

03.01.2019

Neither appellant nor his counsel present. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 23.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

23.01.2019 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter-alia that the appellant who is serving as PST, was transferred vide order dated 24.01.2018 from Khyber to District Bajaur however until yet the respondent No.6 has not released the salary of the appellant on the pretext that the LPC of the appellant has not been communicated to respondent No.6; that the appellant submitted departmental appeal for the issuance of LPC and release of salaries but to no avail hence the present service appeal.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit process fee and security within 10 days thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 20.03.2019 before S.B

Appellant Deposited
Security Process Fee


Member

20.03.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Addl; AG for the respondents present. Written reply not submitted. Learned AAG request for time to submit written reply/comments. ~~Learned AAG seeks time to file written reply.~~ adjourned. To come up for written reply/comments on 18.04.2019 before S.B


(Hussain Shah)
Member

18.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. Daud Jan Superintendent representative of the respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 12.06.2019 before S.B.


Member

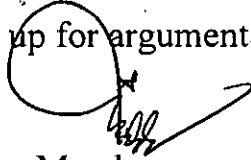
12.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 09.07.2019 before S.B.


(Ahmad Hassan)
Member

12.02.2020

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.03.2020 before D.B.


Member


Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.


Reader

Due to public holiday on account of Covid-19. the case is adjourned. To come up for the same on - 31-08-2020

31.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.


Reader

02.01.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Waheed Ullah, ADEO for the respondents present.

The case was fixed for written reply/comments for 09.07.2019 but the same was not submitted by the respondents, therefore, the case was adjourned for arguments for 23.09.2019. Today, Mr. Kabirullah Khattak, Additional AG requested for submission of written reply/comments. Learned counsel for the appellant was asked as to whether he has any objection on submitting of written reply/comments as the case has already been fixed for arguments, he stated that he has no objection on submitting written reply/comments. As such, written reply/comments submitted. Learned Additional AG requested for adjournment for arguments. Request is accepted. Adjourned to 12.02.2020 for rejoinder, if any, and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

22.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 10.08.2021 for the same as before.


Reader

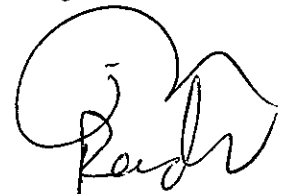
10.08.2021

Since, 1st Moharram has been declared as public holiday, therefore case is adjourned to 29/12/2021 for the same as before.


Reader

29/12/2021.

Due to winter vacations the case is adjourned to 30/3/2022 for the same as before.


Reader

30.03.2022

Appellant alongwith his counsel present.

Mr. Munawar Khan ADEO (Litigation) alongwith Mr. Asif Masood Ali Shah, learned Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments before the D.B on 11.05.2022.

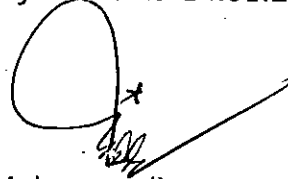

(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

05.11.2020

Junior to counsel for the appellant and Addl. AG alongwith Munawar Shah, SST for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member



Chairman

14.01.2021

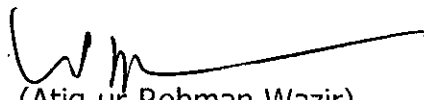
Appellant with counsel and Asstt. A.G for the respondents *with Munawar Khan, SST present.*

The reply of District Education Officer, Khyber/ respondent No. 3 suggests that a show cause notice was served upon the appellant through two newspapers and thereafter he was struck off from the service through order dated 15.01.2019. The copy of order to that effect is, however, not available on the record.

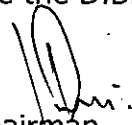
Learned AAG states that the respondents denied the genuineness of appointment of appellant, therefore, his appointment order, regularization order, the advertisement against he applied and minutes of Departmental Selection Committee shall be necessary for just conclusion of the matter in hand.

In the circumstances, we consider it appropriate to require the parties to produce the requisite record on or before next date of hearing.

Adjourned to 22.04.2021 for hearing before the D.B.



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



Chairman

27.06.2022

Mr. Mujeeb-ur-Rehman, (junior of learned counsel for the appellant) present. Mr. Asif Masood Ali Shah, Deputy District Attorney 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 record mentioned in order sheet dated 11.05.2022 and arguments on 04.10.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)



11.05.2022

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

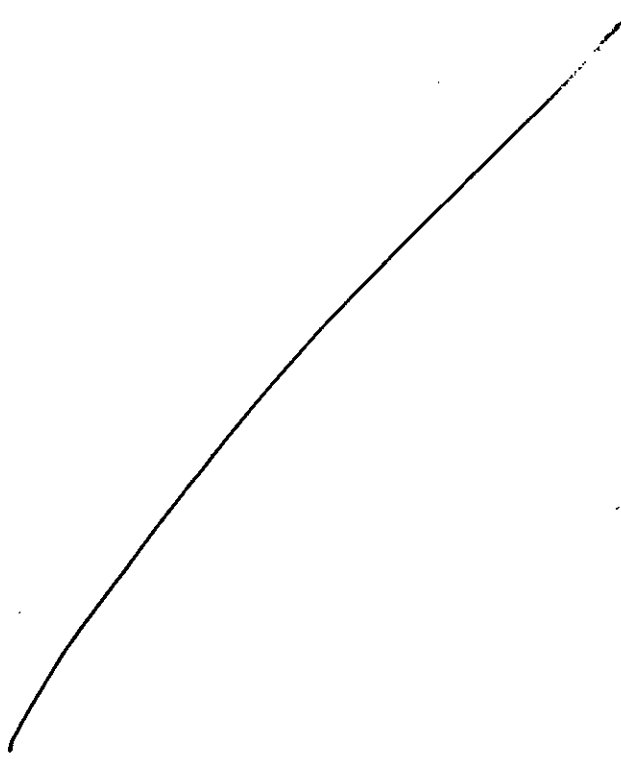
The case was argued at some length, learned counsel for the appellant and learned Deputy District Attorney representing the respondents referred to the reply of the respondents and the learned law officer pointed out that the appointment order of the appellant was fake and bogus. Learned Deputy District Attorney also referred to annexure C vide which, consequent upon the recommendation of some inquiry committee, the name of the appellant was struck off by District Education Officer, Khyber. When asked about the inquiry and other documents pertaining to this particular case as well as the action taken against the officials involved in the matter, in case the stance of the respondents is true regarding the appointment etc of the appellant being void, the officer/official who facilitated the appellant to get salary punched and released from Account Office concerned. The respondents are directed to appear in person alongwith all the relevant record to apprise the Tribunal about the detail of this case. Case to come up for arguments before the D.B on 27.06.2022.



(Fareeha Paul)
Member (E)



Chairman



4th October, 2022 Appellant alongwith his counsel present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Munawar Khan, ADEO for respondents present.

The reply of the department in this case shows that the department has termed the very appointment order of the appellant as fake. If the appointment order is fake, how could the appellant get salaries for years and who had submitted source form and signed as a DDO is to be ~~th~~ashed out. For the purpose we direct through Mr. Munawar Khan, ADEO that all the respondents shall appear in person. To come up for arguments on 05.10.2022 before the D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

5th Oct, 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG Advocate General alongwith Mr. Munwar Khan, ADEO for respondents present.

On 04.10.2022 all the respondents were directed to appear in person alongwith the complete record of the appellant but today neither record has been produced nor all the respondents are present in person. Therefore, salaries of the respondents are attached. The Accountant General Khyber Pakhtunkhwa is directed to attach salaries of respondents till further orders of this Tribunal. Respondents are directed to appear in person alongwith the complete record of the appellant on 06.12.2022.




(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

06th Dec. 2022 Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Shirin Zada, DEO(M) and Mr. Hidayat Ullah, ADEO for respondents present.

Representative of the respondents submitted application for placing complete record alongwith copies of record. Record placed on file. To come up for arguments on 13.03.2023 before the D.B.


(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

03.01.2019

Neither appellant nor his counsel present. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 23.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

23.01.2019 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter-alia that the appellant who is serving as PST, was transferred vide order dated 24.01.2018 from Khyber to District Bajaur however until yet the respondent No.6 has not released the salary of the appellant on the pretext that the LPC of the appellant has not been communicated to respondent No.6; that the appellant submitted departmental appeal for the issuance of LPC and release of salaries but to no avail hence the present service appeal.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit process fee and security within 10 days thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 20.03.2019 before S.B

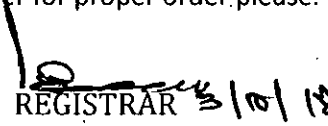


Member

Appellate Court
Security Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1212/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/10/2018 4-10-18	The appeal of Mr. Lal Badshah presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.  REGISTRAR 5/10/18 This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15-11-2018</u> . MA ^s MEMBER 15-11-2018 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  Redder
2-		

09.07.2019

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

Despite last chance for submission of written reply/comments, no representative of respondents is in attendance today.

Adjourned to 23.09.2019 for arguments before D.B.

23.09.2019

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Fawad Afzal Senior Clerk for the respondents present. Adjourned. To come up for arguments on 26.11.2019 before D.B.


Chairman


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

26.11.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.01.2020 before D.B.


Member


Member

20.03.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Addl; AG for the respondents present. Written reply not submitted. Learned AAG request for time to submit written reply/comments. ~~Learned AAG's sake-time to file written reply.~~ adjourned. To come up for written reply/comments on 18.04.2019 before S.B


(Hussain Shah)
Member

18.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. Daud Jan Superintendent representative of the respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 12.06.2019 before S.B.



Member

12.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 09.07.2019 before S.B.


(Ahmad Hassan)
Member