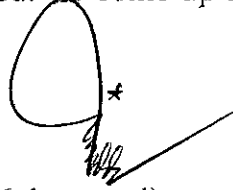


07.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 05.12.2022 before D.B.



(Mian Muhammad)
Member (E)

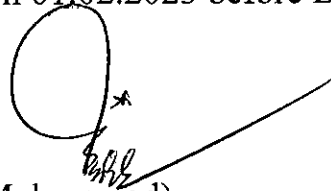


(Kalim Arshad Khan)
Chairman

05.12.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 01.02.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

15-2-22


Due to retirement of the Hon, ble Chairman
The case is adjourned to come up for the same
as before on 9-6-22


Reader

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Zewar Khan, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, 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 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

30.08.2022

Bench is incomplete, therefore, case is adjourned to 07.10.2022 for the same as before.


Reader

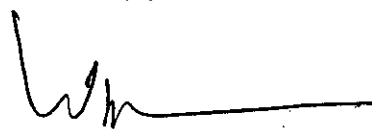
27.05.2021

Counsel for the appellant present.

Muhammad Adeel Butt Additional Advocate General for respondents present.

Former requests for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 16.09.2021 before D.B for hearing.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

16.09.2021

Junior to counsel for appellant present.

Usman Ghani, learned District Attorney for respondents present.

Former made a request for adjournment as senior counsel is not available today. Adjourned. To come up for arguments on 18.01.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

19.01.2022

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Due to paucity of time, arguments could not be heard. To come up for arguments on 15.02.2022 before the D.B.



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

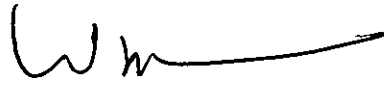


Chairman

07.12.2020

Khalid Tanveer Roheela, Advocate submitted Wakalat Nama in favor of appellant. Mr. Kabirullah Khattak learned Additional Advocate General for respondents present.

Due to general strike of the bar, the matter is adjourned to 18.12.2020 for hearing before D.B.



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


Chairman

18.02.2021

Mr. Muhammad Imaran, Advocate and Miss. Uzma Syed, Advocate on behalf of counsel for the appellant present. Addl: AG alongwith Mr. Sajaad Ali, H.C for respondents present.

On 13.10.2020 the proceedings were adjourned to await the outcome of cases involving retrospective effect of penalty. The Larger Bench is yet to ^{return} ~~write~~ a judgement on the point, therefore, instant appeal is adjourned to 27.05.2021 for hearing before D.B.



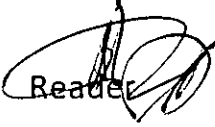
(Mian Muhammad)
Member (E)


Chairman

_____ .2020

Due to COVID19, the case is adjourned to

10 / 8 / 2020 for the same as before.


Reader

10.08.2020

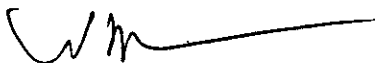
Due to summer vacations case to come up for the same on
13.10.2020 before D.B.

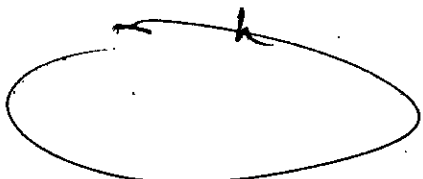

Reader

13.10.2020

Miss. Uzma Syed, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Zahir Shah, ASI are also present.

Learned Additional Advocate General while making reference to impugned order dated 02.04.2013 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 07.12.2020 before D.B.


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


(Muhammad Jamal Khan)
Member (Judicial)

26.12.2019

Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Akhtar Saeed, ASI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.02.2020 before D.B.


Member


Member

10.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.03.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zahir Shah, Sub-Inspector for the respondents present. Adjourned to 22.05.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

29.05.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 02.08.2019 before D.B.



Member



Member

02.08.2019

Junior to counsel for the appellant present. Mr. Riaz Paindakheil learned AAG present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 22.10.2019 before D.B.



Member



Member

22.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Inam Ullah PSI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.12.2019 before D.B.



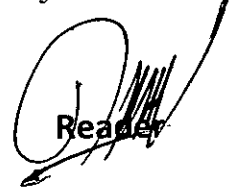
(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.


Reader

28.12.2018

Miss Uzma Syed, Advocate junior to Mr. Saadullah Khan Advocate for appellant and Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, therefore, request for adjournment is made. Adjourned to 11.03.2019 for arguments before the D.B.


Member


Chairman


11.03.2019

Counsel for the appellant Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Learned counsel for the appellant requests for adjournment prepare the brief.

Adjourned to 29.05.2019 before the D.B.


Member

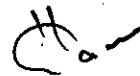

Chairman

19.03.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 16.05.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member



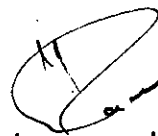
(Muhammad Hamid Mughal)
Member

16.05.2018

Learned counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.07.2018 before D.B.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

27.07.2018

Clerk to counsel the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as Clerk counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 19.09.2018 before D.B



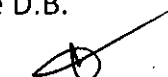
(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

19.09.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Zewar Khan, S.I (legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 07.11.2018 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

05.12.2017

Counsel for the appellant present. Mr Riaz Pinda Khel, Assistant Advocate General for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 27.12.2017 before S.B.


(Gul Zeb Khan)
Member (E)

27.12.2017

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Fazal Mabood for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 18.01.2018 before S.B.


Chairman

18.01.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muqadar Khan, Inspector (legal) for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 19.03.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member

26.10.2017

Counsel for the appellant present. Arguments on office objection as well as on main appeal heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department but he was discharged from service with effect from 01.12.2012 mentioned in the appellate order dated 05.06.2017. It was further contended that since the impugned order was passed on 02.04.2013 and the appellant was discharged from service with effect from 01.12.2012 i.e retrospectively therefore, the impugned order of discharge of the appellant was illegal and void ab-initio. It was further contended that the case of the appellant was also fixed for arguments on office objection on the ground that the impugned order of the competent authority was not annexed with the appeal but under Rule-6 sub-rule-2 clause (e) of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 every appeal will be accompanied by the impugned order against which the appeal is directed but under proviso of the said section it has also been mentioned that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in (e) it may waive the provision of the said clause therefore, it was contended that the Tribunal has power to admit the appeal without annexing the impugned order. It was further contended that since the impugned order of the discharged of the appellant was passed retrospectively therefore, the impugned order is illegal void ab-initio and the limitation does not run against such order.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit the security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 05.12.2017 before S.B.




Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____/2017 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>17/08/2017</p> <p>11.09.2017</p> <p>03.10.2017</p>	<p style="text-align: center;">As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>11-9-2017</u></p> <p style="text-align: right;"> REGISTRAR</p> <p style="text-align: center;">Counsel for the appellant present and requested for adjournment. Adjourned. To come up arguments on office objection on 03.10.2017 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p> <p style="text-align: center;">Counsel for the appellant present and requested for adjournment. Adjourned. To come up for arguments on office objection on 26.10.2017 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>