

13.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment on the ground that senior counsel for the appellant is busy in Hon'ble Peshawar High Court, Peshawar. Last chance is given. To come up for argument on 22.12.2022 before D.B.

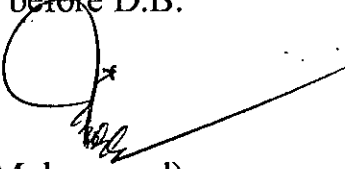

(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

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)

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30.11.2022

Learned counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present.

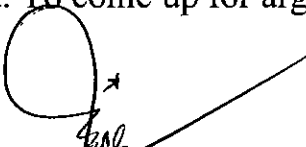
As learned Member (Executive) Mr. Mian Muhammad was not
feeling well and has proceeded on short leave, therefore, arguments
could not be heard. Adjourned. To come up for arguments on
08.12.2022 before the D.B.



(Salah-ud-Din)
Member (J)

08.12.2022

Learned counsel for the appellant present. Mr. Hikmat Khan,
ASI alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General
for the respondents present.

Learned counsel for the appellant requested for adjournment on
the ground that he has not made preparation for arguments.
Adjourned. To come up for arguments on 13.12.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

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20.05.2022

Learned counsel for the appellant present.

Mr. Ihsan Ullah S.I (Legal) alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Representative of respondents submitted reply/comments and paid the cost of Rs. 10000/- to the learned counsel for appellant, receipt of which is placed on file. To come up for rejoinder, if any, as well as arguments on 19.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

19.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 21.09.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

21.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant stated that similar nature service appeal is fixed for arguments on 13.10.2022, therefore, the appeal in hand may also be fixed on the said date. Adjourned. To come up for arguments on ~~30.10~~ 30.10.2022 before the D.B.



(Mian Muhammad)
Member (Executive)




(Salah-Ud-Din)
Member (Judicial)

03.01.2022


Junior to counsel for the appellant present. Mr. Kabirullah Khattak, AAG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 13.04.2022.


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

13.04.2022

Junior to the counsel for appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Ihsan Ullah, ASI for the respondents present. Representative of the respondents states that written reply is in process of completion and requested for short adjournment. Last opportunity is further extended subject to payment of cost of Rs. ~~10000/-~~ 7. Respondents are directed to furnish reply/cost in the meantime. Case to come up for argument on 20.05.2022 before D.B.


(Rozina Rehman)
Member(J)


Chairman

03.01.2022

Junior to counsel for appellant present. Mr. Kabirullah Khattak, AAG alongwith Mr. Naeem Khan S.O. and Ihsan Ullah Khan S.O.

Muhammad Said, 4922/2020

28.09.2021

Counsel for the appellant present. Mr. Kabirullah Khatkhat, Addl: AG for respondents present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance-2000 and awarded major penalty of removal from service retrospectively i.e from the first date of his absence of official duty(19.07.2008), vide impugned order dated 19.11.2008. On his departmental appeal, appellate order also passed on 07.04.2011 and the appellant thereafter instituted the service appeal in hand on 20.03.2020. Learned counsel for the appellant while arguing on the point of limitation, contended that similarly placed cases of other such employees were considered and they were reinstated in service by the respondent-department vide order dated 30.11.2010, 07.02.2012, 05.03.2017 and 09.08.2017. Moreover, service appeal No. 588/2012 titled Murad Ali S/o Muhammad Mashal Khan, Service appeal No. 957/2016 titled Shoukat Ali S/O Muhammad Shafiq and Service Appeal No. 960/2016 titled Riaz S/O Muhammad Ayub Khan were allowed by the Service Tribunal vide its judgements dated 02.05.2016, 00.10.2017 and dated 06.09.2018 respectively. This Tribunal has recently admitted the service appeal No. 1369/2018 of Farman Ali in preliminary hearing on 29.06.2021. It was further contended that keeping in view the position of similarly placed persons and principle of consistency, the question of limitation does not arise or runs against in such cases.

Points raised need consideration. The appeal is provisionally admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.01.2022 before the D.B.

Appellant Deposited
Security & Process Fee

28/9/21

(Mian Muhammad)
Member(E)

28.06.2021

Appellant present through counsel.

Former states that some appeals involving punishment with retrospective effect are pending adjudication before Larger Bench of this Tribunal. He, therefore, requests for adjournment of the instant matter to a date after the decision by the Larger Bench.

Adjourned to 28.09.2021 for hearing before S.B.



(Roziya Rehman)
Member(J)

08.10.2020

Counsel for the appellant present.

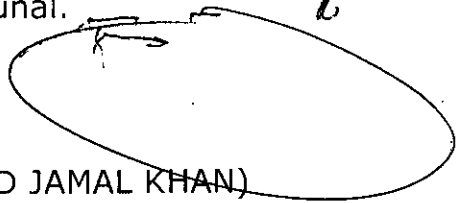
States that cases involving retrospective penalty are fixed before a larger bench of this Tribunal. She, therefore, requests for posting of instant matter to a date after the hearing by the larger bench. Adjourned to 01.12.2020 before S.B.


Chairman

01.12.2020

Counsel for appellant is present.

Learned counsel requests for adjournment to a date after the decision of proposition regarding retrospective punishment by a Larger Bench of this Tribunal. Adjourned to 16.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

16.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 28.06.2021.

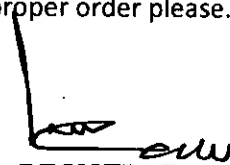




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4922 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/06/2020	<p>The appeal of Mr. Muhammad Said resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	11.06.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/06/2020</u>.</p> <p> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Learned counsel requests for adjournment. Adjourned. To come up for preliminary hearing on 12.08.2020 before S.B.</p> <p> Chairman</p>
	12.08.2020	<p>Syed Uzma Advocate on behalf of counsel for the appellant present.</p> <p>Requests for adjournment as learned counsel is engaged in cases at Islamabad today. Adjourned to 08.10.2020 before S.B.</p> <p> Chairman</p>

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K.P.S.T
Peshawar