

02.01.2019

Counsel for the appellant Dr. Muhammad Zia Khattak present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Medical Officer, he was removed from service vide order dated 25.08.2014 on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal on 23.09.2014 which was not decided hence, the present service appeal on 26.09.2017. It was further contended that neither proper inquiry was conducted nor any show-cause notice was issued to the appellant at his home address and the appellant is also having 13 years service in his credit and the same was not considered by the competent authority therefore, the impugned order is illegal and liable to be set-aside. Learned counsel for the appellant also contended that there is some delay in filing of service appeal but the appellant has filed application for condonation of delay.

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 11.03.2019 before S.B.

Appellant Presented
Secretary, S.B. 100


(Muhammad Amin Khan Kundi)
Member

11.03.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment for filing of written reply. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2019

Learned counsel for the appellant present. Written reply not submitted. Hazrat Shah Superintendent representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 23.05.2019 before S.B


Member

23.05.2019

Learned counsel for the appellant present. Written reply not submitted. Hazrat Shah Superintendent representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.07.2019 before S.B


Member

03.07.2019

Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Hazrat Shah Superintendent representative of the respondents present and seeks further time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 29.08.2019 before S.B.


Member

29.08.2019 Junior to counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments. Last opportunity granted. To come up for written reply/comments on 26.09.2019 before S.B.


(Ahmad Hassan)
Member

26.09.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Saleem Javed, Litigation Officer for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 22.10.2019 before S.B.


Member

22.10.2019 Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Saleem Javed, Litigation Officer for the respondents present.

Written reply on behalf of respondents not submitted despite last opportunity and cost of Rs. 1000/- therefore, the case is posted to D.B for 07.01.2020 for rejoinder and arguments.

CHAIRMAN 

07.01.2020

Appellant absent. Learned counsel for the appellant absent. Uzma Advocate present on behalf of learned counsel for the appellant present and seeks adjournment. Mr. Zia Ullah learned Deputy District Attorney alongwith Sher Baz S.O present. Adjourn. To come up for arguments on 11.03.2020 before D.B. Appellant be put to notice for the date fixed.



Member



Member

11.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.04.2020 before D.B.



Member



Member

30-4.2020

Due to COVID19, the case is adjourned to
14/7/2020 for the same as before.


Reader

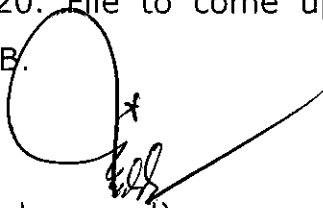
14.07.2020

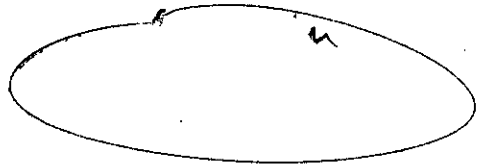
Due to COVID-19, the case is adjourned to 07.09.2020
for the same.


Reader

07.09.2020

Mr. Amjid Nawaz, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Hazrat Shah, Section Officer are also present. Learned Additional Advocate General submitted reply which is placed on file. Adjourned to 25.11.2020. File to come up for rejoinder and arguments before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

25.11.2020

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

Learned counsel for the appellant requests for time to submit rejoinder to the reply of respondents. May do so on or before the next date of hearing.

Adjourned to 16.02.2021 before D.B.



(Mian Muhammad)
Member (E)

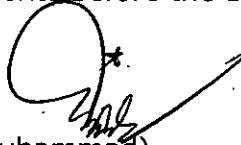


Chairman

16.02.2021

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

Former has submitted rejoinder in respect of reply/comments by the respondents. Placed on record. To come up for arguments before the D.B on 25.05.2021.



(Mian Muhammad)
Member(E)

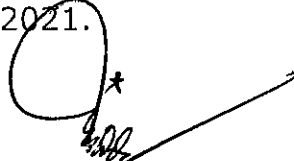


Chairman

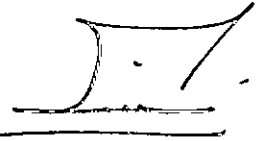
27.05.2021

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

Former sought adjournment on the ground that he is not feeling well. Adjourned. To come up for arguments before the D.B on 30.08.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.08.2021

Ms. Uzma Syed, junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Adjourned. To come up for arguments before the D.B on 25.11.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.11.2021

Proper DB is not available, therefore, the case is adjourned to 28/2/22 for the same ^{as} before ~~DB~~.


Reader

28-2-22

Due to retirement of the Hon. ble
Chairman the case is adjourned on
14-6-22.
Reader

14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for 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 15.08.2022.




(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.8.22


Due to Summer Vacation, the case is
adjourned to 10.10.22 for the same.


Reader

10.10.2022

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Junior to counsel for the appellant requested for adjournment on the ground that his senior counsel is not available today. Adjourned. To come up for arguments on 15.12.2022 before D.B.



(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

15.12.2022




Due to general strike of the Bar, case is adjourned to 06.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 1073/2017

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 26/09/2017 | <p>The appeal of Dr. Muhammad Zia Khattak presented today by Mr. Saadullah Khan Marwat 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 26/9/17</p> |
| 2- | 28/9/17 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-10-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 12.10.2017 | <p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 07.11.2017 before S.B.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMBER</p> |

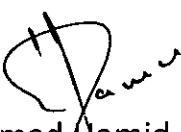
07.11.2017

Counsel for the appellant present and seeks adjournment.
Adjourned. To come up for preliminary hearing on 30.11.2017
before S.B.


(AHMAD HASSAN)
MEMBER


30.11.2017

Appellant absent. Case called but no one
appeared on behalf of the appellant. In the
interest of justice, the case is adjourned. To
come up for preliminary hearing on 29.12.2017
before S.B


(Muhammad Hamid Mughal)
MEMBER


29.12.2017

Counsel for the appellant present and seeks
adjournment. Adjourned. To come up for preliminary hearing on
19.01.2018 before S.B.


(Gul Zeb Khan)
Member (E)

19.01.2018

Counsel for the appellant present and seeks
adjournment. Adjourned. To come up for preliminary hearing
on 16.02.2018 before S.B.


(Gul Zeb Khan)
Member (E)

Service Appeal No. 1073/2017

16.02.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 02.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member (J)

02.03.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 19.04.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

19.04.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 08.05.2018 before S.B.


(Ahmad Hassan)
Member

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.


Reader

03.07.2018

Clerk to counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 07.08.2018 before S.B.



(Ahmad Hassan)
Member

07.08.2018

Neither appellant nor his counsel present. Case to come up for preliminary hearing on 28.09.2018 before S.B.



Chairman

28.09.2018

None present on behalf of the appellant. 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