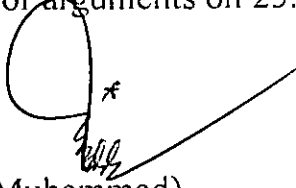



28.11.2022

Mr. Muhammad Ayub Khan, junior of learned counsel for the appellant present. Mr. Ibrar Khan, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 25.01.2023 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)


15th Sept, 2022 Counsel for the appellant present and requested for adjournment as he has not prepared the case.

To come up for preliminary hearing on 30.09.2022 before S.B.


(Kalim Arshad Khan)
Chairman

30.09.2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Main Niaz Muhammad, DSP (Legal) for the respondents present.

Learned counsel for the appellant, on receipt of reply of the respondents on pre-admission notice, re-argued the case at the stage of preliminary hearing and the same contentions are held, already accorded in previous order sheet dated 22.11.2021. This Bench is of the considered opinion that the case is not maintainable being hit by Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, as it is badly time barred. Reliance is made on judgment of august Supreme Court of Pakistan duly reflected in previous order. Since reply on pre-admission ^{notice} has been received from the respondents, the case may be posted for regular hearing before the D.B. To come up for arguments on 28.11.2022 before the D.B.


(Mian Muhammad)
Member (E)

30.03.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Mukhtar, LHC for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. A copy of the same is also handed over the Junior of learned counsel for the appellant. Adjourned. To come up for preliminary hearing on 06.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

06.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned to 27.07.2022 for preliminary hearing before S.B.

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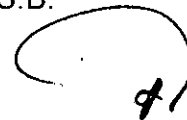


(Rozina Rehman)
Member (J)

27.07.2022

Appellant present through counsel.

He made a request for adjournment as he has not made preparation of the brief. Adjourned. To come up for preliminary hearing on 15.09.2022 before S.B.

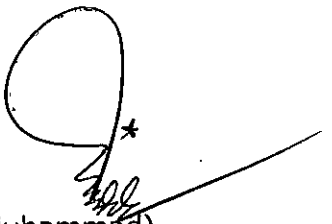


(Rozina Rehman)
Member (J)

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 20.11.2012 whereby he was awarded the major penalty of "dismissal from service". The appellant preferred departmental appeal to the appellate authority which was rejected vide order dated 27.01.2020, hence, the instant service appeal filed in the Service Tribunal on 26.02.2019. According to learned counsel for the appellant the impugned order is void ab-initio as no prescribed procedure has been followed to conduct a formal/regular enquiry and the impugned order has been issued with retrospective effect i.e from the date of his absence (04.03.2012) as ex-parte action without meeting the ends of justice. Moreover, as per judgement of Larger Bench in service appeal No. 562/2016 titled Rahim-ud-Din-vs-Inspector General of Police, Khyber Pakhtunkhwa and others, it has been held that in case of void order(s) limitation does not run. On the contrary, the supreme court of Pakistan in CP No. 2478 of 2019 dated 24.12.2020 has held that even a void order needs to be challenged and the period of limitation provided by the law, is to be taken into account. Let pre-admission notice be issued to respondents to submit reply/parawise comments and assist the Tribunal. To come up for preliminary hearing on 28.01.2022 before S.B.

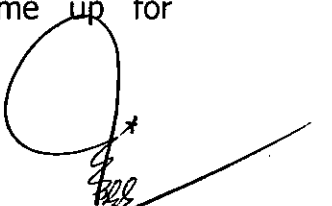


(Mian Muhammad)
Member(E)

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.

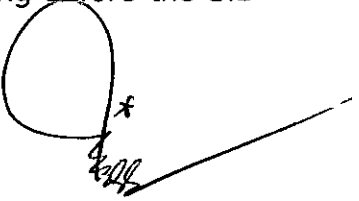
Adjourned to 28.09.2021 for hearing before S.B.


(Rozina Rehman)
Member(J)

28.09.2021

Mr. Said Khan, Advocate junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel is busy before the Peshawar High Court, Peshawar in some other cases. Adjourned. To come up for preliminary hearing before the S.B on 22.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

09.09.2020

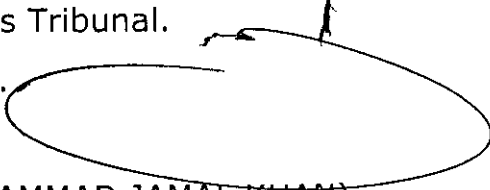
Counsel for the appellant present.

On the last date instant matter was adjourned in order to avail the outcome of similar nature cases posted ^{by} and ^{me} hearing before the Larger Bench. The Larger Bench, however, is yet to decide the matters. Hearing in instant appeal is, therefore, 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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1207 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/02/2020	<p>The appeal of Mr. Wahidullah presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 26/2/2020</p>
2-	02/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/04/2020</u></p> <p> MEMBER</p>
13.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>
	08.07.2020	<p>Counsel for appellant present and seeks adjournment. Adjourned to 09.09.2020 before S.B in order to avail the outcome of cases pending before the Larger Bench of this Tribunal, regarding retrospective punishment.</p> <p> Member (J)</p>