

18.07.2022

Due to non-availability of Bench, case is adjourned to 15.09.2022 for the same as before.


Reader

15.09.2022

Appellant present in person.

Muhammad Adeel, learned Additional Advocate General for respondents present.

Former requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 28.11.2022 before D.B.

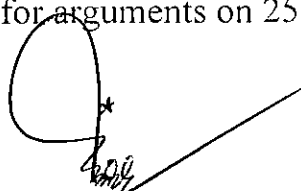

(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

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)

28.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Mukhtar, LHC for respondents present.

Official respondents No. 1 to 4 have submitted their reply/para-wise comments which are placed on file, therefore, the appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days.

To come up for arguments on 30.03.2022 before D.B.

Appellant Deposited
Security & Process Fee

04/2/22

(Mian Muhammad)
Member(E)

30-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 6-6-2022

Reader

06.06.2022

Clerk of learned counsel for the appellant present. Mr. Sheraz Khan, Head Constable alongwith Mr. Naseer-ud-Din Shah, 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 18.07.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
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 24.06.2011 whereby he was awarded the major penalty of "Dismissal from service". The appellant preferred departmental appeal to the appellate authority on 02.11.2016 which was rejected vide order dated 17.03.2016, hence, the instant service appeal filed in the Service Tribunal on 25.02.2020. 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 (09.05.2011) 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)

28.06.2021

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)

08.09.2020

Counsel for the appellant present.

On the last date of hearing, instant matter was adjourned in order to avail the outcome of similar cases pending before the Larger Bench. The Larger Bench was, however, adjourned to a date in November, 2020. This appeal is, therefore, adjourned to 01.12.2020 for preliminary hearing 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. Adjoined 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.- 1187 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/02/2020	<p>The appeal of Mr. Noumanullah 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 25/2/2020</p>
2-	02/03/2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/04/2020</u>.</p> <p> MEMBER</p>
10.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>
	07.07.2020	<p>Counsel for appellant present and seeks adjournment. Adjourned to 08.09.2020 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>