

08.07.2019

Appellant in person and Addl. AG alongwith Eid Muhammad, Senior Clerk and Sajid Supdt. for the respondents No. 1 to 5 present. Nemo for private respondents No. 6 and 7.

Representatives of respondents No. 1 to 5 request for further time. Fresh notice be issued to respondents No. 6 and 7. Adjourned to 03.09.2019 but this will be the last chance for the respondents for submission of written reply/comments.


Chairman

03.09.2019

Appellant in person and Mr. Usman Ghani, District Attorney alongwith M/S Eid Muhammad and Sajid, Superintendent for the official respondents present.

Para-wise comments on behalf of official respondents No. 1 to 3 & 5 submitted which are placed on record. Respondents No. 4, 6 & 7 have not submitted written reply/comments despite last opportunity. The appeal is posted for arguments before D.B to 04.11.2019. The appellant may submit rejoinder to the para-wise comments of official respondents within a fortnight, if so advised.


CHAIRMAN

04.11.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Eid Muhammad Senior Clerk for official respondents present. Appellant seeks adjournment to furnish rejoinder. Private respondents No.6 & 7 be put to notice for the next date. Adjourn. To come up for arguments on 11.12.2019 before D.B.


Member


Member

11.12.2019

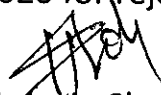
Appellant in person present. Addl: AG alongwith Mr. Sajid, Supdt and Mr. Eid Muhammad, Senior Clerk for respondents present. Appellant seeks adjournment due to general strike of the Bar. Adjourned. To come up for arguments on 10.02.2020 before D.B.



Member


Member

10.02.2020

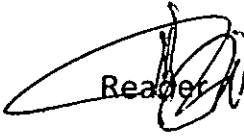
Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Eid Muhammad, Senior Clerk for official respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 31.03.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

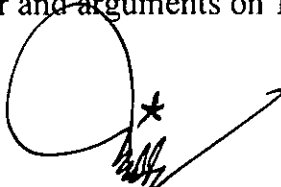
31.03.2020

Due to public holiday on account of COVID19, the case is adjourned to 10.06.2020 for the same as before.


Reader

10.06.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks time to file rejoinder. Adjourned. To come up for rejoinder and arguments on 19.08.2020 before D.B.


MEMBER


MEMBER

19.08.2020

Due to summer vacations, the case is adjourned to 29.10.2020 for the same.


Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 31.12.2020 before D.B.


Reader

31.12.2020


Due to summer vacation, case is adjourned to
18-3.2021 for the same as before.


Reader

18.03.2021

Mr. Changez Khan, Advocate on behalf of counsel for the appellant and Addl. AG for the respondents present.

Learned counsel submitted replication to the joint parawise comments of the respondents. Placed on record. To come up for arguments on 20.05.2021 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

20.5.21

Due to COVID 19, the case is adjourned to 13-9-21 for the same.


Reader

13.09.2021

Counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for arguments before the D.B on 26.11.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


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

24.11.2021

Proper DB is not available, therefore, the case is adjourned to 28/2/22 for the same before:


Reader

28-2-22

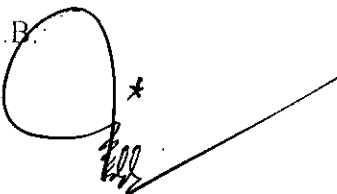
Due to retirement of the Hon'ble Chairman the case is adjourned on 15-6-22



Reader

15.06.2022

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

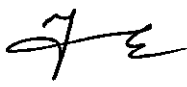
Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to some domestic engagement. Adjourned. To come up for arguments on 01.08.2022 before the D.B.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

1-8-2022


Proper DB not available the case is adjourned to 1-11-2022


Reader

1st Nov., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.


02. Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 16.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

16th Dec. 2022

Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 08.03.2023 for arguments before the D.B.


(Fareeha Paul)
Member(E)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 813/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2018	<p>The appeal of Mr. Nisar Ahmad Presented today by Syed Ghufan Ullah Shah 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 22/6/18</p>
2-	16.07.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/7/18</u>.</p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p>Clerk to counsel for the appellant present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 07.08.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Ahmad Hassan) Member</p>
07.08.2018		<p>Neither appellant nor his counsel present. Case to come up for preliminary hearing on 28/09.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

28.09.2018

Appellant Nisar Ahmad in person alongwith his counsel Syed Ghufranullah Shah, Advocate present and made a request for adjournment. Granted. To come up for preliminary hearing on 14.11.2018 before S.B.


Chairman

14-11-2018

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 2-1-2019


Reader

02.01.2019

Counsel for the appellant Nisar Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Junior Clerk. It was further contended that the appellant was appointed vide order dated 25.11.2010 by the competent authority and he was performing his duty regularly, however, the competent authority vide order dated 08.09.2011 removed him from service. It was further contended that the appellant filed Writ Petition before the worthy High Court but the same was dismissed due to lack of jurisdiction and the appellant was directed to approach the proper forum. It was further contended that the appellant filed departmental appeal on 23.02.2018 but the same was not responded hence, the present service appeal. It was further contended that the appellant performed his duty regularly and he was removed from service but no reason/allegation has been mentioned in the impugned order as to why the appellant was removed from service. It was further contended that there is some delay in filing of departmental appeal but the appellant approached the worthy High Court and the Writ Petition was decided with the direction to the appellant to approach the proper forum. Moreover, the appellant has filed application for condonation of delay. It was further contended that neither proper inquiry was conducted nor the appellant was issued any show-cause notice therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. 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 13.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

Appellant Deposited
Security & Process Fee

13.03.2019

Clerk to counsel for the appellant present. Written reply not submitted. M/S Hayt Khan AD litigation and Sohail Assistant representative of the official respondent absent. Private respondents No 6 & 7 also absent. Notices be issued to the representatives of the official respondents as well as to private respondents No.6 & 7 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 17.04.2019 before S.B.


Member

17.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. M/S Eid Muhammad S.C and Rehmat Khan Superintendent representatives of the respondents present and seek time to furnish written reply/comments. No one present on behalf of private respondents No.6 & 7 Notice be issued to them with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 11.06.2019 before S.B.


Member

11.06.2019

Appellant in person and Addl: AG alongwith Mr. Sajid, Supdt for respondents present. Written reply/comments not submitted. Notice be issued to the respondents for submission of written reply/comments. Case to come up for written reply/comments on 08.07.2019 before S.B.


(Ahmad Hassan)
Member