

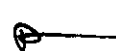
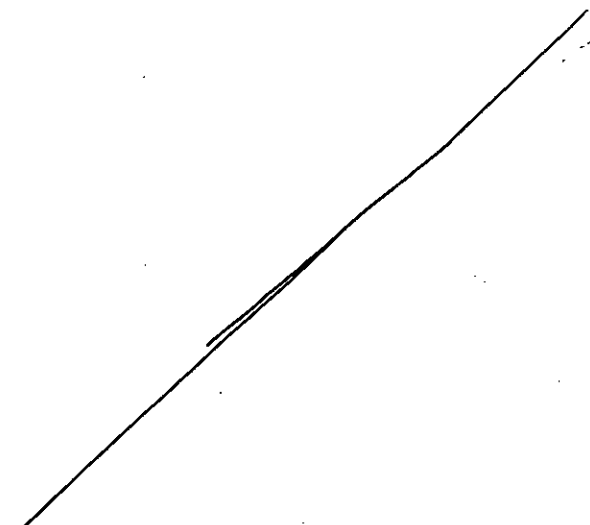


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 727/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/07/2016	<p>The appeal of Mr. Noor Rehman resubmitted today by Mr. Muhammad Jahangir Khan Mohmand 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>
2-	20-7-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>21-7-16</u>.</p> <p style="text-align: right;"> MEMBER</p>
	21.07.2016	<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 22.08.2016 before S.B.</p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: center;"></p>

22.08.2016

Agent to counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not in attendance before the Tribunal therefore, case is adjourned for preliminary hearing to 27.09.2016 before S.B.

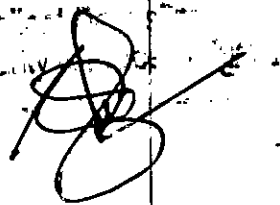

Chairman

27.09.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when arrested in a criminal case registered vide FIR No. 2 dated 21.01.2015 under section 9 (C) CNSA, 1997 ANF Kohat and that on the strength of departmental inquiry dismissed from service vide impugned order dated 9.04.2015 where-against he preferred departmental appeal on 04.04.2016 which was rejected on 25.05.2016 communicated to the appellant on 02.06.2016 and hence the instant service appeal on 28.06.2016.

That the appellant was acquitted of the charges by the court of competent jurisdiction and as such the inquiry proceedings has lost significance. That the appellant was condemned unheard and was afforded no opportunity of hearing and association with the inquiry which was conducted in his absence. That the impugned order is illegal and is therefore liable to be set-aside.

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 28.11.2016 before S.B.

Appellate
Security



Chairman

16.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 03.03.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

03.03.2020

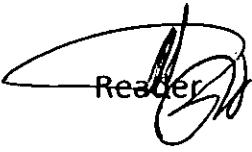
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arif Saleem, ASI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.04.2020 before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

8-4-2020

Due to COVID19, the case is adjourned to
6/7/2020 for the same as before.

Reader 

Service Appeal No. 727/16

06.07.2020

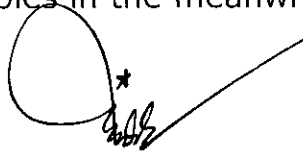
Learned counsel for the appellant present. Mr. Ziaullah DDA for the respondents present.

On 06.12.2018, an application was submitted by the appellant for allowing him to amend the memorandum of appeal in order to also impugn the order dated 18.11.2016 passed by the appellate Board in meeting held on 20.10.2016. Basis of order was a petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975.

The application was resisted by respondents through submission of a written reply. The matter was, therefore, posted for arguments on application through order dated 28.10.2019.

The record transpires that instant Service Appeal was preferred on 28.06.2016, wherein, the order dated 09.04.2015 regarding dismissal from service passed against the appellant was questioned. Besides, the rejection order by appellate authority dated 21.05.2016 was also impugned. It is only during the pendency of instant appeal that on 18.11.2016, the order sought to be impugned, was passed by the Board. It is stated by learned counsel for the appellant that the factum of passing of last order against the appellant came to knowledge upon submission of reply by the respondents.

In the circumstances of the case and in order to meet the ends of justice it is appropriate to allow the application for amendment of appeal. Order accordingly. The office shall implead the Inspector General of Police Khyber Pakhtunkhwa, Peshawar as one of the respondents in the memorandum of appeal and send him requisite notice for hearing on 28.08.2020. The appellant shall provide necessary set of copies in the meanwhile.



Member



Chairman

28.08.2020

Due to summer vacation, the case is adjourned to
03.11.2020 for the same as before.

Reader

28.08.2020

Due to summer vacation, the case is adjourned to
03.11.2020 for the same as before.


Reader

03.11.2020

Junior to counsel for the appellant and Usman Ghani,
District Attorney for the respondents present.

The Bar is observing general strike, therefore, the
matter is adjourned to 12.1.2021 for hearing before the
D.B.


(Mian Muhammad)
Member

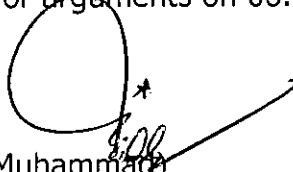

Chairman

12.01.2021

Appellant with counsel present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present .

Former made a request for adjournment. Adjourned. To come up for arguments on 08.03.2021 before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

08.03.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Arif Salim Stenographer for respondents present.

Due to non-availability of D.B, case is adjourned to 11.06.2021 for the same as before.

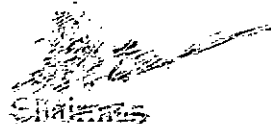
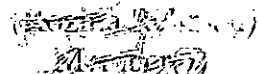

Reader

12/01/2021

Present for the appellant present.

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

Due to general stipule of the case, case is adjourned to 11.06.2021 for arguments before the D.B.


Shahinas
Member (J)

11.06.2021

None for the appellant present.

Mr. Kabirullah Khattak, learned Additional Advocate General for respondents present.

Due to general strike of the Bar, case is adjourned to 15.10.2021 for arguments before the D.B.



(Rozina Rehman)
Member(J)



Chairman

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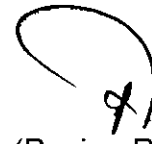
15.10.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Ishaq Gul D.S.P for respondents present.

Learned counsel for appellant submitted amended appeal. Copy of the same was handed over to the representative of respondents with direction to submit reply/comments of the amended appeal within 10 days in office. To come up for arguments on 20.12.2021 before D.B.

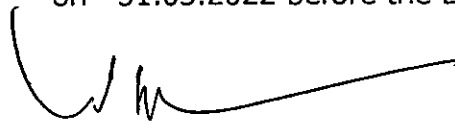

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

20.12.2021

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Arif Saleem, Steno for the respondents present.

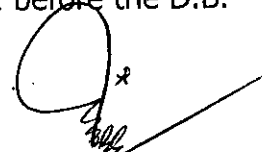
Representative of respondents submitted reply of the respondents. Placed on file. To come up for arguments on 31.03.2022 before the D.B.



31st March, 2022

(Atiq-Ur-Rehman Wazir) the appellant and Mr. Kabirullah Khattak, Addl. A.G. alongwith Arif Saleem Steno for the respondents present.

Former seeks adjournment due to non-availability of learned senior counsel for the appellant. Adjourned. Last opportunity is granted. To come up for arguments on 08.06.2022 before the D.B.



(Mian Muhammad)
Member(Executive)


Chairman

08.06.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Painsdakhel, Assistant 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 14.07.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

14-7-2022

Proper DB not available the case is adjourned to 2-9-2022


Reader

02.09.2022

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


Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 13.10.2022 before the D.B.


(Salah-Ud-Din)
Member (Judicial)

13th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan
Paindakhel, Asstt. AG 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 24.11.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Service Appeal No. 727/2016

24.11.2022

Nemo for appellant.

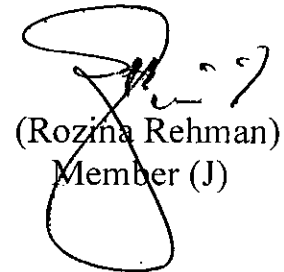
Muhammad Adeel Butt learned Additional Advocate General for respondents present.

On preceding date last opportunity had been given to learned counsel for arguments, but today, neither appellant nor his counsel is present before this Bench. Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced

24.11.2022



(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

727/16


28.11.2016

Appellant in person and Addl AG alongwith Lal Farid, DSP (Legal) for the respondents present. Requested for adjournment. To come up for written reply/comments on 17.01.2017 before S.B.


Chairman

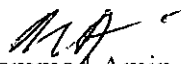
17.01.2017


Appellant in person and Mr. Arif Saleem, ASI alongwith Mr. Kabirullah Khattak, Assistant AG for official respondents No. 1 to 3 present. Written reply by respondents submitted and copy whereof handed over to appellant. To come up for rejoinder and arguments on 08.06.2017.


(ASHFAQUE TAJ)
MEMBER

08.06.2017

Counsel for the appellant and Mr. Arif Salim, HC alongwith Mr. Muhammad Adcel Butt, Additional AG for the respondents present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 09.10.2017.2017 before D.B.

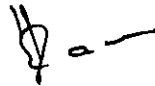

(Muhammad Amin Khan Kundi)
Member


(Gul Zoh Khan)
Member

09.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arif Saleem, ASI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for rejoinder and arguments on 18.12.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

18.12.2017

None present for the appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. To come up for arguments on 22.02.2018 before the D.B.


Member


Chairman

22.02.2018


Due to none availability of D.B the case is adjourned. To come up on 03.04.2018 before D.B


Member

01.06.2018

Appellant in person and Mr. Riaz Paindakheil, learned Assistant Advocate General alongwith Mr. Arif Saleem Stenographer for the respondents present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 01.06.2018 before D.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

01.06.2018

Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.07.2018 before D.B

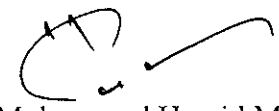

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

27.07.2018

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Arif Saleem Stenographer present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 18.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18.09.2018

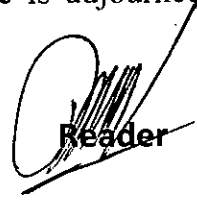
Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arif Saleem Stenographer for the respondents present. Arguments heard. To come up for order on 24.10.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 11.12.2018.



Reader

11.12.2018

Appellant alongwith counsel and Addl. AG alongwith Ishaq Gul, DSP (Legal) for the official respondents present. The Worthy Chairman is on leave, therefore, case is adjourned to 25.01.2019 for arguments before the D.B.



Member

31.01.2019

Learned counsel for the appellant present. Ishaq Gul DSP representative of the respondent department present. Learned counsel for the appellant stated ^{that} during the course of the present service appeal the Review Board also decided the petition of the appellant vide final order dated 18.11.2016. Learned counsel for the appellant wants to file amended appeal in order to challenge the final order dated 18.11.2016 of the Review Board and to this effect Learned counsel for the appellant submitted an application. To come up for reply and arguments on the said application on 08.04.2019 before D.B.



Member



Member

08.04.2019

Appellant in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ishaq Gul DSP present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 24.06.2019 before D.B.


Member


Member

24.06.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ishaq Gul DSP Legal present. Application for amendment in the memo of appeal is already placed on file. Learned AAG seeks adjournment to furnish reply of the said application. Adjourn. To come up for reply and arguments on the above mentioned application on 16.07.2019 before D.B.


Member


Member

16.07.2019

Appellant in person present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Arif Saleem Stenographer for the respondents present. Appellant requested for adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 16.09.2019 before D.B



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.09.2019

Clerk to counsel for the appellant present. Addl: AG Mr. Arif Saleem, Stenographer for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 28.10.2019 before D.B.


Member


Member

28.10.2019

Appellant in person and Mr. Arif Saleem, ASI for the respondents present. Representative of respondents submitted reply of application mentioned in order sheet dated 31.01.2019 which is placed on record.


Second Member copy of instant appeal is not available, therefore, the appellant is required to provide the same well before the next date of hearing. Adjourned to 18.11.2019 for arguments on application before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

18.11.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 16.01.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member