



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5673 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/06/2020	<p>The appeal of Muhammad Hayat presented today by Mr. Muhammad Asif Yousafzai 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 9/6/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/06/20.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

24.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant (Associate Professor) was serving as Deputy Secretary (Admin) in the Higher Education Department. An ADP Scheme No. 545/150025 for the purchase of 25 Hiace Vehicles was approved and the process was carried out through a properly constituted purchase committee. However, some irregularities and delay were pointed out, for which a fact finding enquiry was conducted. Finally vide impugned order dated 27.01.2020, the appellant was awarded major penalty of removal from service and recovery of Rs. 56826385/-. Against the impugned order, the appellant filed departmental appeal on 14.02.2020 which was rejected on 14.05.2020, hence the present service appeal on 09.06.2020. Learned counsel for the appellant argued that the appellant has not been treated according to law as no chance of personal hearing was afforded to him, hence condemned unheard. He raised question on the inquiry report and assailed that the Inquiry Officer had enquired the head of Purchase Committee (Special Secretary) and recorded his statement on the basis of telephonic call though he had the power of civil court under the Civil Procedure Code. Even that was done in the absence of appellant without giving him an opportunity of cross examination. It was further contended that it was a collective decision of the Purchase Committee but the appellant has been single out. Moreover, appellant was not DDO and was not the cheque issuing authority. He also requested for suspension of the recovery, ordered vide impugned order dated 27.01.2020.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 10.07.2020 before S.B.

Alongwith the instant service appeal an application for suspending the recovery of Rs. 56826385/- ordered dated 27.01.2020 has been submitted. Notice of this application be also issued to the respondents for submission of reply on the date fixed.

Appellant Deposited
Security & Process Fee
2/7/20

(MAIN MUHAMMAD)
MEMBER

10.07.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Albet Jan for respondents present.

Written reply on behalf of respondents is still awaited. Learned AAG requested for adjournment in order to submit written reply/comments; granted. To come up for written reply/comments on 11.08.2020 before S.B.



Member (J)

11.08.2020

Junior to counsel for the appellant and Addl. AG alongwith Abert John, Assistant for the respondents present.

Representative of the respondents seeks further time to furnish reply/comments. The matter is adjourned to 23.09.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

23.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Abert John, Assistant for the respondents present.

Representative of the respondents seeks further time to furnish reply/comments. Granted, but as last chance. To come up for written reply/comments on 16.11.2020 before S.B.




Chairman

16.11.2020

Junior to counsel for the appellant and Addl. AG
alongwith Abert John, Assistant for the respondents
present.

Representative of the respondents has submitted
parawise comments on behalf of respondents No. 1 to 3.
Placed on record. The matter is assigned to D.B for
arguments on 08.02.2020. The appellant may furnish
rejoinder within a fortnight, if so advised.



Chairman

08.02.2021

Due to pandemic of Covid-19, the case is adjourned to
05.05.2021 for the same.

5.5.21

*Due to COVID-19, the case is
adjourned to 3.9.2021 for the same.*



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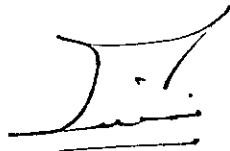
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03.09.2021

Syed Noman Ali Bukhari, junior of learned counsel for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant 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 before the D.B on 15.12.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.12.2021

Appellant alongwith his counsel namely Syed Noman Ali Bukhari, Advocate present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought adjournment for preparation of brief. Adjourned. To come up for arguments on 05.01.2022 before the D.B.


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


(Salah-ud-Din)
Member (J)

05.01.2022

Learned counsel for the appellant present. Mr. Muhammad Rasheed, alongwith Qazi Ayaz Litigation Assistant for respondents present.

Learned Deputy District Attorney requested for adjournment as he has not gone through the record. Adjourned. To come up for arguments before the D.B on 11.01.2022.

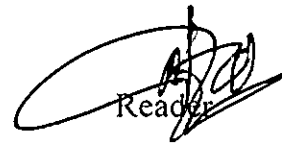


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman


11.01.2022

Due to non-availability of D.B, case is adjourned to 08.04.2022 for the same as before.


Reader

04.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.


Reader.

6th June 2022

Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.


Reader

23.08.2022

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

After hearing arguments at certain length, learned Additional Advocate General requested that time may be granted to him for placing on file complete record of the inquiry. Adjourned. To come up for arguments on 03.11.2022 before the D.B. Respondents shall positively submit complete record of the inquiry on the date fixed.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

3rd Nov. 2022

Appellant present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith Muhammad Ayaz Khan, Litigation Officer for the respondents present.

Appellant stated that his learned counsel was busy before Honourable Peshawar High Court, Peshawar and requested for adjournment. Adjourned. To come up for arguments on 02.01.2023 before the D.B.



(Fareeha Paul)
Member (E)

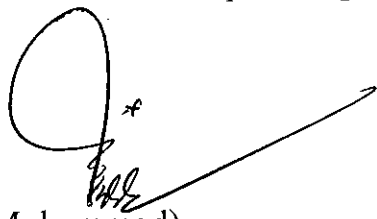


(Kalim Arshad Khan)
Chairman

02.01.2023

Learned counsel for the appellant present. Mr. Qazi Ayaz, Litigation Officer alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and submitted copy of inquiry record consisting of 199 sheets. Copy of the same is handed over to learned counsel for the appellant, who sought adjournment on the ground that he has not gone through the record submitted by the respondents today. Adjourned. To come up for arguments on 24.03.2023 before the

D.B.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long horizontal stroke extending to the right.

(Mian Muhammad)
Member (E)

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small flourish.

(Salah-ud-Din)
Member (J)