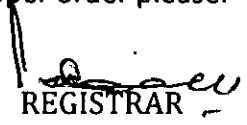



Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 146/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/1/2018	<p>The appeal of MR. Aurang Zeb resubmitted today by Uzma Syed 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</p>
2-	06/12/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

12.02.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department and during service he was dismissed from service vide impugned order dated 06.12.2007 on the allegation of absence. It was further contended that the appellant filed departmental appeal but the same was also rejected vide order dated 15.05.2008 and thereafter the appellant filed the present service appeal on 25.01.2018. Learned counsel for the appellant further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant. It was further contended that the appellant was dismissed from service from the date of absence i.e retrospectively therefore, the impugned order is void and limitation does not run against the void order as per judgments of the superior court therefore, is liable to be set-aside.

Appellant Deposited  
Security & Process Fee



The contentions raised by learned counsel for the appellant need 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 02.04.2018 before S.B.

02.04.2018

None present on behalf of appellant. Member Ullah Khattak, Additional: AG alongwith Mr. Muhammad Raziq, S.I (Legal) for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 17.04.2018 before S.B.

  
(Muhammad Amin Khan Kundi)

  
(Ahmad Hassan)  
Member

**17.04.2018** Appellant in person and Addl. AG alongwith Mr. Muhammad Raziq, H.C for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **02.05.2018** before S.B.

  
Member

**02.05.2018** Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on **25.06.2018**.

  
Reader

**25.06.2018** Appellant absent. However his counsel present. Mr. Muhammad Jan, DDA alongwith Mr. Aziz Shah, Reader for the respondents present. Written reply not submitted on behalf of respondents. Representative of the respondent department requested for adjournment. Granted by way of last chance. To come up for written reply/comments on **07.08.2018** before S.B.

  
Chairman

07.08.2018

Neither appellant nor his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned AAG made a request for some time to submit the same. Granted. To come up for written reply/comments on 27.09.2018 before S.B.

  
Chairman

27.09.2018

Appellant Aurangzeb in person present. Mr. Aziz Shah, H.C alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 15.11.2018 before S.B.

  
Chairman

15.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018. Written reply not received. Mr. Aziz Shah H.C representative of respondents absent.

  
Reader

31.12.2018

Counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents submitted. The appeal is assigned to D.B-II for rejoinder and arguments for 06.03.2019.

  
Muhammad Amin Khan Kundi  
Member

06.03.2019

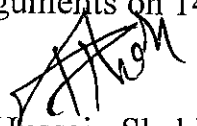
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Learned counsel for the appellant seeks adjournment to furnish rejoinder. Adjourn. To come up for rejoinder and arguments on 18.04.2019 before D.B.


  
(M. HAMID MUGHAL)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

18.04.2019


Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Due to general strike of the bar council learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.06.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

14.06.2019

Due to general strike by the Pakistan Bar Council, the case is adjourned. To come up for arguments on 10.07.2019 before D.B

  
Member

  
Member

10.07.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 03.09.2019 before D.B.

  
Member

  
Member

03.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.11.2019 before D.B


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

Service Appeal No. 146/2018

15.11.2019


Syed Noman Bukhari, learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 14.01.2020 for arguments before D.B.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

14.01.2020

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 27.02.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

27-2-20

The learned members is on tour therefore case is adjourned to 9-4-2020

  
Reader

09-4 .2020

Due to COVID19, the case is adjourned to  
07/07/2020 for the same as before.

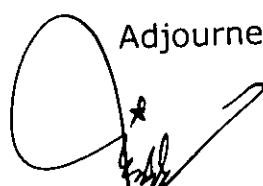
  
Reader

07.07.2020

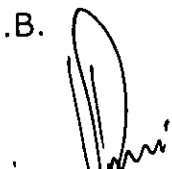
Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Learned counsel pointed out that in the instant appeal the impugned order was passed with retrospective effect.

Let the matter be posted to a date after hearing of cases involving similar proposition by a Larger Bench of this Tribunal.

  
Member

Adjourned to 02.09.2020 before D.B.

  
Chairman

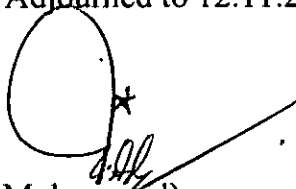


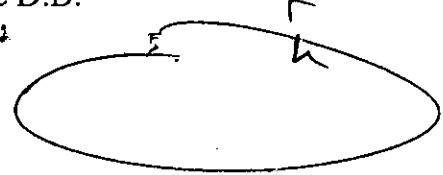
02.09.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. M. Raziq, H.C for respondents present.

Learned counsel for the appellant stated that in the instant appeal retrospective issue is involved which is pending before Larger Bench in some other appeals, therefore, the instant appeal may be adjourned till decision of the Larger Bench.

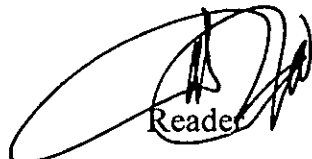
Adjourned to 12.11.2020 cbefore D.B.

  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal)  
Member(J)

12.11.2020

Proper D.B is not available, therefore, the case is adjourned for the same on 20.01.2021.

  
Reader

20.01.2021

Counsel for the appellant and Addl. AG for the respondents present.

The proposition regarding retrospectivity of the penalty is yet to be decided by the Larger Bench. Adjourned to 22.04.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

22.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 16.08.2021 for the same as before.

  
Reader

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 02.12.2021 for the same as before.

  
Reader

16.08.2021

16.08.2021

पुस्तकालय, दिल्ली के लिए किताबें खरीदने के लिए प्रार्थना की जाती है।

किताबें खरीदने के लिए प्रार्थना की जाती है।

पुस्तकालय, दिल्ली  
दिल्ली

पुस्तकालय, दिल्ली  
दिल्ली

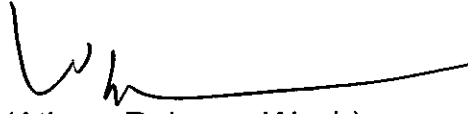
पुस्तकालय, दिल्ली के लिए किताबें खरीदने के लिए प्रार्थना की जाती है।

02.12.2021

Counsel for the appellant present.

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

Former made a request for adjournment as she has not prepared the brief. Adjourned. To come up for arguments on 29.03.2022 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)




(Rozina Rehman)  
Member (J)

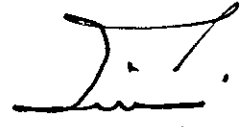
29.03.2022

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 08.06.2022 before the D.B.



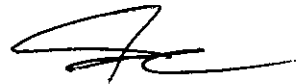
(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

8.6.22

As per D.B is on leave, therefore the case is adjourned to 26.8.22 for same.



26.08.2022

Learned counsel for the appellant present. 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 24.10.2022 before the D.B.

  
(Salah-Ud-Din)  
Member(J)

24<sup>th</sup> Oct., 2022

Lawyers are on strike today.

To come up for arguments on 14.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

14<sup>th</sup> Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 23.02.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)