



Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 432/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/04/2018	<p>The appeal of Mr. Noor Muhammad presented today by Uzma Syed 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;"> REGISTRAR 2/4/18</p>
2-	03/04/18.	<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>

16.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on account of his involvement in a false criminal case under section 302/324 PPC vide FIR no. 82 dated 23.07.2006 his services were terminated w.e.f 24.02.2006 vide order dated 09.05.2006. That the appellant surrendered to the local police and was convicted by the District & Sessions judge Charsadda by awarding punishment of life imprisonment. He was acquitted by the said court on 22.05.2014 on the basis of compromise. Upon release from jail he was informed about termination from service so he filed departmental appeal on 16.07.2014. Vide order dated 15.06.2015 he was reinstated in service w.e.f 16.07.2014 but the period of his absence i.e 24.02.2006 to 15.07.2014 was treated as extraordinary leave without pay. He preferred departmental appeal for grant of back benefits for the period referred to above which was rejected on 20.02.2018, hence, the instant service appeal. As monetary benefits are involved so limitation will not hit the case.

Points urged need consideration. Admit, subject 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 alongwith Mr. Muhammad Idrees, Research Officer for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **16.07.2018** before S.B


Member

16.07.2017

Appellant in person present. Learned Additional Advocate General alongwith Mr. Muhammad Idrees Agriculture Officer for respondents present. Written reply not submitted. Representative of the respondent department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 09.08.2018 before S.B.



Member

09.08.2018


Appellant Noor Muhammad in person present. Mr. Muhammad Idrees, D.D alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted written reply/comments on behalf of respondents no. 1 to 3. Case to come up for rejoinder and arguments on 08.10.2018 before D.B.

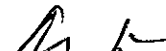


Chairman

08.10.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 20.11.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

16.07.2017
Appellant in person present. Learned Additional Advocate General alongwith Mr. Muhammad Idrees Agriculture Officer for respondents present. Written reply not submitted. Representative of the respondent department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 09.08.2018 before S.B.


09.08.2018
Appellant Noor Muhammad in person present. Mr. Muhammad Idrees, D.D alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted written reply/comments on behalf of respondents no. 1 to 3. Case to come up for rejoinder and arguments on 08.10.2018 before D.B.

08.10.2018
Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 20.11.2018 before D.B.

20.11.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondent present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 09.01.2019 before D.B


Member


Member

09.01.2019


Learned counsel for the appellant and Mr. Muhammad Jan learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.03.2019 before D.B.


Member


Member

06.03.2019

Junior counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Idrees, Agriculture Officer for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for arguments on 09.04.2019 before D.B.


(M. HAMID MUGHAL)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

09.04.2019

Appellant alongwith counsel and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment for arguments. Adjourned. Case to come up for arguments on 11.06.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

11.06.2019

Appellant in person and Mr. Muhammad Jan, DDA for the respondents present.

Appellant requests for adjournment as his learned counsel is not available due to indisposition. Adjourned to 01.08.2019 for arguments before the D.B.


Member


Chairman

01.08.2019

Counsel for the appellant and Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 28.10.2019 before D.B.


Member


Member

28.10.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.12.2019 before D.B.



Member.




Member

30.12.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mrs Idrees Deputy Director for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.02.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

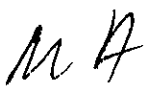
21.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Idress SMS for the respondents present.

During the course of the arguments it was pointed out that as per departmental appeal dated 06.07.2014 the appellant was appointed on fixed pay in the year 2004, he was appointed on contract basis in the year 2005 and later on his service was regularized under the 2005 regularization act.

Mr. Kabirullah Khattak raised objection that he was appointed on fixed pay dated 29.08.2004 and was appointed on contract basis vide order dated 30.09.2005 and later on he was terminated from service vide order dated 09.05.2006 therefore he was not regularized under 2005 employment regularization act and this court has no jurisdiction to entertain the appeal on the ground that the appellant is a contract employee. Copy of service book of the appellant is not available on record, therefore, the representative of the respondent department is directed to furnish the copy of fixed pay appointment order dated 29.08.2004, appointment on contract basis dated 30.09.2005, copy of service book as well as salary slip of the appellant on the next date. Adjourned. To come up for record and arguments on 01.04.2020 before D.B.


(Hussain Shah)
Member

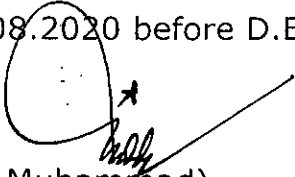

(M. Amin Khan Kundi)
Member


01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

11.06.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for record mentioned in order sheet dated 21.02.2020 and arguments on 19.08.2020 before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

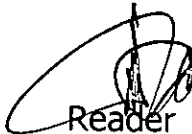
19.08.2020

Due to summer vacations, the case is adjourned to 29.10.2020 for the same.


Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 31.12.2020 before D.B.


Reader

21.12.2020


Due to summer vacation, case is adjourned to
18.3.2021 for the same as before.


Reasler

18.03.2021

Counsel for appellant and Mr. Muhammad Idrees, SMS (H) Charsadda for the respondents present.

Mr. Muhammad Rasheed DDA is present as proxy for learned Additional AG for the respondents. He states that learned Additional AG is engaged in a function of the Bar today, therefore, requests for adjournment. Adjourned to 18.05.2021 for arguments before D.B.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


CHAIRMAN

18.5-21


*Due to COVID-19, the case is adjourned
to 9.9.2021 for the hearing.*



Reasler

09.09.2021

Clerk of counsel for the appellant present. Dr. Salah-ud-Din alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 22.12.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

22.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Pir Muhammad Deputy Director for respondents present.

Former made a request for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments before D.B on 05.04.2022.



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

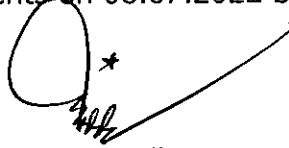


Chairman

05.04.2022

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

Former seeks adjournment in order to properly assist the court. Adjourned. Last opportunity is granted. To come up for arguments on 08.07.2022 before the D.B.



(Mian Muhammad)
Member(E)



Chairman

8-7-2022

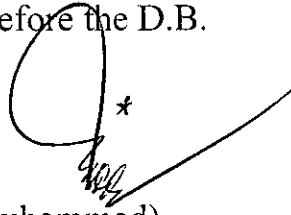
Due to Holidays of Eid Ul Ashra
the case is adjourned to 25-10-2022

Reader

25.10.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney 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 05.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

05th Dec. 2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Former seeks adjournment due to engagement of learned senior counsel for the appellant in Honourable Peshawar High Court today. Last opportunity is granted. To come up for arguments on 02.03.2023 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman