

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1206/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2018	<p>The appeal of Mr. Fahim Ullah Khan resubmitted today by Mr. Saquib Iftikhar 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 1/10/18.</p>
2-	2-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-11-2018</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p><i>13-11-2018 Due to Retirement of Honorable chairman the Tribunal is non functional Therefore the case is adjourned to come up for the same on 1-1-2019</i></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

01.01.2019

Counsel for the appellant Fahim Ullah Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Junior Clerk in Zakat, Ushr, social Welfare, Special Education and Women Empowerment Department, Peshawar. It was further contended that the appellant was imposed major penalty of removal from service vide order dated 13.02.2018 on the allegation of absence from duty. It was further contended that the appellant was infact abducted by some militants with effect from 07.09.2017 and was released/recovered in the month of August 2018 therefore, the absence of the appellant was not deliberate rather it was beyond the control of the appellant. It was further contended that when the appellant was recovered/released he came to know about the major penalty of removal from service therefore, he immediately filed departmental appeal on 09.09.2018 which was rejected on 17.09.2018 hence, the present service appeal. It was further contended that since the appellant was abducted by some militants and it was beyond the control of the appellant to attend the duty. Furthermore, that neither absence notice was issued at the home address of the appellant as per rules nor proper inquiry was conducted nor the appellant was provided opportunity of personal hearing and defence 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 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 06.03.2019 before S.B.

Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

06.03.2019

Learned counsel for the appellant present. Mr. Hamiyat Ur Rehman Section Officer representative of the respondents present and submitted written reply/comment. Adjourn. To come up for rejoinder/arguments on 08.05.2019 before D.B


Member

08.05.2019

Appellant in person and Addl: AG alongwith for respondents present.

Due to paucity of time, the instant matter is adjourned to 03.07.2019 for arguments before D.B.


Member


Chairman

03.07.2019

Mr. Mir Zaman Safi, Advocate present and submitted Vakalatnama in favour of the appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Fawad Khan, Assistant for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 29.08.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

29.08.2019

Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 13.11.2019 before D.B.


Member


Member

13.11.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 16.01.2020 before D.B.


Member


Member

16.01.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Hasham Assistant for the respondents 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 09.03.2020 before D.B.


Member


Member

09.03.2020

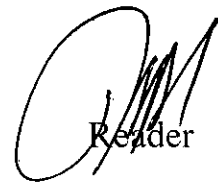
Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Hafiz Saeed S.O present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.05.2020 before D.B.


Member


Member

12.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.


Reader

07.08.2020


Due to summer vacation case to come up for the same on 27.10.2020 before D.B.


Reader

27.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Himayatullah, S.O for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.


Reader

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct; therefore, the case is adjourned to 28.07.2021 for the same.


Reader

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.

28.07.2021

None for the appellant and Mr. Muhammad Riaz Khan, Assistant Advocate General alongwith Mr. Iftikhar Muhammad, Assistant for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 02.12.2021 for the same before D.B.



(Rozina Rehman)
Member (Judicial)



Chairman

02.12.2021

Junior to counsel for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 29.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

29.03.2022

Mr. Kamran Khan, Advocate, for the appellant present. Mr. Muhammad Shehzad, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments on 02.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

02.06.2022

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 10.08.2022 for arguments before D.B.



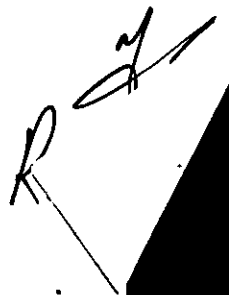
(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

10.8.2022

Proper DB not available the case is adjourned to 2-11-22



2nd Nov., 2022

Assistant to learned counsel for the appellant present.

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

Request for adjournment was made on behalf of learned senior counsel for the appellant due to his engagement before Honourable Peshawar High Court today. Last chance is given. 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.

Naseerud Din Shah, Assistant Advocate General 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)