


19.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Muhammad Riaz ADEO for respondents present.


Representative of respondents submitted reply/comments. Copy of the same was handed over to the learned counsel for appellant. To come up for rejoinder, if any, and arguments on 08.12.2022 before D.B.



(Rozina Rehman)
Member (J)

08.12.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz, SET alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General 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 arguments on 02.02.2023 before D.B.



(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

18.07.2022

Mr. Noor Muhammad Khattak, Advocate for the appellant present.

Learned counsel for the appellant argued his case as per assertions and contents of the service appeal. The appellant is aggrieved of the impugned order dated 22.12.2017, whereby he was awarded major penalty of removal from service w.e.f. 27.08.2016. The appellant submitted departmental appeal against the impugned order on 20.02.2021 which was purportedly not decided within the statutory period whereafter he filed the instant service appeal on 14.06.2021. When attention of the learned counsel was drawn towards the limitation period of 03 years and 02 months, he argued that it is a void order and limitation does not run against void order. It is evident from record that the appellant had proceeded abroad for pursuance of further studies/higher qualification but without approval/NOC and sanction of study leave by the competent authority. The service appeal is therefore, not maintainable for regular hearing unless plausible reasons are available in justification of delay. Reliance is placed on the august Supreme Court of Pakistan judgement dated 24.12.2020 delivered in Civil Petition No. 2478 of 2019 and judgement dated 08.10.2020 delivered in Civil Petition No. 44-P of 2015. Let pre-admission notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 19.10.2022 before S.B.


(Mian Muhammad)
Member (E)

14.12.2021

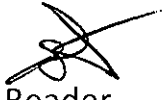
Clerk of learned counsel for the appellant present.

Former requests for adjournment on the ground that learned counsel is not available today. To come up for preliminary hearing on 23.02.2022 before S.B. Court Ashawal.


(MIAN MUHAMMAD)
MEMBER (E)

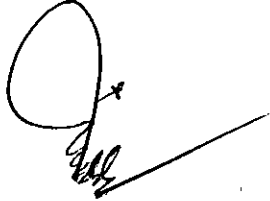
23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.


Reader

19.05.2022

Learned counsel for appellant present and requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 18.07.2022 before S.B.


(Mian Muhammad)
Member (E)

06.10.2021

Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Adjourned. To come up for preliminary hearing before the S.B on 11.10.2021.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

11.10.2021

Appellant in person present.

Appellant seeks adjournment due to General Strike of the Peshawar Bar Association. Adjourned. To come up for preliminary hearing before the S.B on 24.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

24.11.2021

Appellant alongwith his counsel present.

Learned counsel for the appellant requested for adjournment. Adjourned. To come up for preliminary hearing on 14.12.2021 before S.B.

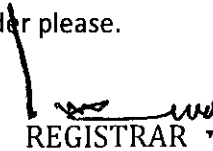



(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6173 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2021	<p>The appeal of Mr. Ziaullah presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/08/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>Junior to counsel for the appellant present and seeks adjournment due to strike of the lawyers. To come on 06.10.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>