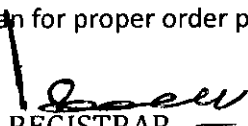




Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1183/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 25/09/2018 | <p>The appeal of Mr. Suhar Wardy resubmitted today by Syed Ghufran Ullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 26-9-2018 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 25.10.2018 | <p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.</p> <p style="text-align: right;"> Reader</p> |

12.12.2018

Counsel for the appellant Suhar Wardy present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as SST General (BPS-16) in Government High Secondary School Harchin District Chitral, he was imposed minor penalty of withholding of annual increment for three years vide order dated 09.03.2018 on the allegation that he misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in his school and died. The appellant filed departmental appeal on 09.04.2018 which was not decided hence, the present service appeal on 09.08.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant. It was further contended that the appellant has no concern whatsoever with the incident as the Headmaster of that school was responsible for the incident therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member


1183/18

04.2.2019

Counsel for the appellant has submitted an application for permission to deposit the security and process fee as ordered on 12.12.2018.

Application is allowed and appellant is directed to make the requisite deposit within one week from today, where-after notices be sent to respondents for submission of written reply/comments on 27.3.2019 before S.B.

Chairman


Appellant's Security & Process Fee

27.03.2019

Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of the respondent No.6 present and requested for time to furnish written reply/comments. No one present on behalf of remaining respondents. Notice be issued to remaining respondents with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 26.04.2019 before S.B


Member

26.04.2019

Clerk to counsel to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for adjournment to procedure written reply/comments from the respondents.

Adjourned to 19.06.2019 for written reply/comments.

Chairman

19.06.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither representative of the department present nor written reply submitted therefore, notices be issued to respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned but as a last chance. Case to come up for written reply/comments on 12.07.2019 before S.B.



(Muhammad Amin Khan Kundi)
Member

12.07.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Ashraf Khan, ADEO for the respondents present and requested for time. Last opportunity granted. To come up for written reply/comments on 06.09.2019 before S.B.



Member

06.09.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Irfanullah, Assistant and Sajid Superintendent for the respondents present.

Parawise comments on behalf of respondents No. 1 to 5 submitted which are placed on record. The appeal is posted to D.B for arguments on 22.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.



Chairman

22.11.2019

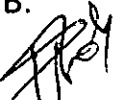
Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.01.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.01.2020

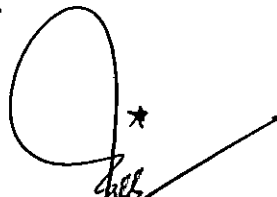
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Case to come up for rejoinder and arguments on 09.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Counsel for the appellant present. Asst: AG alongwith Mr. Sajid, Supdt for respondents present. Learned counsel for the appellant stated that written reply in connected service appeal no. 1184/2018 titled Syed Ali Dina has not been submitted by the respondents. Representative of the respondents seeks time to submit the same on the next date of hearing. Adjourned. To come up for arguments on 08.05.2020 before D.B.


Member


Member

08-5

2020

Due to COVID19, the case is adjourned to

28/7

/2020 for the same as before.

Reader

28.07.2020

Due to COVID-19, the case is adjourned. To come for the same on 21.09.2020 before D.B.

Reader

21.09.2020

Syed Ghufuranullah Shah, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Learned counsel for the appellant is seeking time for preparing the brief. Time granted. Adjourned to 30.11.2020 on which to come up for arguments before D.B.

(Mian Muhammad)

Member (Executive)

(Muhammad Jamal Khan)

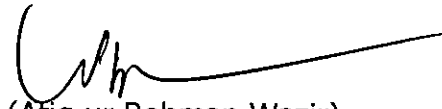
Member (Judicial)

30.11.2020

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 10.02.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

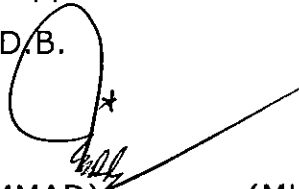


(Rozina Rehman)
Member (J)

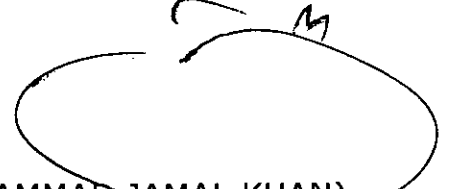
10.02.2021

Syed Ghufuran Ali Shah, Advocate, for appellant is present. Mr. Muhammad Rasheed, Deputy District Attorney and Mr. Hayat Khan, Assistant Director, for the respondents are also present.

In the connected Appeal No. 1184/2018 adjournment has been made for submission of rejoinder and arguments, therefore, instant appeal is also adjourned to 07.04.2021 for arguments before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

07.04.2021

Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09/07/2021 for the same as before.



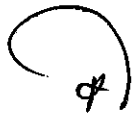
Reader

09.07.2021

Mr. Changez Khan Advocate on behalf of Syed Ghufraan Ullah Shah Advocate counsel for appellant is present.

Muhammad Adeel Butt learned Additional A.G alongwith Haseen Ullah Assistant for respondents present.

The former requests for grant of further time for submission of rejoinder and arguments. Adjournment is accorded. The appellant is given 10 days for submission of rejoinder in office and if the appellant failed to submit rejoinder within stipulated time, then he will have to seek extension of time through written application citing sufficient reasons. Otherwise, his right for submission of rejoinder shall be deemed struck off. File to come up for arguments on 18.11.2021 before D.B.



(Rozina Rehman)
Member (J)



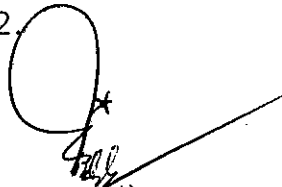
Chairman

18.11.2021

Mr. Changez Khan, junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear for arguments today due to illness. Adjourned. To come up for arguments before the D.B on

28.02.2022



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 02.06.2022 for the same as before.


Reader

02.06.2022

Appellant in person present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 29.07.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

29th July 2022

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

Learned counsel for the appellant seeks adjournment in order to prepare the brief of the instant appeal. Adjourned. To come up for arguments on 24.10.2022 before the D.B.


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

1183/2018

24th Oct., 2022

Lawyers are on strike today.

To come up for arguments on 01.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

01st Dec. 2022

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 in order to further prepare the brief. Last opportunity is granted. To come up for arguments 01.03.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member(J)