


15.03.2018 Clerk to counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General on behalf of the respondents present. Clerk to counsel for the appellant seeks adjournment as counsel is not available. Adjourn. To come up for arguments on 15.05.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

15.05.2018 Appellant absent. Counsel for the appellant is also absent. However, clerk of the counsel for appellant present and seeks adjournment. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, S.I (legal) for the respondents also present. Adjourned. To come up for arguments on 26.07.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

26.07.2018 Due to sickness of learned Member (Executive), further proceedings could not be conducted. Adjourned. To come up for arguments on 27.08.2018 before D.B.



Member

10/10/18

10/10/18

27.08.2018


Clerk of the counsel for appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Atta-ur-Rehman, S.I (legal) for the respondents present. Clerk of the counsel for appellant submitted rejoinder requested for adjournment. Adjourned. To come up for arguments on 09.10.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

09.10.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 22.11.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.11.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, S.I (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.01.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.01.2019 Appellant alongwith Miss. Roeda, Advocate present and submitted fresh Vakalat Nama. The same is placed on record. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, S.I (Legal) for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 29.03.2019 for arguments before

D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.03.2019 Appellant in person and Mr. Ziaullah, DDA for the respondents present.

The appellant requests for adjournment due to non-availability of his learned senior counsel. On previous seven occasions hearing in the instant matter was adjourned on the request of appellant or his learned counsel. Today it is adjourned as a last chance but on payment of costs of Rs. 1000/- The case would be decided on the next date irrespective of the availability of learned counsel.

Adjourned to 25.06.2019 before the D.B.


Member

Chairman



25.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Atta Ur Rehman, SI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 28.08.2019 before D.B.


Member


Member

28.08.2019

Appellant in person present. Asst: AG alongwith Mr. Atta Ur Rehman, SI for respondents present. Appellant submitted an application for adjournment. Adjourn. Case to come up for arguments on 12.11.2019 before D.B.



Member


Member

12.11.2019

Learned counsel for the appellant present. Mr. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Atta Ur Rehman SI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 14.01.2020 before D.B.


Member


Member

14.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 10.03.2020 before D.B. Appellant be put to notice for the date fixed,


Member


Member

10.03.2020

Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Atta ur Rehman Inspector for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourn. To come up for arguments 23.04.2020 before D.B.


Member


Member

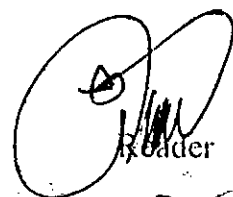
23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.


Reader

04.08.2020

Due to summer vacation case to come up for the same on 15.10.2020 before D.B.

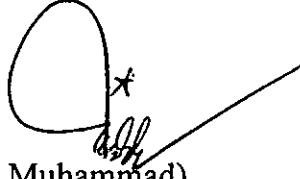

Reader

15.10.2020

Counsel for the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Zaheer Muhammad, PASI for respondents is present.

Request for adjournment was made on behalf of the learned counsel for the appellant as he has not prepared the brief. Request is acceded to and the appeal is adjourned.

Adjourned to 22.12.2020 for arguments before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member(J)

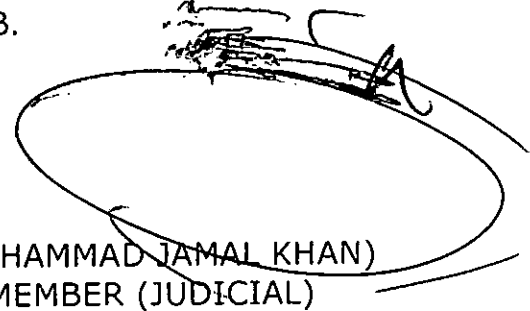
22.12.2020

Miss. Rooeda Khan, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Khayal Roz, Inspector (Legal), for the respondents are also present.

Learned counsel representing appellant while making reference to impugned order dated 14.10.2013 submitted that retrospective effect was given to the referred to order, since the issue with retrospectivity is pending before the Larger Bench of this 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 11.03.2021 before D.B.



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



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

11.03.2021


Due to non availability of Bench, the case is adjourned to 15.06.2021 for arguments before D.B.



READER

15.06.2021

Clerk of counsel for the appellant present. Mr. Khayal Roz, Inspector (Legal) alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 16.08.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 27.12.2021 for the same as before.


Reader

27-12-2021

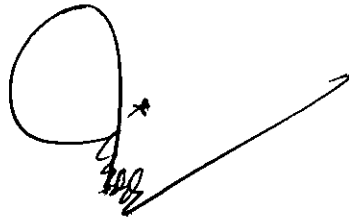
Due to ~~re-winter~~ ~~vacation~~ ~~of~~ the Honorable ~~Chairman~~ the case is adjourned to come up for the same as before on 11-04-2022


Reader.

11.04.2022

Appellant alongwith clerk to his counsel present. Syed Naseer Ud Din Shah, Asst: AG respondents present.

Clerk of learned counsel for the appellant submitted an application for adjournment on the ground that learned counsel for the appellant is unable to appear before the court due to her illness. Adjourned. To come up for arguments before the D.B on 08.06.2022.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)

06.22 Properly is an issue, therefore the case is adjourned to 26.8.22 for final.



26.08.2022

Clerk of learned counsel for the appellant present. Mr. Atta ur Rehman Inspector (Legal) alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 06.10.2022 before the D.B.

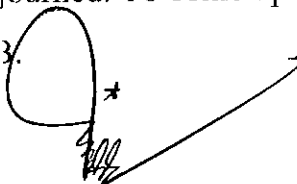


(Salah-Ud-Din)
Member(J)

06.10.2022

Appellant present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Atta Ur Rehman, Inspector respondents present.

Appellant made a request for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 07.12.2022 before D.B.



(Mian Muhammad)
Member (B)




(Kalim Arshad Khan)
Chairman

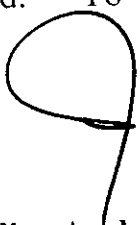
07th Dec. 2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Former seeks adjournment on the ground that learned senior counsel for the appellant is engaged in Honourable Peshawar High Court. Last opportunity is granted. To come up for arguments on 02.02.2023 before the D.B.



(Farceha Paul)
Member (E)




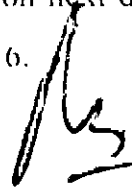


(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 565/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/05/2016	<p>The appeal of Mr. Fakher-e-Imam resubmitted today by Mr. Asad Zeb Khan 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	27-5-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	31.05.2016	<p>None present for the appellant. Appeal be relisted for preliminary hearing for 20.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	n.	<p>Counsel for appellant present. Learned counsel for the appellant seeks time to assist the court on next date. To come up for preliminary hearing on 18.7.2016.</p> <p style="text-align: right;"> Member</p>

18.07.2016

Junior to counsel for the appellant present and requested for adjournment as his senior counsel is not available today before the Court. Adjourned for preliminary hearing to 28.07.2016 before S.B.


MEMBER

28.07.2016

Clerk of counsel for the appellant present. Seeks adjournment. Last opportunity granted. To come up for preliminary hearing on 10.08.2016 before S.B.


Chairman

10.08.2016

Clerk to counsel for the appellant present. Due to strike of the Bar, preliminary arguments could not be heard. To come up for preliminary hearing on 01.09.2016.


Member

01.09.2016

Clerk to counsel for the appellant present. Requested for adjournment. To come up for preliminary hearing on 19.09.2016 before S.B.


Member

19.09.2016

Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 4-10-16 before S.B.


Member

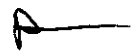
04.10.2016

Counsel for the appellant present and requested for adjournment. Request accepted. Adjourned for preliminary hearing to 20.10.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER

20.10.2016

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 14.11.2016 before S.B.


(ABDUL LATIF)
MEMBER

14.11.2016

Appellant present and requested for adjournment as his counsel is stated busy before the Peshawar High Court, Peshawar. To come up for preliminary hearing before S.B on 01.12.2016.


Chairman

01.12.2016

Agent of counsel for the appellant present. Seeks adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 14.12.2016 before S.B.


Chairman

14.12.2016

Clerk of counsel for the appellant present and requested for adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 02.01.2017 before S.B.


Chairman

02.01.2017

None present for the appellant. Notice be issued to the appellant and his counsel. To come up for preliminary hearing on 31.01.2017 before S.B.


31.01.2017

Appellant in person present. Requested for adjournment as his counsel is indisposed. Last opportunity granted. To come up for preliminary hearing on 21.02.2017 before S.B.


Chairman

21.02.2017

Counsel for the appellant present. Counsel for the appellant requested for adjournment to submit application for condonation of delay. Request accepted. To come up for preliminary hearing on 16.03.2017 before S.B.


(AHMAD HASSAN)
MEMBER

16.03.2017

Junior to counsel for the appellant present. Junior to counsel for the appellant submitted application for condonation of delay and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.04.2017 before S.B.


(AHMAD HASSAN)
MEMBER

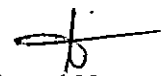
10.04.2017

Clerk of counsel for the appellant present. Seeks adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 18.04.2017 before S.B.


Chairman

18.04.2017

Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 02.05.2017 before S.B.


(Ahmad Hassan)
Member

02.05.2017

Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 06.06.2017 before S.B.


(Ahmad Hassan)
Member

06.06.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant joined the Police Department as Constable in 2008. On account of willful absence from duty major penalty of dismissal from service was imposed on him vide impugned order dated 14.10.2013. He filed departmental appeal on 14.05.2014 which was rejected on 08.08.2014. There-after review petition was filed on 21.10.2015 and was rejected on 25.04.2016 hence the instant service appeal on 24.05.2016. Learned counsel for the appellant when confronted on the issue of limitation and the appeal being barred by time argued that ex-parte proceedings were initiated against the appellant and impugned order was not communicated to him. Moreover, his departmental appeal was rejected on merit while review petition was rejected on the score of limitation. He further contended that his review petition was rejected on 25.04.2016 and service appeal was filed on 25.05.2016 so the instant appeal was well in time, however, he has submitted an application for condonation of delay giving adequate justification therein.

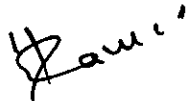
Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit subject to limitation. Appellant is directed to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 20.07.2017 before S.B.

(AHMAD HASSAN)
Member

03. 20.07.2017

Clerk of the counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Atta-ur-Rehman, SI for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 28.08.2017 before S.B.


(Muhammad Hamid Mughal)
Member

28.08.2017

None present on behalf of the appellant. Mr. Atta-ur-Rehman, S.I (legal) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 06.11.2017 before D.B. Notice be also issued to appellant and his counsel for attendance for the date already fixed.


(Muhammad Amin Khan Kundi)
Member

06.11.2017


Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney also present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not in attendance today. Adjourned. To come up for arguments on 15.01.2018 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

15.01.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Atta-Ur-Rehman, SI (Legal) for the respondents present. Lawyer community on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned. To come up for arguments on 15.01.2018 before D.B.


(Gul Zeb Khan)
Member


(M. Hamid Mughal)
Member