

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1215/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/10/2018	<p>The appeal of Mr. Shah Afzal presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 3/10/18</p>
2-	4-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15-11-2018</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p><i>15-11-2018</i> Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 3-1-2019</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

03.01.2019

Counsel for the appellant Shah Afzal present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department, he was imposed major penalty of dismissal from service vide order dated 17.04.2009 on the allegation of absence from duty with effect from 20.08.2008. It was further contended that the appellant filed departmental appeal on 15.05.2009 which was rejected on 19.04.2010 thereafter, the appellant filed revision petition on 24.04.2010 which was not responded hence, the present service appeal on 03.10.2018. Learned counsel for the appellant further contended that the appellant was ill and it was beyond the control of the appellant to attend the duty. It was further contended that the impugned order of dismissal from service of the appellant was passed retrospectively from the date of absence 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 limitation and 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 14.03.2019 before S.B.

Appellant Deposited
Security & Process Fee

(Muhammad Amin Khan Kundi)
Member

14.03.2019

Appellant alongwith counsel present. Mr. Saleem Superintendent representative of the respondents present and submitted written reply. Adjourn. To come up for rejoinder/arguments on 09.05.2019 before D.B.


Member

09.05.2019

Nemo for the appellant. Mr. Riaz Paidakhel learned Assistant Advocate General alongwith Mr. Atif ASI for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for rejoinder/arguments on 08.07.2019 before D.B.


(Muhammad Amin Khan kundi)
Member

08.07.2019

Junior to counsel for the appellant and Addl: AG for respondents present. Junior to counsel for the appellant submitted rejoinder which is placed on file. Adjourned. Case to come up for arguments on 02.09.2019 before D.B.


Member


Member

02.09.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Zahid-ur-Rehman, Inspector (Legal) for the respondents present.

Learned District Attorney states that the present appeal was assigned to Mr. Kabirullah Khattak, Additional Advocate General who is not available today due to death of his father. He therefore requested for adjournment. Adjourned to 17.10.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.10.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zahid-ur-Rehman, Inspector (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.12.2019 for arguments before D.B.




(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

04.12.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Zahid Ur Rehman Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.02.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

03.02.2020

Learned counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Zahid ur Rehman, Inspector for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.03.2020 before D.B.



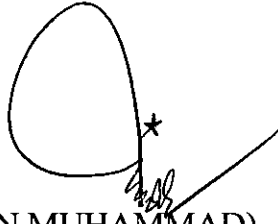
Member



Member

19.03.2020

None for the appellant present. Addl: AG alongwith Mr. Zahid Ur Rehman, Inspector for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 20.05.2020 before D.B.

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(MAIN MUHAMMAD)
MEMBER

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(M.AMIN KHAN KUNDI)
MEMBER

_____.2020

Due to COVID19, the case is adjourned to

12/18/2020 for the same as before.


Reader

12.08.2020


Due to summer vacations case to come up for the same on
15.10.2020 before D.B.



Reader

15.10.2020

Miss. Uzma Syed, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Abdur Rauf, Head Constable, are also present.

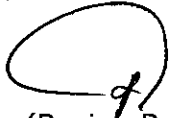
Learned Additional Advocate General while making reference to impugned order dated 17.04.2009 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 09.12.2020 before D.B.


(Atiq-ur-Rehman Wazir)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

09.12.2020 Counsel for the appellant and Addl. AG for the respondents present.


The issue of retrospective application of orders has not yet been decided by the Larger Bench of this Tribunal. The hearing is, therefore, adjourned to 03.03.2021 before the D.B.


(Rozina Rehman)
Member(J)


Chairman

03.03.2021 Counsel for the appellant and Asif Masood Ali Shah, DDA for the respondents present.

The issue of retrospective application of order is yet to be decided by the Larger Bench, therefore, instant matter is adjourned to 09.06.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

09.06.2021 Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Request for adjournment was made on behalf of appellant as issue involved in the instant case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 29.06.2021 before D.B.



(Rozina Rehman)
Member (J)


Chairman

29.06.2021

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 18.10.2021



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)
MEMBER (JUDICIAL)

18.10.2021


Appellant present through representative.

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

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 13.01.2022 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

13.01.2022

Learned counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 10.05.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

10th May, 2022

Learned counsel for the appellant present Mr. Muhammad Riaz Khan Paindakheil, Asstt. AG for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the court. To come up for arguments before the D.B on 06.06.2022.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

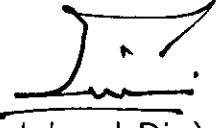
06.06.2022

Clerk of learned counsel for the appellant present. Muhammad Fayaz, Head Constable alongwith 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 not available today due to strike of lawyers. Adjourned. To come up for arguments on 18.08.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

18.8.22

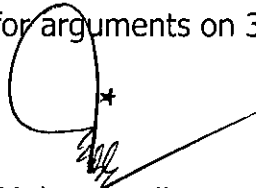
due to summer vacation the case is adjourned to 16-9-22 for the same.




16.09.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents 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 arguments on 30.11.2022 before the D.B.



(Mian Muhammad)
Member (E)

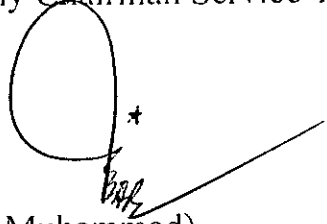


(Salah-Ud-Din)
Member (J)

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.

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(Mian Muhammad)
Member (E)


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(Salah-Ud-Din)
Member (J)

30th 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