

3rd Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Ayaz Khan, Lit. Officer for the respondents also present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.01.2023 before the D.B.

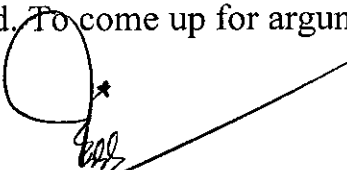

(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

02.01.2023

Learned counsel for the appellant present. Mr. Qazi Ayaz, Litigation Officer alongwith Mr. 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 made preparation for arguments. Adjourned. To come up for arguments on 30.01.2023 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

07.04.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Jehanzeb, Supdt for respondents present.

Written reply /comment on behalf of respondents No. 1 to 3 submitted which is placed on file. A copy of the same is also handed over to the clerk of learned counsel for the appellant. Adjourned. To come up for rejoinder/arguments on 28.06.2022 before J.B.



(MIAN MUHAMMAD)
MEMBER(E)

28.06.2022

Learned counsel for the appellant present. Mr. Farhan Khan Assistant alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant sought adjournment as he has not made preparation of the case. Adjourned. To come up for arguments on 11.08.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah Ud Din)
Member (J)

11.8.2022

Proper DB not available the case is
adjourned to 3.11.2022



Reader

02.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments on behalf of respondent No.3 not submitted. Learned AAG seeks time to contact the respondent No.3 for submission of written reply/comments. Request is acceded^{to} but as a last chance. To come up for written reply/comments on 07.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

07.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 07.04.2022 before S.B for the same.


Reader

5774/20

14.07.2021

Junior to counsel for the appellant and Jehanzaib Superintendent for the respondents No. 1 & 2 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents No. 1 & 2 has furnished reply/comments. Learned AAG is required to contact the respondent No. 3 for submission of written reply/comments in office within 10 days, positively. If written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.12.2021 before the D.B.

Stipulated period has passed and reply has not been submitted.


Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

ds


Chairman

23.12.2020

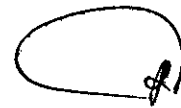
Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Wahid Gul ADEO representative of respondents No.1 & 2 present.

Representative of respondents No. 1 & 2 submitted reply/comments, placed on file. Learned A.A.G made a request for time to furnish reply on behalf of respondent No.3. Granted. To come up for reply/comments of respondent No.3 on 08.02.2021 before S.B.

08.02.2021

Appellant in person present.



(Rozina Rehman)
Member (J)

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply on behalf of respondent No.3 is still awaited. Representative of respondent No.3 is not in attendance. Case is adjourned on the request of learned A.A.G by way of last chance, for submission of reply/comments on behalf of respondent No.3. To come up for written reply/comments on 07.04.2021 before S.B.



(Rozina Rehman)
Member (J)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to ~~14~~07.2021 for the same as before.



READER

7575/2020

14.09.2020

Counsel for the appellant present.

States that security and process fee have not been deposited within due time inadvertently and submitted an application for permission to deposit the same.

Application is allowed. The appellant is required to deposit security and process within three working days from today. Thereafter, notices be issued to the respondents for submission of reply/comments on 28.10.2020 before S.B.

Appellant Deposited
Security & Process Fee

15/9/20

Chairman

28.10.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Siddique ADO (Litigation) for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents made a request for adjournment in order to furnish written reply/comments; granted. To come up for written reply/comments on 23.12.2020 before S.B.



(Rozina Rehman)
Member (J)

7574/2020

10.09.2020

Counsel for the appellant present.

States that security and process fee have not been deposited within due time and submitted an application for permission to deposit the same.

Application is allowed. The appellant is required to deposit security and process within three working days from today. Thereafter, notices be issued to the respondents for submission of reply/comments on 28.10.2020 before S.B.

Appellant Deposited
Security & Process Fee

11/9/20



Chairman

28.10.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Jehanzeb Superintendent for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents requests for adjournment to furnish reply/comments. Opportunity is granted. To come up for written reply/comments on 23.12.2020 before S.B.



(Rozina Rehman)
Member (J)

17.07.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was initially appointed as Junior Clerk on 01.11.1984. That the appellant while performing his duties in Govt: Degree College Kabal Swat, was charged in case FIR No.3 dated 05.05.2008 U/S 409,468,471 PP/5(2) P.C Police Station Kabal. That the appellant was convicted by the Special Judge Anti Corruption, Khyber Pakhtunkhwa vide judgment dated 05.09.2013. The appellant challenged the said judgment before Dar-ul-Qaza Mingora Swat in criminal appeal No. 232/2013 which was allowed and the appellant was acquitted from the charge level against him. After acquittal of the charges by the Hon'able court, the appellant approached the respondent-department for adjustment and release of his salary vide application dated 17.12.2015 but no response was given to him. The appellant approached Dar-Ul-Qaza Mingora Swat in petition No. 195-M/2016. During the pendency of the said writ petition, the appellant was removed from service. The appellant, thereafter, filed service appeal No. 439/2017 in this Tribunal which was decided vide judgment dated 09.01.2019, wherein the respondents were directed to conduct de-novo enquiry. Finally vide impugned order dated 24.12.2019, the appellant was awarded minor penalty of withholding of two annual increments and recovery of allegedly embezzled amount of Rs. 1602609/-. Feeling aggrieved, the appellant preferred departmental appeal on 15.02.2020 which was not responded within the statutory period of ninety days, hence, the instant service appeal on 15.06.2020. Learned counsel for the appellant further argued that the appellant has not been treated in accordance with law and rules because Principal of the College was responsible as cheque issuing authority but only the Appellant has been charge sheeted and singled out.

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 11.09.2020 before S.B.




(MIAN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5774 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/06/2020	<p>The appeal of Mr. Amanullah presented today by Mr. Yasir Saleem 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>