

22.07.2019


Learned counsel for the appellant and Mr. Muhammad Jan learned DDA for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.09.2019 before D.B.


(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

17.09.2019

Learned counsel for the appellant and Mr. Zia Ullah learned DDA present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.10.2019 before D.B.


Member


Member

29.10.2019

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Shafique, Senior Clerk and Mr. Akhtar Hussain, Assistant for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 04.12.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

04.12.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2020 before D.B.



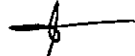
(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

04.02.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.03.2020 for arguments before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

~~04.12.2019~~


~~Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2020 before D.B.~~

~~(Hussain Shah)
Member~~

~~(M. Amin Khan Kundi)
Member~~

13.03.2020

Counsel for the appellant present. Asst: AG
alongwith Mr. Muhammad Irfan, Assistant and Mr.
Sajid, Supdt: for respondents present. Learned counsel
for the appellant seeks adjournment. Adjourned. To
come up for arguments on 13.05.2020 before D.B.

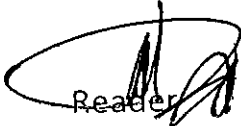

Member


Member

13.5 .2020

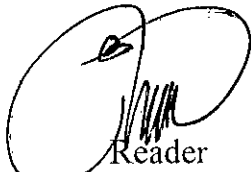
Due to COVID19, the case is adjourned to

5/8/2020 for the same as before.


Reader

05.08.2020


Due to summer vacation case to come up for the same on
06.10.2020 before D.B.


Reader

06.10.2020

Representative of appellant on behalf of appellant present.
Mr. Kabir Ullah Khattak learned Additional Advocate
General for respondents present.

Lawyers are on general strike, therefore, the case is
adjourned to 24.11.2020 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

24.11.2020

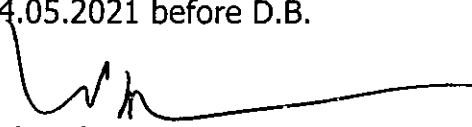
Due to non-availability of D.B, the case is adjourned to
04.02.2021 for the same as before.

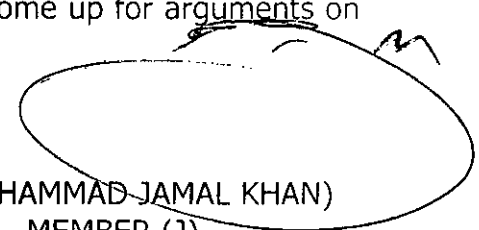

Reader


04.02.2021

Counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Learned counsel representing appellant submitted that the pension case of the appellant is under process and is going to be prepared in near future and sought time for completion of the process. The case is adjourned, however, respondent No.1 is directed to depute a representative well conversant with the facts of case and rendering assistance to the Tribunal on the next date. To come up for arguments on 04.05.2021 before D.B.


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



(MUHAMMAD JAMAL KHAN)
MEMBER (J)

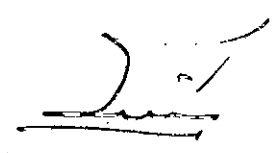
4.5.21 due to COVID-19, the case is adjourned to 2.9.2021 for the same. 

02.09.2021

Mr. Zafar Ali Khan, Advocate, ~~Advocate~~ for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not ^{made} met preparation for arguments. Adjourned. To come up for arguments before D.B on 13.12.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


13.12.2021

Learned counsel for the appellant present. Mr. Irfan Anjum, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representative of the respondents stated that pension case of the appellant is under process and is going to be finalized in near future and sought further time for completion of process. Adjourned. Representative of the respondents is directed to produce copies of documentation/correspondence regarding pension papers of the appellant on the next date. To come up for further proceedings on 08.03.2022 before the D.B.



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



(Salah-ud-Din)
Member (Judicial)

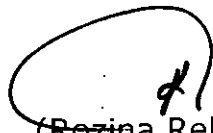
8-3-22 Due to Retirement of the Honble Chairman
the case is adjourned to 29-6-22

of order
Rehman

29.06.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Irfan, Assistant for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for further proceedings as mentioned in order sheet dated 13.12.2021 before the D.B on 06.10.2022.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate general respondents present.

Counsel for the appellant made a request for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 07.12.2022 before D.B.



(Mian Muhammad)
Member (J)



(Kalim Arshad Khan)
Chairman

7th Dec. 2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Khalid Aziz, ASO for the respondents present.

02. Called several times, till rising of the court but nobody turned up on behalf of the appellant. The appeal is, therefore, dismissed in default. Consign.

03. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 7th day of December, 2022.*



(Farzeha Paul)
Member(E)



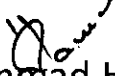


(Rozina Rehman)
Member(J)

FORM OF ORDERSHEET

Court of _____

Case No. 1284/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/11/2017	<p>The appeal of Mr. Akram Khan presented today by Mr. Zafar Ali Khan Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/11/17</p>
2-	17/11/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/12/17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	19.12.2017	<p>None present on behalf of the appellant. Case called but no one appeared on behalf of the appellant. Adjourned. To come up for Preliminary hearing on 11.01.2018 Before S.B</p> <p style="text-align: center;"> (Muhammad Hamid Mughal) MEMBER</p>

11.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Chowkidar in Public Health Engineering Department vide order dated 27.06.1995 on contract basis. It was further contended that the appellant was regularized on 30.07.2008 and he was retired from service on 30.06.2015 vide order dated 01.07.2015. It was further contended that according to rule 2.2 of West Pakistan Civil Services Pension Rules, 1963 when an employee remained for more than five years in service on contract or adhoc basis the same will be counted for pensionary benefits but the department is not paying pension to the appellant. It was further contended that the appellant also filed departmental appeal after some delay but since the matter pertain to the monitory benefits therefore, limitation does not run in such like matters. It was further contended that the department is legally bound to pay pension to the appellant and to count such service of the appellant remained in service on contract basis.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal exceptions. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 26.02.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member


26.02.2018

Counsel for the appellant and Addl: AG for respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 13.03.2018 before S.B.


(Ahmad Hassan)
Member(E)


13.03.2018

Clerk of the counsel for appellant present. Mr. Riaz Paindakhel, Assistant AG alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Written reply not submitted. Clerk of the counsel for appellant submitted an application for the correction of address of respondent No. 4 alongwith copies of memo appeal. Application is accepted. Thereafter fresh notices be issued to the respondents No. 4. To come up for written reply/comments on 12.04.2018 before S.B.


(M. Hamid Mughal)
Member

12.04.2018

Appellant absent. Junior counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl. AG present. Zakiullah, Senior Auditor (Representative) of the respondent department is also absent. Therefore, fresh notices be issued to the respondent department to attend the court positively. Written reply not submitted on behalf of respondents. Requested for adjournment. Adjourned. To come up for written reply/comments on 10.05.2018 before S.B.


Member

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.


Reader

05.07.2018

Appellant in person and Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Allah Nawaz, SDO for the respondents No. 2 to 6 present. Written reply submitted on behalf of official respondents No. 2 to 6. Remaining respondents requested for adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1, 7 & 8 on 07.08.2018 before S.B.


Member

07.08.2018

Appellant and his counsel were absent, however, clerk of counsel for the appellant present. Mr. Allah Nawaz, SDO for respondent no.2 to 6 and Mr. Zakiullah, Senior Auditor for respondent no.8 alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondent no.8 submitted which is placed on file. Case to come up for written reply/comments of respondents no. 1 and 7 before S.B on 26.09.2018.


Chairman

26.09.2018

Appellant Akram Khan in person present. M/S Allah Nawaz, SDO for respondents No. 2 to 6 and Zakiullah, Senior Auditor for respondent No. 8 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Learned Addl. AG requested for adjournment to file written reply on behalf of respondents No. 1 and 7. Granted. To come up for written reply of respondents No. 1 and 7 on 14.11.2018 before S.B.


Chairman

14.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 02.01.2019. Written reply not received. M/S Allah Nawaz SDO and Zakiullah Senior Auditor representatives of respondents absent.


READER

02.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written replies on behalf of respondents No. 2 to 6 & 8 have already been submitted. None present on behalf of respondents No. 1 & 7 therefore, notice be issue to respondents No. 1 & 7 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 & 7 on 12.03.2019 before S.B.


Muhammad Amin Khan Kundi
Member

12.03.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zakiullah, Senior Auditor for respondents No. 8 present. Written replies on behalf of respondents No. 2 to 6 & 8 have already been submitted. Neither written reply on behalf of respondents No. 1 & 7 submitter nor their representatives present therefore, notice be issued to respondents No. 1 & 7 with the direction to direct the representative to attend the court and submit written reply on the next date by way of last chance. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 & 7 on 16.04.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondents No.1 & 7 is still awaited. Rehmat Khan Superintendent representative present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 22.05.2019 before S.B.



Member

22.05.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondents No.1 & 7 not received. Sajjad Superintendent representative of respondent No.1 absent.

The present service appeal pertaining to the pensionary benefits is lingering on at the stage of reply since 26.02.2018. The present case be therefore assigned to D.B for further proceedings. Respondents No.1 & 7 as well as the absent representative be put to notice for submission of reply on the next date before D.B. Adjourn. To come up for further proceedings on 22.07.2019 before D.B.


Member