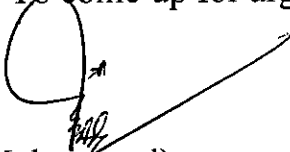



08.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General 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 13.12.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

30th Nov. 2022

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

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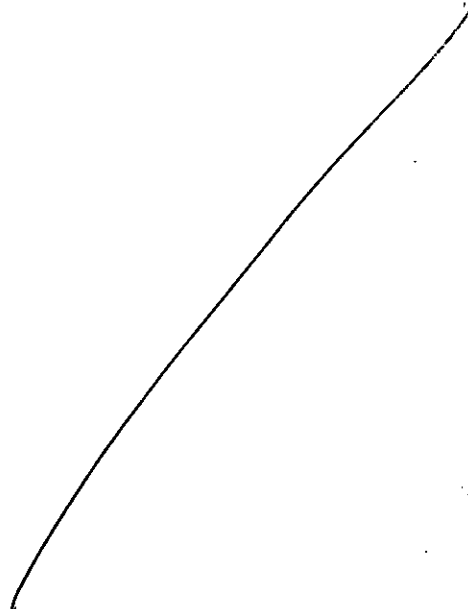
File received from the learned D.B-II with the observation that the matter was heard by both of us (the undersigned) but vide order sheet dated 31.05.2022 in connected Service Appeal No. 1369/2018 titled "Farman Ali Vs. DPO, Swat and others", the bench sought some clarification which were not made, therefore, let it be fixed before any available D.B. To come up for arguments on 08.12.2022 before the D.B.



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman




12th Oct, 2022

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

Learned counsel for the appellant submitted an application for hearing the instant appeal with other similar nature of appeals which are fixed on 30.11.2022 for arguments. Application is allowed. To come up for arguments on 30.11.2022 before D.B alongwith connected appeal.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

30.11.2022

Learned counsel for the appellant present. Mr. Hikmat Khan, Head Constable alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General stated that arguments in similar nature appeal have been heard by a bench comprising of worthy Chairman and Miss. Fareeha Paul learned Member (Executive) and the appeal was fixed for order, therefore, the appeal in hand may also be fixed before the said bench. The appeal in hand is, therefore, sent to worthy Chairman Service Tribunal for further appropriate order. Learned counsel for the parties shall appear before the worthy Chairman Service Tribunal today at 12:55 P.M.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

27.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General 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 27.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

27th July 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

12.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 03.05.2021 for the same.


Reader

3.5.2021


Due to Covid-19 the case is adjourned to 1.9.2021 for the same.

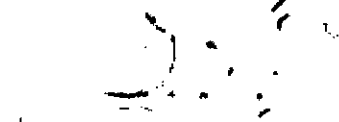

Reader

01.09.2021

Ms. Uzma Said, junior of learned counsel for the appellant present. Mr. Gulzad Khan, S.I (Legal) alongwith Mr. Muhammad Rasheed, 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 before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 29.11.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

29.11.2021

Due to unavailability of DB, the case is adjourned to 09-03-2022.


Reader

8-3-22

Due to retirement of the Honorable Chairman the case is adjourned to 27-6-22


Reader

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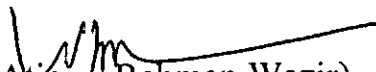
16.09.2020

Junior counsel for appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

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

Adjourned to 18.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)


18.11.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 12.02.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

5-5 .2020

Due to COVID19, the case is adjourned to

16/7 /2020 for the same as before.

Reader

16.07.2020

Counsel for the appellant and Asstt. A.G alongwith Gulzad, ASI for the respondents present.

Former states that the order impugned through the instant appeal has been passed with retrospective effect, therefore, propriety demands that it may be posted for hearing after the decision of similar proposition in other cases fixed before the Larger Bench.

Adjourned to 16.09.2020 for arguments before the D.B.

(Muhammad-Jamal-Khan)
Member

Chairman

16.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 05.03.2020 for rejoinder and arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.03.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 05.05.2020 for arguments before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

11.07.2019

Junior to counsel for the appellant and Addl. AG alongwith Gul Zar Khan, ASI for the respondents present.

Representative of the respondents requests for time to submit written reply. Last opportunity granted. Adjourned to 04.09.2019 for submission of written reply/comments.

Chairman

04.09.2019

Junior to counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Gulzad, ASI for the respondents present.

Reply by respondents furnished. The appeal is assigned to D.B for arguments on 20.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman

20.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Wajid, ASI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 16.01.2020 for rejoinder and arguments before D.B.

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

08.04.2019 Counsel for the appellant and Addl. AG alongwith Gulzar Ahmad ASI for the respondents present.

The representative of respondents requests for time to furnish the reply/comments by the respondents.


Adjourned to 09.05.2019 before S.B.

Chairman

09.05.2019 Junior counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Wajid Ali, LHC for the respondents present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned to 17.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.06.2019 Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Gul Zad, ASI for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Last opportunity is granted to the respondents for filing of written reply. Adjourned to 11.07.2019 for written reply/comments before S.B.


(Muhammad Amin Khan Kundi)
Member

25.1.2019

Counsel for the appellant requests for adjournment on account of further preparation of brief. Adjourned to 20-02-19 before S.B.

Chairman

20.02.2019

Learned counsel for the appellant present.

Learned counsel for the appellant contended that he appellant was removed from service through order dated 14.01.2010, however, it was given effect from 07.01.2009, while, no executive order could operate retrospective. It was further argued that a number of similarly placed person were reinstated into service by the respondents through recommendations of committee on 30.11.2010. On the other hand the appellant was denied such treatment and his departmental appeal was rejected being barred by time. It was also the contention of learned counsel that the codal formalities were not fulfilled in the case of proceeding against the appellant whose absence from duty was attributable to the prevailing law and order situation in the Swat Valley. She relied on 1995 SCMR-1178, PLD 2008 Supreme Court 663 and a judgment of this tribunal passed in appeal No. 385/17.

In view of the above the appeal in hand is admitted for regular hearing subject to all just and legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments for 08.04.2019 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1163/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2018	<p>The appeal of Mr. Hameed-ur-Rehman presented today by Mr. Saadullah Khan Marwat 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;"><i>[Signature]</i> REGISTRAR 18/9/18.</p>
2-	22-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-10-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
3-	31.10.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
27.	2.2018	<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary arguments on 25.01.2019 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

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2018/09/18