




Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 4945 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2020	<p style="text-align: center;">The appeal of Said-ul-Israr resubmitted today by Mr. Ayaz Khan Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <div style="text-align: right;">  REGISTRAR <u>3/6/2020</u> </div>
2-	10.06.2020	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/06/2020</u>:</p> <div style="text-align: right;">  CHAIRMAN </div> <p style="text-align: center;">Nemo for the appellant.</p> <p style="text-align: center;">Notices be issued to appellant/learned counsel for the next date of hearing.</p> <p style="text-align: center;">Adjourned to 11.08.2020 before S.B.</p> <div style="text-align: right;">  Chairman </div>

A-12
delg?

11.08.2020

Counsel for the appellant present.

At the outset learned counsel referred to the impugned order dated 17.10.2017 and stated that the punishment awarded to the appellant was with retrospective effect. He, therefore, requested for adjournment of instant matter after the decision of similar proposition by a Larger Bench of this Tribunal.

Adjourned to 23.09.2020 before S.B.


Chairman

23.09.2020

Counsel for the appellant present.

On the last date of hearing instant matter was adjourned to await 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 03.12.2020 before S.B.


Chairman

03.12.2020

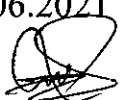
Counsel for the appellant present.

The proposition regarding retrospectivity of penalty has not been decided by the Larger Bench as yet. Instant case is, therefore, adjourned to 18.02.2021 before S.B.


Chairman

18.02.2021


The learned Member Judicial Mr. Jamal Khan is under transfer, therefore, case is adjourned to 30.06.2021 for the same as before.


Reader

30.06.2021

Counsel for appellant present.

He made a request for adjournment. Adjourned. To come up for preliminary hearing on 28.09.2021 before S.B.


(Rozina Rehman)
Member(J)

28.09.2021

Learned counsel for the appellant present.

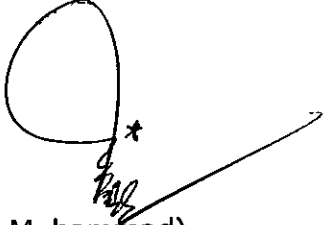
Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for preliminary hearing before the S.B on 22.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

22.11.2021

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

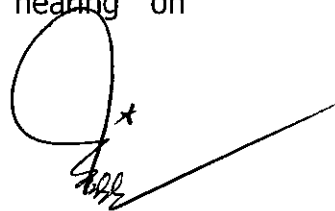
Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 17.10.2017 whereby the appellant was dismissed from service from the date of his absence i.e 12.05.2017. He preferred departmental appeal against the impugned order which was rejected by the appellate authority on 19.01.2018. He also preferred revision petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules 1975 which was also rejected on 17.03.2020. The service appeal was filed in the Service Tribunal on 15.04.2020. The absence by appellant was not intention^{al} but owing to family enmity and registration of FIR. Learned counsel could not substantiate as to how and why the appellant absented himself from duty while he was not nominated in FIR No.82 dated 05.02.2015. 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)

31.01.2022

Clerk of learned counsel for the appellant present. Mr. Adeel Butt, Addl:AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for reply/preliminary hearing on 31.03.2022 before S.B.


(Mian Muhammad)
Member(E)

SA 4945/2020

31st March, 2022

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

Respondents have submitted reply/comments. Placed on file. Learned counsel for the appellant seeks adjournment to assist the Court. Adjourned. Last opportunity is granted. To come up for preliminary hearing on 25.04.2022 before S.B.



CHAIRMAN,

25.04.2022

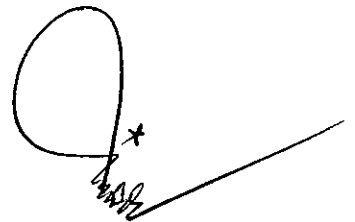
Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant has been serving ⁱⁿ the respondent-department as Constable since 29.09.2006 and is aggrieved of the impugned order dated 17.10.2017 whereby major penalty of "dismissal from service" was imposed on him solely on the ground that he was involved in a criminal case ^{in FIR No. 81} under Section-302/324/34 PPC dated 05.02.2015 PS Kalukhan due to which he remained absent from duty since 12.05.2017. His departmental appeal was rejected on 19.01.2018. Similarly, his revision petition under Rule-11-A was also rejected vide impugned order dated 17.03.2020 whereafter he submitted the instant service appeal on 15.04.2020. The case was earlier heard at the stage of preliminary hearing on 22.11.2021 and pre-admission notices issued to the respondents for submission of written reply/comments, as is evident from order sheet dated 22.11.2021. Respondents have submitted the requisite para-wise comments/reply and the case is ripe for full hearing by D.B.

Rs. 700/-
Appellant Deposited
Security & Process Fee

28/4/22

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 14.07.2022 before D.B.



(Mian Muhammad)
Member(E)

14.7.2022

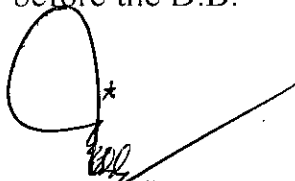
Proper DB not available the case is adjourned
to 18-10-22

Reader

18.10.2022

Learned counsel for the appellant present. Mr. Fazle Subhan, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Complete record of the inquiry has not been submitted by the respondents, therefore, respondents are directed to produce the same on the next date. Adjourned. To come up for arguments on 03.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

3rd Nov. 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.01.2022 before the D.B.



(Fareeha Paul)
Member (E)



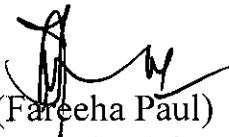
(Kalim Arshad Khan)
Chairman


2nd Dec 2022

1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 2nd day of December, 2022.*


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman