



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 288/2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 28.03.2016                | <p>The appeal of Mr. Moin-ud-Din presented today by Mr. Muhammad Asif Yousafzai 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;"><br/>REGISTRAR</p> |
| 2     | 29.3.16                   | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-3-16</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |

31.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially subjected to enquiry for mis-appropriation of public funds and vide order dated 6.12.2008 compulsorily retired from service where-after appellant secure relief from Service Tribunal vide judgment dated 20.7.2009 wherein directions for denovo enquiry were issued. That after denovo enquiry the appellant was reinstated in service but an amount of Rs. 80000/- was imposed though the appellant claimed an amount of Rs. 1,76,798/- where-after appellant again preferred service appeal which was decided on 05.1.2016 with the direction that the claim of the appellant for Rs. 1,76,798/- be settled by respondent No. 2 within a period of two months. That the impugned order dated 10.2.2016 was passed wherein claim of the appellant was declined and departmental appeal of the appellant was also rejected vide order dated 03.03.2016 and hence the instant service appeal on 28.3.2016.

That the appellant is entitled to recovery of the said claim and amount.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 30.5.2016 before S.B.

  
Chairman

30.05.2016

Counsel for the appellant present. Security and process fee have not been deposited. Requested for extension of time. Directed to deposit the same within a week where-after notices be issued to the respondents for written reply/comments on 25.07.2016.

Appellant Deposited  
Security & Process Fee

  
Chairman

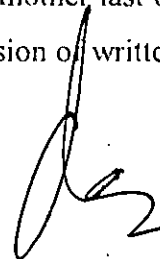
25.07.2016

Counsel for the appellant and Sahibzada, SO (Litigation) for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 22.08.2016 before S.B.

  
Chairman

22.08.2016

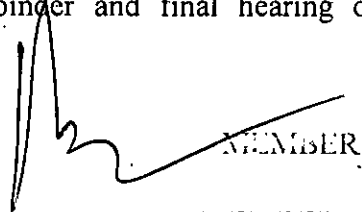
None present on behalf of the appellant. M/S Sultan Shah, Assistant & Sahibzada, SO (litigation) alongwith Additional AG for respondents present. Para-wise comments on behalf of respondents No. 1, 2 & 4 submitted. Written reply on behalf of respondent No. 3 not submitted despite last opportunity. Learned Additional AG requested for further adjournment on behalf of respondent No.3. Another last opportunity granted to respondent No. 3 for submission of written reply/comments for 01.11.2016 before S.B.

  
Member

01.11.2016

01.11.2016

Counsel for the appellant and Mr. Chohan, for respondent No. 5 alongwith Mr. Ziaullah, GP for Counsel for the appellant and Mr. Zakiullah, respondents present. Written reply not submitted. Senior Auditor alongwith Mr. Ziaullah, GP for requested for adjournment. Request accepted. To come up respondents present. Written reply submitted. The appeal for written reply/comments on 19.12.2016 before S.B. is assigned to D.B for rejoinder and final hearing on 12.01.2017.

  
MEMBER  
MEMBER

12.01.2017

Counsel for the appellant ~~present~~ and Shahid Zada SO (Litigation) Addl: AG for respondents present. Rejoinder is submitted which is placed on file. To come up for arguments on 24.05.2017.


  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

24.05.2017

Clerk of the counsel for appellant and Mr. Sahibzada SO (Litigation) Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 15.09.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

15/9/2017

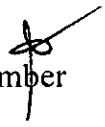
Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 23/12/2017 before DB.

  
MEMBER

  
Chairman

22.12.2017


Junior to counsel for the appellant, and Mr. Muhammad Riaz, Asstt. AG alongwith Sahibzada, S.O for the respondents present. Senior counsel for the appellant is not in attendance due to death of his wife. Adjourned. To come up for arguments on 26.02.2018 before the D.B.

  
Member

  
Chairman

26.02.2018

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 30.04.2018 before the D.B.

  
Member

  
Chairman

30.04.2018

Clerk to counsel for the appellant Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 12.07.2018

  
READER

12.07.2018

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for Arguments on 05.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

05.09.2018

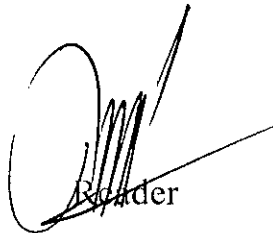
Appellant absent. Learned counsel for the appellant is also absent. However, Junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy before the august Supreme Court of Pakistan. Mr. Riaz Ahmad Paindakhel, Assistant AG for the respondents present. Adjourned. To come up for arguments on 23.10.2018 before D.B.

  
(M. Amin Khan Kundi)  
Member

  
(M. Hamid Mughal)  
Member

23.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 10.12.2018.

  
Reader


10.12.2018 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.01.2019 before D.B.

  
Member

  
Member

18.01.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Adll: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 13.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

13.03.2019 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.04.2019 before D.B

  
Member

  
Member

11.04.2019

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Due to strike <sup>on the cell</sup> of Pakistan Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 21.05.2019 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

21.05.2019

Mr. Taimoor Ali Khan Advocate for appellant Mr. Riaz Paindakhel, Asst. AG for the respondents present.

A request for adjournment is made as learned senior counsel for the appellant is engaged before the Hon'ble High Court today in many cases.

Adjourned to 17.07.2019 before D.B.

  
Member

  
Chairman

17.07.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sajid, Superintendent on behalf of respondent No. 3 present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.09.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER



17.09.2019

Appellant absent. Junior to counsel for the appellant present. Mr. Zia Ullah learned DDA present. Junior to counsel for the appellant present and seeks adjournment. Adjourn. To come up for arguments on 11.10.2019 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

11.10.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 19.11.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

~~During the course of a previous session, learned DDA present and pointed out that the appellant was appointed vide Govt Order No. 05/2014 on 05/05/2014 as an Assistant Director, Government of Punjab, in the Department of Education, Government of Punjab, Lahore. It was also noted upon the appellant's application for the appointment of the appellant in the Department of Education, Government of Punjab, Lahore, that the appellant was appointed as an Assistant Director, Government of Punjab, Lahore, on 05/05/2014. The appellant's application for the appointment of the appellant in the Department of Education, Government of Punjab, Lahore, was rejected on 27/02/2015. The appellant's application for the appointment of the appellant in the Department of Education, Government of Punjab, Lahore, was rejected on 27/02/2015. The appellant's application for the appointment of the appellant in the Department of Education, Government of Punjab, Lahore, was rejected on 27/02/2015. The appellant's application for the appointment of the appellant in the Department of Education, Government of Punjab, Lahore, was rejected on 27/02/2015.~~

12.11.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.01.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

17.01.2020

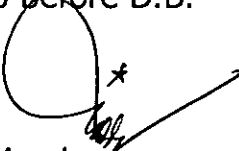
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 02.03.2020 for further proceedings/arguments before D.B.

  
Member

  
Member

02.03.2020

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.04.2020 before D.B.

  
Member

  
Member

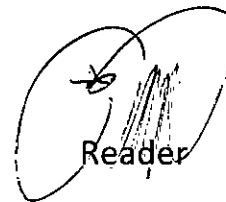
27.4 .2020

Due to COVID19, the case is adjourned to  
9/7 /2020 for the same as before.

  
Reader

09.07.2020

Due to COVID19, the case is adjourned to 12.10.2020 for  
the same as before.

  
Reader

12.10.2020

Due to incomplete Bench, the case is adjourned. To  
come up for the same on 17.12.2020 before D.B.


  
Reader

17.12.2020

Nemo for the appellant. Mr. Muhammad Jan, DDA  
for the respondents present.

On the last date the proceedings were adjourned  
on the strength of Reader Note. The parties, therefore,  
be put on notice for 12.03.2021 for hearing before the  
D.B.

Adjourned.

  
(Mian Muhammad)  
Member(E)

  
Chairman

12.03.2021

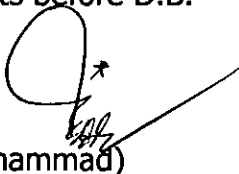
Nemo for appellant.

Muhammad Rasheed learned Deputy District Attorney alongwith Hanif Khan Assistant Accounts Officer for respondents present.

On the last date, both the parties were put on notice but record shows that notices were issued to the respondents only who are present through their representative today but no notice was issued to the appellant and his counsel. As such, appellant/counsel be put on notice for 15/06/2021 for arguments before D.B.

*Noted by Counsel.  
17/3/21*

15.06.2021



(Mian Muhammad)  
Member (E)

Clerk to counsel for appellant present.



(Rozina Rehman)  
Member (J)

Muhammad Adeel Butt learned A.A.G for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 20.10.2021 before D.B.



(Rozina Rehman)  
Member (J)

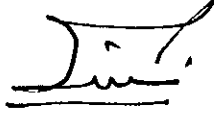


Chairman

20.10.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.  
Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former seeks adjournment for arguments being not prepared for arguments today. Request is accorded. Case to come up for arguments on 22.02.2022 before D.B.



(Salah-Ud-Din)  
Member (Judicial)



Chairman

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.



Reader.

19.05.2022

Junior of learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 20.07.2022 before the D.B.




(Salah-ud-Din)  
Member (Judicial)

20.07.2022

Junior to counsel for appellant present.

Mr. Muhammad Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Former made a request for adjournment as his senior counsel is busy before Hon'able Peshawar High Court. Adjourned. To come up for arguments on 15.09.2022 before D.B.

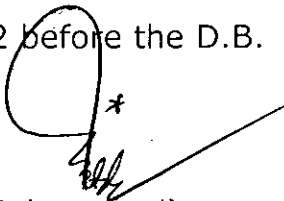
  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

15.09.2022

Syed Noman Ali Bukhari, Advocate, junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant 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 busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 30.11.2022 before the D.B.

  
(Mian Muhammad)  
Member (Executive)

  
(Salah-Ud-Din)  
Member (Judicial)

288/16

30<sup>th</sup> Nov. 2022

01. Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

02. Called several times, till rising of the court but nobody turned up on behalf of the appellant. The appeal is, therefore, dismissed in default. Consign.

03. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 30<sup>th</sup> day of November, 2022.*

  
(Kareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman