

16.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant joined the Police Department as constable on 22.02.2004. On account of willful absence from duty he was discharged from service w.e.f 25.10.2007 vide order dated 28.02.2008. He preferred an undated departmental appeal which was dismissed on 20.11.2017 followed by review petition under rule-11-A of Police Rules 1975 and the same was also rejected on 08.01.2018 being badly time barred. He further argued that his absence was not willful and intentional. Situation prevailing in Malakand Division during insurgency was the main ground of his absence from duty. As the impugned order was passed with retrospective effect so the limitation will not affect the cause of action. He has not been treated according to law and rules.

Points urged need consideration. Admit, subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 06.06.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
(AHMAD HASSAN)  
MEMBER

**06.06.2018**

Junior counsel for the appellant and Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **27.07.2018** before S.B

  
Member

27.07.2018

Appellant Mr. Asad Ullah in person alongwith his counsels Mr. Amjad Nawaz, Advocate and Mr. Arbab Saif Ul Kamal, Advocate present. Written reply not submitted. Again respondents are directed to submit the same on 04.09.2018 before S.B at camp court Swat.

  
Chairman

04.09.2018

Appellant Asadullah in person present. Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Learned District Attorney sought some time to submit written reply/comments. Granted. Case to come up for written reply/comments on 02.10.2018 before S.B.

  
Chairman  
Camp Court Swat

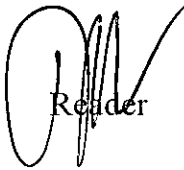
02.10.2018

Appellant in person present. Mr. Usman Ghani, District Attorney present. Written reply not submitted. Learned District Attorney seeks time to submit the same. Granted. To come up for written reply/comments on 07.11.2018 before the S.B at camp court, Swat.

  
Member  
Camp Court Swat


07.11.2018

Due to retirement of the Hob'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 07.01.2019 at camp court Swat.

  
Reader


07.01.2019


Counsel for the appellant present. Mr. Riaz, Head Constable alongwith Mr. Mian Ameer Qadir, District Attorney for respondents present. Written reply on behalf of respondents submitted, copy of the said is handed over the learned counsel for the appellant. Case to come up for rejoinder and arguments on 01.04.2019 before D.B at camp court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

01.04.2019

Learned counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment for arguments. Adjourn. To come up for arguments on 06.05.2019 before D.B at Camp Court Swat.

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

06.05.2019

Appellant in person and Mr. Mian Amir Qadir learned District Attorney alongwith Mr. Riaz Head Constable for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 01.07.2019 before D.B at Camp Court, Swat.

  
Member

  
Member  
Camp Court Swat

01.07.2019


Appellant in person present. Mian Amir Qadir, DDA alongwith Mr. Hazrat Hussain, Inspector for respondents present. Appellant submitted an application for adjournment wherein he stated that his counsel was busy in some other cases. Adjourned. Case to come up for arguments on 07.10.2019 before D.B at camp court Swat.


  
Member

  
Member  
Camp Court Swat

07.10.2019

Appellant in person and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Hazrat Hussain, Inspector for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 03.12.2019 for arguments before D.B at Camp Court Swat.

  
(Hussain Shah)  
Member  
Camp Court Swat

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

03.12.2019

Appellant in person present. Mr. M. Riaz Khan, Paindakhel, Assistant Advocate General for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 03.02.2020 before D.B at camp court Swat.


  
Member

  
Member  
Camp Court Swat

03.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney along with Riaz H.C present. Adjourn. To come up for arguments on 03.03.2020 before D.B at Camp Court, Swat. Appellant be put to notice for the date fixed.

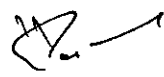
  
Member

  
Member  
Camp Court, Swat.


03.03.2020

Appellant in person present. Mr. Usman Ghani learned District Attorney for the respondents present. Appellant requested for adjournment on the ground that learned counsel is not available today. Adjourn. To come up for arguments on 04.05.2020 before D.B. at Camp Court Swat.

  
Member

  
Member  
Camp Court Swat

Dive to corona virus test  
to camp court swat has been  
Cancelled. To come up for the  
same on 02/06/20

  
Reader

02.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 07.07.2020, at camp court Swat.



Reader

08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 08.09.2020, at camp court Swat.




Reader

08.09.2020 Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 07.12.2020 for arguments before D.B at Camp Court, Swat.




(Attiq-ur-Rehman)  
Member  
Camp Court, Swat



(Rozina Rehman)  
Member  
Camp Court, Swat

07.12.2020

Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.

  
Reader


01.02.2021

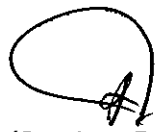
Nemo for parties.

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

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for the date fixed. Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned to 05.04.2021 before D.B at camp court Swat.

*Handwritten notes:*  
7/12  
Arjy  
ABV  
Dit  
A. K. J. J.  
The date fixed

  
(Mian Muhammad)  
Member(E)

  
(Rozina Rehman)  
Member(J)  
Camp Court Swat



05/04/2021

Due to COVID-19, the case is adjourned to  
07/06/2021 for the same.

  
READER

Due to COVID-19, the case is  
adjourned to 7/10/21

  
Reader

07.10.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy  
District Attorney for respondents present

Learned Members of the DBA are observing Sogh over the demise of  
Qazi Imdadullah Advocate and in this regard request for adjournment was  
made; allowed. To come up for arguments before the D.B on 08.12.2021 at  
Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat




(Rozina Rehman)  
Member (J)  
Camp Court, Swat


08.12.2021

Appellant in person present.

Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments <sup>on</sup> 09.02.2022 before D.B at Camp Court, Swat.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

09.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.

  
Reader

06.04.2022

Clerk of counsel for the appellant present. Mr. Muhammad Riaz H.C alongwith Mr. Noor Zaman Khan Khattak, District Attorney for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 10.05.2022 before the D.B at Camp Court Swat.

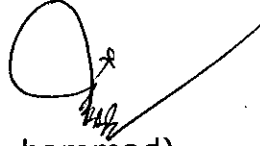
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

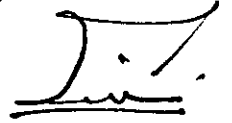
10.05.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional 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 out of station today. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat

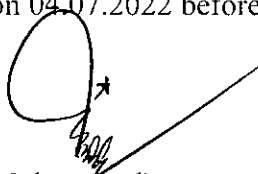


(Salah-ud-Din)  
Member (J)  
Camp Court Swat

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Mr. Sultant Khan DSP for the respondents present.

Counsel; are on strike. Adjourned. To come up for arguments on 04.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

04.07.2022

Appellant in person present.

Noor Zaman Khattak, learned District Attorney alongwith Saltanat Khan DSP (Legal) for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court Mingora Bench (Darul Qaza) Swat. Adjourned by way of last chance. To come up for arguments on 01.08.2022- before D.B at Camp Court, Swat.



(Fareeha Paul)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

1-8-22

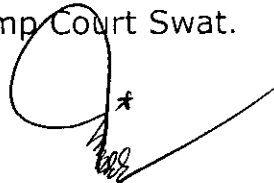
*Due to barristers vacation the case is adjourned to 5-9-22 for the same.*



05.09.2022

Appellant in person present. Mr. Arshed Ali, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)  
Member (Executive)  
Camp Court Swat



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

04.10.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested that similar nature appeals are fixed for arguments before the D.B on 30.11.2022 at Principal Seat Peshawar, therefore, in order to avoid any contradictory judgment, the appeal in hand may also be sent to Principal Seat Peshawar for arguments before the D.B on 30.11.2022.

Request of learned counsel for the appellant seems genuine, therefore, the appeal in hand be placed before the worthy Chairman Khyber Pakhtunkhwa Service Tribunal for further appropriate orders. Appellant as well as his counsel shall appear before worthy Chairman Khyber Pakhtunkhwa Service Tribunal at Principal seat Peshawar on 30.11.2022 at 09:30 A.M.



(Rozina Rehman)  
Member (Judicial)  
Camp Court Swat



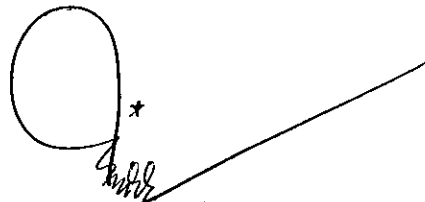
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat



30.11.2022

Learned counsel for the appellant present. Mr. Hikmat Khan, Head Constable alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General stated that arguments in similar nature appeal have been heard by a bench comprising of worthy Chairman and Miss. Fareeha Paul learned Member (Executive) and the appeal was fixed for order, therefore, the appeal in hand may also be fixed before the said bench. The appeal in hand is, therefore, sent to worthy Chairman Service Tribunal for further appropriate order. Learned counsel for the parties shall appear before the worthy Chairman Service Tribunal today at 12:55 P.M.



(Mian Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

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

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

File received from the learned D.B-II with the observation that the matter was heard by both of us (the undersigned) but vide order sheet dated 31.05.2022 in connected Service Appeal No. 1369/2018 titled "Farman Ali Vs. DPO, Swat and others", the bench sought some clarification which were not made, therefore, let it be fixed before any available D.B. To come up for arguments on 08.12.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

16.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant joined the Police Department as constable on 22.02.2004. On account of willful absence from duty he was discharged from service w.e.f 25.10.2007 vide order dated 28.02.2008. He preferred an undated departmental appeal which was dismissed on ~~26.11.2017~~ followed by review petition under rule-11-A of Police Rules 1975 and the same was also rejected on 08.01.2018 being badly time barred. He further argued that absence was not willful ~~rather it was forced by the circumstances~~ <sup>by situation</sup> prevailing in Malakand Division during insurgency. As the impugned order was passed with retrospective effect so the limitation will not affect the cause of action. He has not been treated according to law and rules.

and intentional.

his

Points urged need consideration. Admit, subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 06.06..2018 before S.B.

(AHMAD HASSAN)  
MEMBER



was the main ground of his absence from duty.



Form-A  
FORM OF ORDERSHEET

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

Case No. 464/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/04/2018	<p>The appeal of Mr. Asad Ullah resubmitted today by Mr. Saadullah Khan Marwat 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 5/4/18</p>
2-	06/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>