



19.12.2022

Learned counsel for the appellant present. Mr. Hakeem Zada, Superintendent alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 02.02.2023 before the D/B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

14.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Further legal assistance needed on certain points, therefore, to come up for re-arguments on 20.10.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

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

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

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 19.12.2022 before D.B.



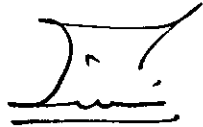
(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

26<sup>th</sup> July 2022 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Ibrahim, Finance Officer for respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 11.10.2022 before the D.B.



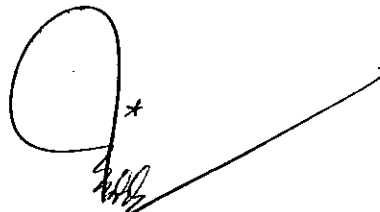
(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

11.10.2022 Appellant alongwith his counsel present. Mr. Hakeem Zada, Superintendent, Muhammad Ibrahim, Finance Officer and Mr. Albert David, Superintendent alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 14.10.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

20.09.2021

Counsel for appellant present.

Muhammad Rasheed learned D.D.A for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 01.11.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

01.11.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Hakim Zada Superintendent for official respondents present. Counsel for private respondents present.


The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before D.B.

  
Chairman

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 13.05.2022 before D.B for the same.

13-5-22

  
Reader  
*Proper DB not available the case is adjourned on 26-7-22*

*Y. Ali  
Reader*

08.04.2021

Due to demise of Hon'ble Chairman  
The Tribunal is defunct, Therefore, The case is  
adjourned to 26.07.2021 for the same as before.


Reader

26.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Hakeem Zada, Superintendent alongwith 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 met preparation for arguments. Adjourned. To come up for arguments before the D.B on 30.08.2021.


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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

30.08.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Hakeem Zada, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 20.09.2021.

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

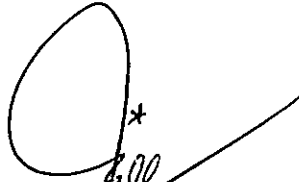
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

28.01.2021

Counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Ibrahim Finance Officer for respondents present.

Learned A.A.G made a request for adjournment. Adjourned. To come up for arguments on 01.03.2021 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)


01.03.2021

Learned counsel for the appellant present. Muhammad Rasheed learned Deputy District Attorney alongwith Mr. Haleem Zada Superintendent for respondents present.

At the outset learned Deputy District Attorney stated that the parties to instant list are also engaged in litigation before the Hon'ble Dara-ul-Qaza Bench of Peshawar High Court. In that context he requested for time to lay hands on complete record before instant matter is proceeded further.

Learned counsel for the appellant, on the other hand, stated that there was only one Writ Petition pending before Dara-ul-Qaza Bench which is at present decided/withdrawn, while the other relevant record has already been placed before this Tribunal.

As a last chance, the proceedings are adjourned in order to facilitate the respondents in obtaining requisite record. To come up for arguments on 08.04.2021 before D.B. The restraint order granted on 31.08.2020 shall remain operative till the date fixed.



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



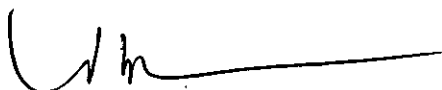
Chairman

17.12.2020

Appellant with counsel present.

Zara Tajwar learned Deputy District Attorney alongwith Muhammad Ibrahim Finance Officer for respondents present.

Learned D.D.A made a request for adjournment. Adjourned. To come up for arguments on 18.01.2021 before D.B. The restraint order granted on 31.08.2020 shall remain operative till the date fixed.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

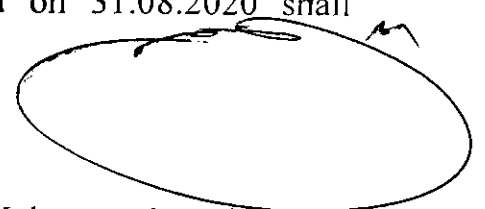
18.01.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Muhammad Ibrahim Finance Officer for respondents present.

Learned counsel requested for adjournment. The request is acceded to, the appeal is adjourned to 28.01.2021 on which date file to come up for arguments before D.B. In the meanwhile, the restraint order passed on 31.08.2020 shall remain operative till the date fixed.



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



(Muhammad Jamal Khan)  
Member (J)

22.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nazir Khan, AAO, on behalf of respondent No. 4 are present.

Representative of respondent No. 4 submitted written reply on behalf of said respondent while written reply on behalf of respondents No. 2 & 3 has already been submitted. File to come up for rejoinder and arguments on 01.12.2020 before D.B. The restraint order granted on 31.08.2020 shall remain operative till the date fixed.


(Muhammad Jamal Khan)  
Member (Judicial)


01.12.2020

Junior to counsel for the appellant present.

Riaz Paindakhel learned Assistant Advocate General alongwith Muhammad Ibrahim Finance Officer for respondents present.

Former requests for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on ~~08.02.2020~~ before D.B. The restraint order granted on 31.08.2020 shall remain operative till the date fixed.

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

  
(Rozina Rehman)  
Member (J)



8814/2020

23.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Nisar Khan, AAO and Muhammad Ibrahim, Finance Officer for the respondents present.

Representative of the respondents seek further time to submit reply/comments. Adjourned to 07.10.2020 on which date the requisite reply/comments shall be submitted without fail. The restraint order granted on 31.08.2020 shall remain operative till next date of hearing.

  
Chairman

07.10.2020

Counsel for the appellant. Addl. AG alongwith Muhammad Ibrahim, Finance Officer for respondents No. 2 and 3 present and furnished parawise comments. Placed on record.

Nisar Khan, AAO for respondent No. 4 present and seeks further time. Request is accepted but as last chance. To come up for reply/comments of respondent No. 4 on 22.10.2020 before S.B. The restraint order granted on 31.08.2020 shall remain operative till next date of hearing.

  
Chairman

31.08.2020

Appellant alongwith counsel present. Preliminary arguments heard.

The learned counsel appraised that the appellant was working as Subedar in Malakand Levis, who was prematurely retired vide impugned order dated 31.03.2020 under the amendment Service Rules 2016, which has already been repealed in the wake of promulgation of 25<sup>th</sup> constitutional amendment, whereby FATA/PATA were merged with the province of Khyber Pakhtunkhwa and in the light of the said Act 2019, Home Department made the Levis Force (Absorption in the Khyber Pakhtunkhwa Police) Rules 2019. According to the Para 7 of the said rules, all rules, order or instructions including the Federal Levis Force rules, in force in respect of the levis force, immediately before the commencement of these rules shall be deemed as repealed in so far, these rules, orders or instructions are inconsistent with the rules.

The learned counsel for the appellant contended that after absorption & repeal of the amended Service rules, 2016, Civil Servant Act, 1973 would be applied in the case of appellant.

In view of the available record and arguments of the learned counsel for the appellant instant appeal is admitted to regular hearing. Subject to all just exceptions. The appellant is directed to deposit security and process fee within ten (10) days, thereafter notice be issued to the respondents for submission of written reply/comments on 23.09.2020 alongwith the appeal, there is an application for suspension of the impugned order dated 30.03.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile operation of the impugned order dated 30.03.2020 shall remain suspended, if not already acted upon.

Appellant Deposited  
Security & Process Fee

31/8/20

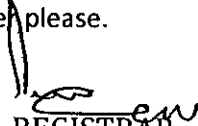

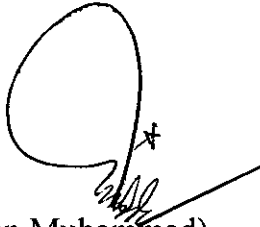
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 8814 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	29/07/2020	<p>The appeal of Mr. Amir Nawab presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	18.08.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/08/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present.</p> <p>Former requests for adjournment as learned senior counsel is not available today.</p> <p>Adjourned to 31.08.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>