





Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4306 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/05/2020	<p>The appeal of Mr. Zia-ur-Rahman presented today i.e 13.05.2020 by Mr. Noor Muhamamd Khattak 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, 13/5/2020.</p>
2-	28.05.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>28.05.2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 06.08.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
06.08.2020		<p>Mr. Noor Muhammad Khattak, learned counsel for the appellant is present. He is seeking adjournment for non-preparation of the instant appeal. Adjourned to 29.10.2020. File to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

29.10.2020

Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned to 13.01.2021 for preliminary hearing, before S.B.

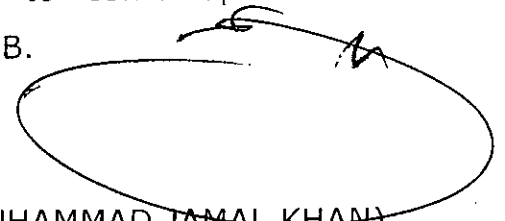


(Rozina Rehman)
Member (J)

13.01.2021

Mr. Afrasiyab Wazir, Advocate, for appellant is present.

Learned counsel for appellant while making reference to impugned order dated 20.08.2018 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 18.02.2021 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

18.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 30.06.2021.



Reader

30.06.2021

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Mingora Bench. In this regard, application was also submitted which is placed on file of Service Appeal No.2238/2019 titled Muhammad Ismail. Case is adjourned. To come up for preliminary hearing on 28.09.2021 before S.B.

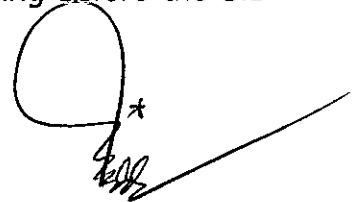


(Rozina Rehman)
Member(J)

28.09.2021

Mr. Said Khan, Advocate junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel is busy before the Peshawar High Court, Peshawar in some other cases. Adjourned. To come up for preliminary hearing before the S.B on 22.11.2021.

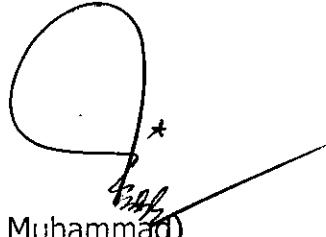


(MIAN MUHAMMAD)
MEMBER (E)

22.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.


Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 20.08.2018 whereby he was awarded the major penalty of "Removal from service". The appellant preferred departmental appeal to the appellate authority on 24.12.2019 which was not responded, hence, the instant service appeal filed in the Service Tribunal on 13.05.2020. According to learned counsel for the appellant the impugned order is void ab-initio as no prescribed procedure has been followed to conduct a formal/regular enquiry and the impugned order has been issued with retrospective effect i.e from the date of his absence (17.07.2018) as ex-parte action without meeting the ends of justice. Moreover, as per judgement of Larger Bench in service appeal No. 562/2016 titled Rahim-ud-Din-vs-Inspector General of Police, Khyber Pakhtunkhwa and others, it has been held that in case of void order(s) limitation does not run. On the contrary, the supreme court of Pakistan in CP No. 2478 of 2019 dated 24.12.2020 has held that even a void order needs to be challenged and the period of limitation provided by the law, is to be taken into account. Let pre-admission notice be issued to respondents to submit reply/parawise comments and assist the Tribunal. To come up for preliminary hearing on 28.01.2022 before S.B.


(Mian Muhammad)
Member(E)

28.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

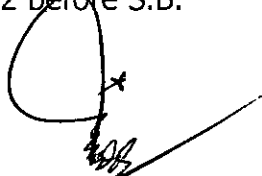
Written reply on pre-admission notice not submitted. Learned AAG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for reply/preliminary hearing on 30.03.2022 before S.B.


(Mian Muhammad)
Member(E)

30.03.2022

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.


Written reply/comments on pre-admission notice not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments /preliminary hearing on 22.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

22nd June, 2022

Counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Written reply on behalf of the respondents not submitted. Last chance is given to the respondents. Respondents are directed to submit reply on or before the next date. To come up for written reply/comments/preliminary hearing on 11.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman

Late Diary

22nd June, 2022


Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for preliminary hearing on 11.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman

11.08.2022


Junior to counsel for the appellant present and requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 28.09.2022 before S.B.

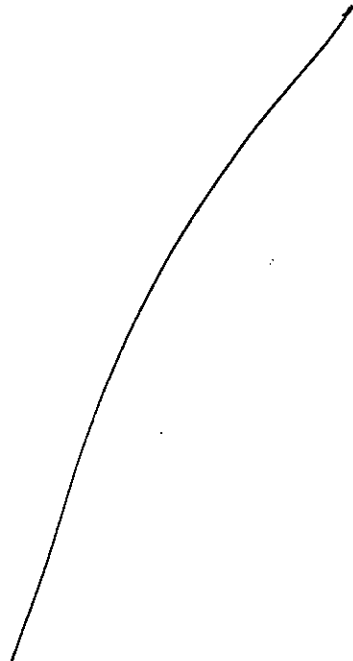

(Fareeha Paul)
Member (E)

28.09.2022

Mr. Waleed Khan, Junior of learned counsel for the appellant present. Mr. Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior to learned counsel for the appellant appeared and *se* argued the case on those lines previously reflected in order sheet dated 22.11.2021. Learned Assistant Advocate General assisted the Bench and his views were also *in* consonance with those of the Bench. Since reply/comments of the respondents on pre-admission notice have been received, the case is therefore to be posted for regular hearing before the D.B on 02.12.2022.


(Mian Muhammad)
Member (E)




02.12.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney 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 feeling well today. Adjourned. To come up for arguments on 30.01.2023 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)