

21st Dec, 2022

Appellant in person and Mr. Muhammad Jan, District Attorney alongwith Mr. Ghulam Shabbir, Assistant Secretary for the respondents present.

Appellant seeks adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Last chance is given to the appellant to ensure presence of his counsel failing which the case will be decided on the basis of available record without arguments. To come up for arguments on 11.01.2023 before the D.B.



(Salah Ud Din)
Member (Judicial)

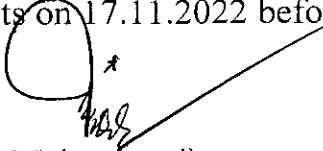



(Kalim Arshad Khan)
Chairman

01.11.2022

Appellant alongwith his counsel present. Mr. Imran Akbar, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Representative of the respondents produced copies Notifications No. Estt:1/26/11338 dated 04.06.2013 and No. Estt:1/26/12342 dated 18.06.2013, which are placed on file, while Notification bearing No. Estt:1/26/12401 has not been produced, therefore, representative of the respondents is strictly directed to produce the same on the next date positively and to come up for arguments on 17.11.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

17.11.2022


Clerk to counsel for the appellant present.

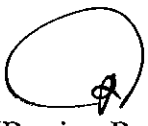
Kabir Ullah Khattak learned Additional Advocate General

Imran Akbar Assistant for respondents present.

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Representative of the respondent department submitted copy of notification vide Endst: No. 1/26/12401 dated 18.06.2013 which is placed on file. Lawyers are on general strike, therefore, case is adjourned to 21.12.2022 for arguments before D.B.

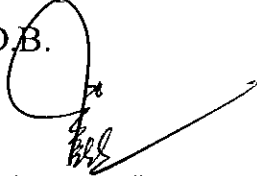

(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

28.10.2022

Appellant alongwith his counsel present. Mr. Imran Akbar, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

During the course of arguments, it was observed that in the Notification bearing Endorsement No. 1984-2061 dated 23.01.2014 reference of Notifications No. Estt:1/26/11338 dated 04.06.2013, No. Estt:1/26/12401 and No. Estt:1/26/12342 dated 18.06.2013 has been mentioned, however the same are not available on the record, therefore, representative of the respondents is directed to produce the same on the next date and to come up for arguments on 01.11.2022 before the D.B.

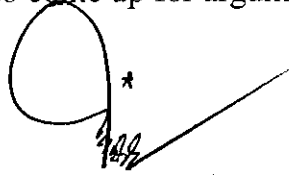

- (Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

06.07.2022

Appellant alongwith his counsel Mr. Fazal Shah, Mohmand, Advocate present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

After hearing learned counsel for the appellant at certain length, it divulged that the order passed by the departmental authority on the departmental appeal of Mr. Shakirullah and others has not been submitted either by the appellant or the respondents. The availability of the aforementioned order before the Tribunal and its perusal is necessary for just and right decision of the appeal, therefore, respondents shall positively produce the same on the next date and to come up for arguments on 13.10.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

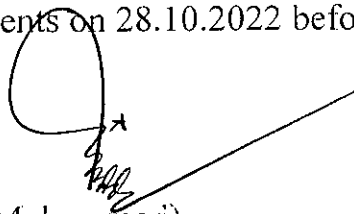


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.10.2022

Appellant alongwith his counsel present. Mr. Imran Akbar, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Vide order dated 06.07.2022, respondents were directed to produce copy of order passed by departmental Authority on the departmental appeal of Mr. Shakirullah and others but the same has not been produced today, therefore, last chance is given to respondents for production of same on the next date and to come up for arguments on 28.10.2022 before the D.B.



(Mian Muhammadi)
Member (E)



(Salah-Ud-Din)
Member (J)

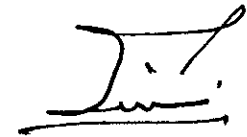
13.04.2022

Junior of learned counsel appellant present. Syed Naseer Ud Shah, Asst: AG alongwith Imran Akbar, Assistant for respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned senior counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. Last opportunity granted. To come up for arguments before the D.B on 13.05.2022. The instant appeal is an old one, therefore, learned counsel for the appellant shall make sure his appearance on the date fixed



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)

13.05.2022

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former sought adjournment on the ground that learned senior counsel is busy before august Supreme Court of Pakistan. Perusal of preceding order sheet would reveal that last opportunity had been granted to the appellant with direction to make sure the presence of his counsel but today, learned counsel is busy once again, therefore, junior of learned counsel for appellant is directed to argue the case on the next date positively.

Adjourned to 06.07.2022 for hearing before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

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the date of

of learned counsel appellants present, Sved N. ...
 to counsel for appellants present.
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 for appellants present.
 of learned counsel appellants present, Sved N. ...
 for appellants present.


17-12-21


05.01.2021 Petitioner present through counsel.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

Arguments heard. Record perused.

Application in hand was submitted seeking restoration of main service appeal which was dismissed in default vide order dated 15.11.2019. Application being within time, stands accepted. Main service appeal stands restored and it be properly registered. To come up for arguments on 15.04.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)


15.04.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 09.08.2021 for the same as before.


Reader

09.08.2021 Junior to counsel for appellant present.

Javid Ullah learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is busy before august Supreme Court of Pakistan; granted. To come up for arguments on 17.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.08.2020 before D.B.



Reader

24.08.2020

Due to summer vacation case to come up for the same on 28.10.2020 before D.B.




Reader

28.10.2020

Petitioner in person and Asstt. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 05.01.2021 for further proceedings before the D.B.



(Atiq-ul-Rehman Wazir)
Member







Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 461/2019

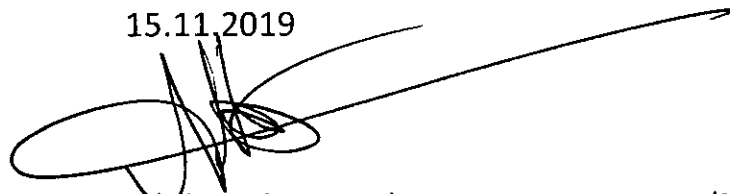
| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|------------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 20.12.2019 | <p>The application for restoration of appeal No. 273/2014 submitted by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | | <p>This restoration application is entrusted to D Bench to be put up there on <u>10.03.2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| 10.03.2020 | | <p>Petitioner absent. Learned counsel for the petitioner absent. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Arif Superintendent present and submitted reply. Adjourn. To come up on 23.04.2020 before D.B. Petitioner be put to notice for the date fixed.</p> <p style="text-align: center;">  Member  Member </p> |

15.11.2019

None present for appellant. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person, therefore, the instant service appeal is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED

15.11.2019

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

(Ahmad Hassan)
Member

MA
(M. Amin Khan Kundi)
Member

11.09.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.11.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

11.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Arif, Superintendent for official respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 13.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

13.11.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Appellant seeks adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 15.11.2019 for arguments before D.B.

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

15.05.2019

Junior counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned to 28.06.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

28.06.2019


Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Javed Iqbal, Assistant for official respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 23.08.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

23.08.2019

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 11.09.2019 for arguments before D.B.

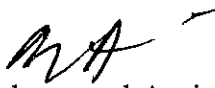

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.12.2018


Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Notices be issued to the appellant/Counsel for attendance. Adjourned. To come for arguments on 19.02.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

19.02.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned DDA for the respondents present. Clerk to counsel for the appellant states that learned counsel for the appellant is engaged before the Apex Court Islamabad therefore requests for adjournment. Adjourned to 22.03.2019 before D.B.


Member


Chairman

22.03.2019

Junior to counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Request for adjournment is made on account of engagement of learned senior counsel for the appellant before the Honourable High Court today in many cases.

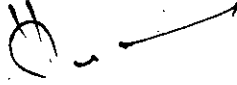
Adjourned to 15.05.2019 before the D.B.


Member


Chairman

07.08.2018

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Atta Ullah Assistant Secretary for the respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 01.10.2018 before D.B



(Muhammad Hamid Mughal)
Member



(Muhammad Amin Kundi)
Member

01.10.2018

Learned counsel for the appellant and Mr. Riaz Ahmed Paindakhel Assistant Advocate General for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.11.2018 before D.B.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018.



READER

29.03.2018

Clerk of the counsel for the appellant and Addl. AG for respondents present. Learned counsel for the appellant was stated to be busy in the Worthy High Court. To come up for arguments on 31.05.2018 before the D.B.


Member


Chairman

31.05.2018

Neither the appellant nor his counsel is present. Mr. Attaullah, Assistant Secretary alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. It was brought into the notice of this Tribunal that similar cases have been decided by this Tribunal whereas some are still pending. So office is directed to club all the relevant cases and be fixed for arguments on 26.6.2018 before the D.B.


Member


Chairman

26.06.2018

Learned counsel for the appellant and and Mr. Kabir Ullah khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

18.07.2017

Counsel for the appellant present. Mr. Mukhtiar Ali, Assistant Secretary alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Since the appellant is not in attendance therefore, notice be issued to appellant to appear before the court on the next dated. Adjourned. To come up for attendance of appellant on 14.11.2017 before D.B.

(Gul Zeh Khan)
Member

(Muhammad Amin Khan Kundi)
Member

14.11.2017

Appellant with counsel and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments before the D.B on 24.01.2018.

Member

Chairman

24.01.2018

Clerk of the counsel for appellant present and Assistant AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not attendance today. Adjourned. To come up for arguments on 29-3-18 before D.B.

Member

Chairman

24.08.2016

Appellant with counsel and Mr. Ziaullah, GP for respondents present. Seeks adjournment. Adjourned for arguments alongwith connected appeals on 24.11.2016 before D.B.


Member


Chairman

24.11.2016

Appellant with counsel and Mr. Muhammad Jan,

GP for respondents present. Seeks adjournment. Adjourned for arguments alongwith connected appeals on 27.32.2017.

Admittedly, the appellant in this respect has not submitted any application for this purpose.

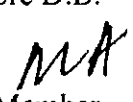
It is noted that the appellant has not submitted any application for this purpose.


(MUSLIMAMAD AAMIR NAZIR)
MEMBER

(ABDUL LATIF)
MEMBER

27.03.2017

Agent to counsel for appellant and Mr. Mukhtiar Ali, Superintendent alongwith Assistant AG for respondents present. Rejoinder not submitted. Requested for adjournment. Last opportunity granted for rejoinder and final hearing. To come up for rejoinder and final hearing on 18.07.2017 before D.B.


Member


Chairman

10.11.2015

Counsel for the appellant and Addl: A.G for official respondents present. Correct addresses of private respondents submitted. Notices be issued to the said private respondents for 26.1.2016 before S.B.


Chairman

26.1.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 and 2 present. None present for private respondents despite issuance of notice though registered post. Proceeded ex-parte. Written reply by official respondents No. 1 and 2 has already been submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.5.2016.


Chairman

10.5.2016

Agent of counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant is stated to be busy before the august Peshawar High Court. Adjourned for rejoinder and final hearing before D.B on Supreme Court of Pakistan. To come up for final hearing before D.B on 24.08.2016.


Member


Chairman

273/14

24.02.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. for official respondents alongwith Addl: A.G present. Private respondents No. 3, 5, 8, 14, 25, 42 and 45 not served. Counsel for the appellant is directed to provide correct addresses of the said private respondents within three days whereafter fresh notices be issued to them. The remaining private respondents No. 4, 6, 7 and 9 to 13, 15 to 24, 26 to 41, 43, 44 and 46 are not present despite service. Placed ex-parte. Adjourned for further proceedings to 26.05.2015 before S.B.


Chairman

26.05.2015

Agent of counsel for the appellant and Mr. Mukhtar Ali, Supdt. alongwith Addl: A.G for official respondents present. Fresh Wakalat Nama on behalf of the appellant submitted. Correct addresses of private respondents No. 3, 5, 8, 14, 25, 42 and 45 not submitted by the appellant. Directed to submit correct addresses of the said private respondents within a week, where-after notices be issued to them for 13.8.2015.


Chairman


13.08.2015

Appellant with counsel and Mr. Mukhtiar Ali, Supdt. alongwith Assistant A.G for official respondents present. Correct addresses not submitted. Last opportunity granted for submission of correct addresses for 10.11.2015 for further proceedings before S.B.


Chairman

06.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present and requested for time. None is available on behalf of private respondents. Fresh notices be issued to them. To come up for written reply on main appeal as well as reply/arguments on stay application on 25.09.2014.


MEMBER

25.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents No. 1 & 2 present and reply filed. Copy handed over to counsel for the appellant. None is available on behalf of private respondents. Fresh notices be issued to them and receipt be attached with notices. To come up for written reply of private respondents on 08.12.2014.


MEMBER

9.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present. None is available on behalf of private respondents. The Tribunal is incomplete. To come up for the same on 24.2.2015.


MEMBER

Appeal No. 273/2014
Mr. Muhammad Farooq

13.05.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the order dated 23.01.2014 as received to the appellant on 21.02.2014, passed by the Board of Revenue, Revenue & Estate Department is the final order and there is no need to file separate appeals in support he filed copy of unreported judgment of Supreme Court of Pakistan in Civil Petitions No. 500 & 501-P/2003 dated 27.04.2005. Counsel for the appellant stated that similar nature cases of Mr. Abdul Waheed in Service Appeal No. 252/2014, Mr. Abdul Haleem, 253/2014 and Muhammad Taj, 254/2014 have already been admitted and pending before the learned Bench-II for regular hearing, therefore the same may also be club with the said appeal.

The learned Government Pleader while assisting the Tribunal was of the view that the order dated 23.01.2014 is original order and the appellant was to file departmental appeal.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments. Appellant has also filed an application for suspending the operation of order dated 23.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 06.08.2014 before the learned Bench-II.



Member

3. 27.03.2014
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Counsel for the appellant present. Preliminary arguments partly heard. The learned counsel for the appellant stated that similar nature of appeals No. 252/2014 titled. Abdul Waheed, No. 254/2014 titled. Muhammad Taj and Appeal No. 253/2014, titled Abdul Haleem have already been admitted for regular hearing. The above mentioned appeals may be requisitioned, however, pre-admission notice be issued to the Government Pleader to assist the Tribunal for preliminary hearing on 14.04.2014.


Member

4.

14.04.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for preliminary hearing as per order sheet dated 27.03.2014 on 13.05.2014.




Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 273/2014

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 25/02/2014 | <p>The appeal of Mr. Muhammad Hayat resubmitted today by Mr. Khaled Rahman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 27-2-2014 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p> |