

22.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, 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 04.01.2023 before D.B.



(Mian Muhammad)
Member (E)

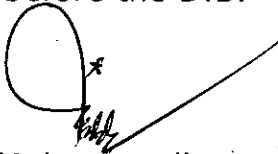



(Salah-ud-Din)
Member (J)

04.07.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed Painsakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 11.10.2022 before the D.B.



(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

11th Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. A.G alongwith Inamul Haq, ADEO for the respondents present.

Learned counsel for the appellant requests for adjournment.. Adjourned. To come up for arguments on 09.11.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

9. 11. 22


Since 9th November 2022 has been declared as public holiday, therefore the case is adjourned to 22. 12. 22 as before.


Recorder

15.09.2021

Ms. Uzma Syed, Advocate, for the appellant present. Mr. Jamshaid Khan, S.I (Legal) alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not gone through the record due to some domestic engagement. Adjourned. To come up for argument before the D.B on 08.12.2021.



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH UD DIN)
MEMBER (JUDICIAL)

08.12.2021


Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 29.03.2022 before the D.B.


(Salah-ud-Din)
Member (J)

29-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022


Reader

31-12-2020

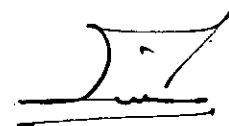
Due to summer vacation, case is adjourned to
18-3-2021 for the same as before.


Reader

18.03.2021

Counsel for appellant and Additional Advocate General for respondents present.

Former referred to the impugned order dated 04.06.2013 and stated that it was given effect retrospectively i.e from 16.04.2013. She, therefore, requests for adjournment to a date after hearing of the issue already pending before the Larger Bench. The request is genuine, therefore, allowed. Adjourned to 30.06.2021 for hearing before D.B.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

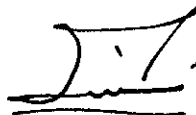

CHAIRMAN

30.06.2021

Miss Uzma Syed, Advocate, for the appellant present. Mr. Samad Sher ASI (Legal) alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

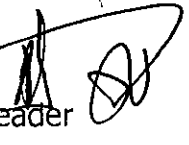
Learned counsel for the appellant sought adjournment on the ground that the issue of retrospectivity is involved in the instant appeal, regarding which a full Bench has already been constituted. Adjourned. To come up for arguments before the D.B on 15.09.2021.

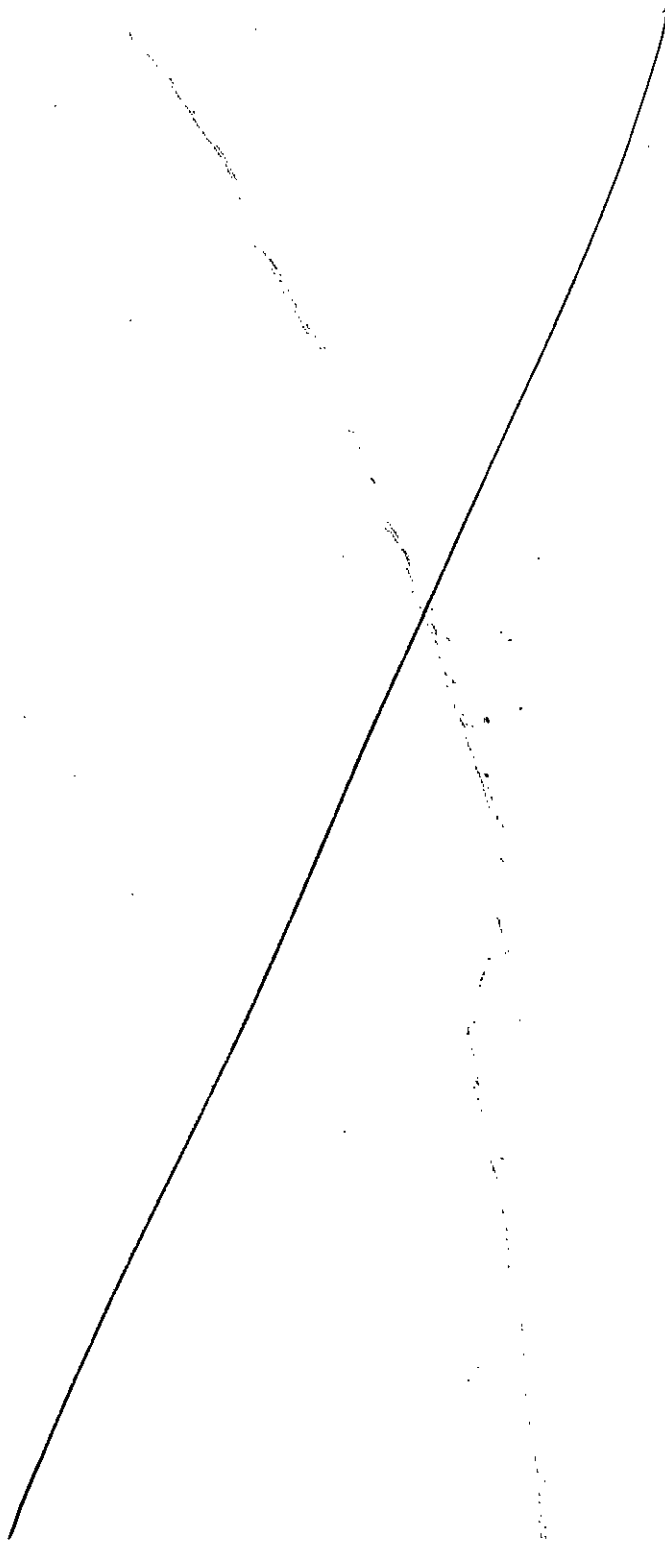

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.10.2020

Due to public holiday, the matter is adjourned to
31.12.2020 for the same before the D.B.



Reader




17.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned.

To come up for arguments on 01.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

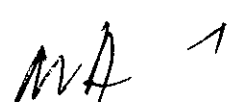
01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

11.06.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Bashir, Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 20.08.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

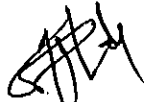
20.08.2020

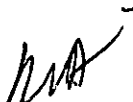
Due to summer vacation, the case is adjourned to 30.10.2020 before D.B.


Reader

22.07.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

9-10-2019

Due to tour of Honble Member
to camp court seat the is adjourned
to 19-12-2019


Reader

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 17.02.2019 before D.B. Appellant be put on notice for the date fixed.


Member


Member

09.01.2019

Learned counsel for the appellant and Addl. AG alongwith Umar Badshah SI for the respondents present. Representative of the respondents requests for time as the requisite reply is in the process of preparation. Adjourned to 04.03.2019 before S.B.


Chairman

04.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Umar Badshah SI present. Written reply on behalf of respondent department submitted. Adjourn. To come up for rejoinder/arguments on 09.05.2019 before D.B


Member

09.05.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Samad Bashir, H.C for the respondents present.

Learned counsel for the appellant has submitted rejoinder to the parawise comments by respondents. The same is placed on file. To come up for arguments before the D.B on 22.07.2019 .


Member


Chairman

20.11.2018

Counsel for the appellant Tariq Ali present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Constable, during service he was dismissed from service vide order dated 04.06.2013 on the allegation of absence from duty for a period of about two months with retrospective effect i.e from the date of absence. It was further contended that the appellant filed departmental appeal (Copy of the same is not available on record) which was rejected on 03.04.2017 and received to the appellant on 20.09.2018 hence, the present service appeal on 02.10.2018. Learned counsel for the appellant further contended that the appellant remained absent for a short period of two months due to domestic problem therefore, the punishment of dismissal from service is very harsh. It was further contended that the impugned order has been passed retrospectively i.e from the date of absence therefore, the impugned order is void and limitation does not run against the same. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing, defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to 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 09.01.2019 before S.B.

Appellant Deposited
Security & Process Fee ▶


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1297/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2018 SCANNED KABT Peshawar 15-10-18	The appeal of Mr. Tariq Ali resubmitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. REGISTRAR 12/10/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-11-18</u> . MEMBER