hearing tomorrow on 07.07.2022 before the S.B.



**(Kalim Arshad Khan)**  
**Chairman**



07<sup>th</sup> July, 2022

Clerk of counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Counsel are on strike. To come up for preliminary hearing on 14.07.2022 before this S.B.

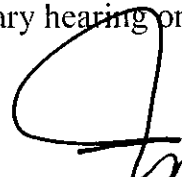


**(Kalim Arshad Khan)**  
**Chairman**

14<sup>th</sup> July, 2022

Counsel for the appellant present.

2. Learned counsel for the appellant submitted that the appellant was proceeded under the provisions of Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance, 2000 but according to her neither any enquiry was conducted nor any formal proceedings, within the ambit of above Ordinance, were ever conducted. Therefore, it is directed that the respondents shall produce copies of the proceedings conducted by the department mentioned in the impugned order dated 31.12.2010. To come up for preliminary hearing on 27.07.2022 before the S.B.



**(Kalim Arshad Khan)**  
**Chairman**

SCANNED  
KFST  
Reshwar

30.03.2022

Learned counsel for the appellant present: Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on pre-admission notice not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments /preliminary hearing on 25.04.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

25.04.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Zeeshan, LHC for respondents present.


Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the requisite reply is handed over to the learned counsel for the appellant who requested for adjournment on the ground to make preparation for proper assistance of the court. Since it is an old service appeal of the year 2018, last chance is granted to the learned counsel for the appellant to ague the case on the next date. To come up for preliminary hearing on 10.06.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

10.06.2022

Junior to counsel for the appellant present.


Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 06.07.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

22.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.


Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 31.12.2010 whereby he was dismissed from service under the Khyber Pakhtunkhwa Removal from service (Special Powers) Ordinance 2000. He preferred departmental appeal to the appellate authority against the said order on 30.04.2018 which was not responded within the statutory period, hence, the instant service appeal filed on 20.08.2018. According to learned counsel for the appellant, the appellant had family enmity and his brother was charged under Section-302 due to which the appellant was also hiding and could not perform his duty during the period. On a question that when did the criminal case against his brother was decided and when did he report back for duty as result of that? Learned counsel for the appellant was not able to reply. She however, continued with arguments that the impugned order being void and illegal; no enquiry was conducted and the ends of justice not fulfilled, is liable to be set aside. As there is a long gap of 08 years between the impugned order passed and departmental appeal filed against it, prudence suggests to issue pre-admission notice to respondents to submit reply/parawise comments and assist the Tribunal. To come up for preliminary hearing on 28.01.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

28.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply on pre-admission notice not submitted. Learned AAG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for reply/preliminary hearing on 30.03.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

28.06.2021

Appellant present through counsel.

Former states that some appeals involving punishment with retrospective effect are pending adjudication before Larger Bench of this Tribunal. He, therefore, requests for adjournment of the instant matter to a date after the decision by the Larger Bench.

Adjourned to 28.09.2021 for hearing before S.B.



(Rozina Rehman)  
Member(J)

28.09.2021

Learned counsel for the appellant present.

Learned counsel for the appellant sought time to further prepare the brief. Adjourned. To come up for preliminary hearing before the S.B on 22.11.2021.



(MIAN MUHAMMAD)  
MEMBER (E)

22.09.2020

Junior to counsel for the appellant present.

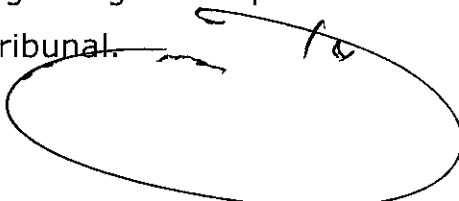
On the last date of hearing instant matter was adjourned to avail the outcome of cases pending before the Larger Bench and having similar nature. The Larger Bench has not yet concluded the proceedings before it, therefore, instant matter is adjourned to 01.12.2020 before S.B.

  
Chairman -

01.12.2020

Counsel for appellant is present.

Learned counsel requests for adjournment to a date after the decision of proposition regarding retrospective punishment by a Larger Bench of this Tribunal.  
Adjourned to 16.02.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

16.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 28.06.2021.

  
**Reader**



1045/2018

22.01.2020

Appellant present in person.


Requests for adjournment due to general strike of the Bar. Adjourned to 20.02.2020 before S.B.

Chairman



20.02.2020

Counsel for the appellant present and seeks adjournment. Adjourned to 06.04.2020 in order to avail the outcome of case (s) pending before the Larger Bench regarding retrospective punishment.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER


06.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.

  
Reader

30.06.2020

Learned counsel for the appellant present and seeks adjournment. Adjourned to 22.09.2020 before S.B in order to avail the outcome of cases pending before Larger Bench of this Tribunal, regarding retrospective punishment.

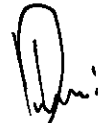
  
Member (J)

13.09.2019

Petitioner alongwith counsel present.

Learned counsel contended that the appeal was dismissed for non-prosecution on 28.05.2019 while the preceding two date of hearing were adjourned due to general strike of the bar and no order for issuance of fresh notices was made by the Tribunal. The petitioner gained knowledge of dismissal of his appeal on 25.07.2019 when visited the office of Tribunal to attend the date of hearing. The date was wrongly noted by him as 25.07.2019 instead of 28.05.2019. That, absence of the petitioner was not deliberate but due to inadvertence.

Instant application is allowed in view of submissions made on behalf of the appellant. The appeal No. 1045/2018 shall be restored to its original number and be posted for preliminary hearing on 09.10.2019 before S.B.

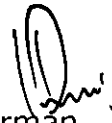


Chairman

09.10.2019

Counsel for the appellant requests for time to further document the appeal.

Adjourned to 21.11.2019 before S.B.



Chairman

21.11.2019

Counsel for the appellant present.

Learned counsel requests for adjournment of instant matter to a date after the decision of proposition regarding punishment with retrospective effect by the larger bench.

Adjourned to 22.01.2020 before S.B.





Chairman

Form-A  
FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 298/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.08.2019	<p>The application for restoration of appeal No.1045/2018 submitted by Roeda Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20/08/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>13/09/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

S.A No. 1045/2018

28.05.2019

Nemo for appellant.

On 28.12.2018 the appellant was not represented when the matter was adjourned to 01.02.2019. On the said date, due to absence of the appellant as well as learned counsel the case was adjourned to 20.03.2019 with the direction for issuance of fresh notices to them. Notices were issued to the appellant through registered post and his learned counsel for 20.03.2019. On 20.03.2019 and 18.04.2019 hearing was adjourned due to general strike of the bar. Even today, no one is in attendance despite repeated calls till the closing hours of the Tribunal.

Dismissed for non-prosecution. File be consigned to the record room.



Chairman

Announced  
28.05.2019


28.12.2018

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing 01.02.2019 before S.B.

  
Member

01.02.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 20.03.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

20.03.2019

Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 18.04.2019 before S.B.

  
(Hussain Shah)  
Member

18.04.2019

Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 28.05.2019 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1045/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2018  24-8-18	<p>The appeal of Mr. Shaukat Ali presented today by Mr. Gohar Saleem 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-	01.10.2018  9-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>1-10-2018</u>.</p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p>Clerk of the counsel for appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 09.11.2018 before S.B.</p> <p style="text-align: right;"><i>MA</i> (Muhammad Amin Khan Kundi) Member</p> <p><i>Due to retirement of Honorable chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 28-12-2018</i></p> <p style="text-align: right;"><i>[Signature]</i> Registrar</p>