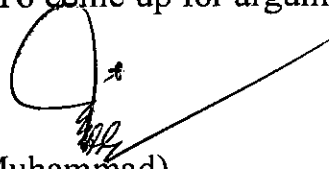


22.12.2022

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, Peshawar. Adjourned. To come up for arguments on 03.01.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

01.06.2021

Junior to counsel for appellant present.

Javid Ullah learned Assistant Advocate General for respondents present.

Former submitted rejoinder with a request for adjournment. Adjourned. To come up for arguments on 03.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

03.09.2021

Due to summer vacations, the case is adjourned to 13.01.2022 for the same as before.



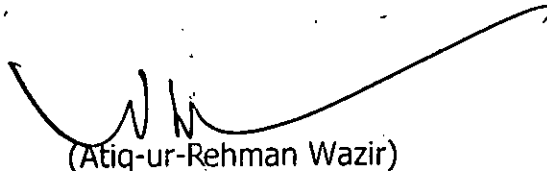
READER

13.01.2022

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



Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. To come up for arguments before the D.B on 26.04.2022.



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

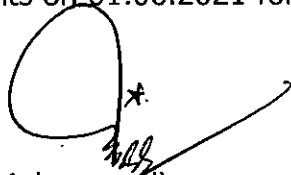


Chairman

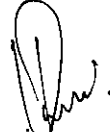
25.02.2021

Appellant in person and Addl. AG for the respondents present.

Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not available. To come up for arguments on 01.06.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



Chairman

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(M. I. Rehman)
Member (J)

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22.09.2020

Counsel for the appellant and Addl. AG alongwith Abdur Razaq, H.C for the respondents present.

Learned counsel for the appellant mainly argued that the impugned order dated 31.12.2014 was passed by an officer who was not competent for the purpose as per schedule appended with the Khyber Pakhtunkhwa Police Rules, 1975.

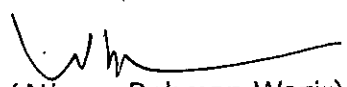
In order to settle the proposition regarding competence of Police Officer in carrying out departmental proceedings and other relevant points, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices have already been given to respondents who have submitted the reply/comments. The matter is, therefore, posted before a D.B for arguments on 08.12.2020. The appellant may furnish rejoinder to the reply/comments within a fortnight, if so advised.


Chairman

08.12.2020 Appellant with counsel and Mr. Muhammad Jan, DDA for the respondents present.

An application has been submitted, whereby, extension in time/period for depositing security and process fee has been sought.

Keeping in view the prevailing circumstances due to COVID 19, the application is allowed. The appellant shall make the requisite deposit within further three working days from today. After the requisite deposit notices be issued to respondents for 25.02.2021. Adjourned to the mentioned date for arguments before the D.B.


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


Chairman

Amount Deposited
Process Fee
10/12/2020

Service Appeal No. 1309/2018

02.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Aziz Shah, Reader for the respondents present. Reply not submitted. Representative of the department seeks further time to furnish reply. Adjourned to 15.04.2020 for reply and preliminary hearing before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.

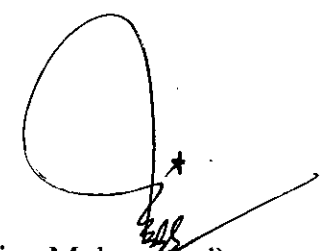

Reader

13.07.2020

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

Notices be issued to respondents for reply.

Adjourned to 22.09.2020 before S.B.


(Mian Muhammad)
Member(E)

28.10.2019

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

Learned AAG requires time to prepare the brief and also submit requisite reply.

Adjourned to 10.12.2019 before S.B.

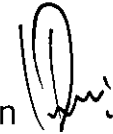


Chairman

10.12.2019

Appellant in person and Addl. AG for the respondents present.

Requests for adjournment due to general strike of the Bar. Adjourned to 21.01.2020 before S.B.



Chairman

21.01.2020

Appellant in person present. Addl. AG on pre-admission notice present on behalf of the respondents.

Former requests for adjournment due to general strike of the Bar. Adjourned to 02.03.2020 before S.B.



Chairman

1309/2018

18.07.2019

Counsel for the appellant present.

Learned counsel for the appellant contended that the impugned order dated 31.12.2014 was passed by Superintendent of Police (Rural) Peshawar. He was of the view that the Khyber Pakhtunkhwa Police Rules, 1975, before the amendment of 2014, provided that the Superintendent of Police (H.Q) was only competent to appointment and taking departmental action against a constable. The episode of alleged absence of appellant was on 17.05.2014 which was before the amendment of rules, therefore, the respondents were obligated under the law to have followed and appointed the competent authority for the purpose of impugned action under the old rules. By not doing so the proceedings before S.P (Rural) Peshawar had become coram-non-judice, rendering the impugned order void.

In order to resolve the controversy and also the issue of delay involved in submission of instant appeal the respondents are put on pre-admission notice for 11.09.2019. The assistance of DSP (Rural) shall be appreciated in the matter.


Chairman

11.09.2019

Appellant in person.

Requests for adjournment as his learned counsel is engaged today before the Apex Court at Islamabad.

Adjourned to 28.10.2019 for preliminary hearing before S.B.


Chairman


09.07.2019

Appellant with counsel and Asst: AG for respondents present.

Learned counsel for the appellant partly argued the matter and request^{ed} for time to produce certain documents indicating the competent authority for the purpose of departmental proceedings and passing of impugned order against the appellant.

Adjourned to 11.07.2019 before S.B.

Chairman



11.07.2019

Mr. Wakeel Khan Advocate for learned counsel for the appellant and Addl. AG for the respondents present.

A request for adjournment is made due to illness of son of learned counsel for the appellant. Adjourned to 18.07.2019 for hearing before S.B.

Chairman



19.03.2019

Learned counsel for the appellant present and request for adjournment. Adjourn. To come for further proceeding on 17.04.2019 before S.B


(Hussain Shah)
Member

17.04.2019

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing on 28.05.2019 before S.B.


Member

28.05.2019

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

Learned counsel for the appellant requests for adjournment as he could not prepare brief of instant matter due to engagement in various cases before the Honourable High Court today. Adjourned to 09.07.2019 for preliminary hearing before S.B.


Chairman

10.1.2019

Appellant in person present.

Requests for adjournment as his learned counsel is busy before the Honourable High Court. Adjourned to 21.02.2019 for preliminary hearing before S.B.


Chairman

21.02.2019

Learned counsel for the appellant present. Heard.

The appellant (Ex-Constable) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal At 1974 against the order dated 13.02.2014 of his dismissal from service, against the order dated 03.03.2015 regarding rejection of his departmental appeal and against the order dated 23.12.2015 whereby departmental appeal under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 submitted by the appellant was rejected.

The present appeal appears to be hopelessly time barred. In the interest of justice, pre-admission notice be issued to the respondents. To come up for reply of the respondents and preliminary hearing on 19.03.2019 before S.B.


Member

