

10.01.2022

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

Reply/comments on behalf of respondent are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondent 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 28.04.2022.

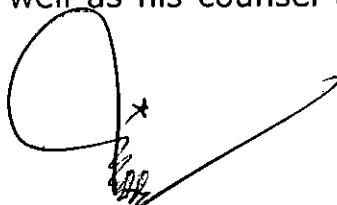


(Atiq-Ur-Rehman Wazir)
Member (E)

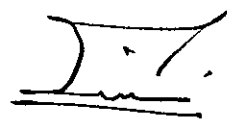
28.04.2022

Nemo for the appellant. Mr. Imtiaz Ali Shah, Assistant Commission as representative on behalf of respondent No. 5 alongwith Mr. Kabirullah Khattak, Additional Advocate General present and submitted comments, which are placed on file. Learned Additional Advocate General requested that time may be granted to him for submission of reply/comments on behalf of respondents No. 1 to 4. Respondents No. 1 to 4 are directed to submit written reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 1 to 4 as well as arguments on 19.07.2022 before the D.B.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post for the date fixed.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

19.07.2022

Proper Bench is not available, therefore, case is adjourned to 20.10.2022 for the same as before.



Reader

20th Oct, 2022

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

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20.12.2022 before D.B.





(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

20.12.2022

Appellant present through counsel. Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for official respondents present.

Written reply on behalf of respondent No. 5 has already been submitted, while respondents No. 1 to 4 were given last chance to submit written reply vide order sheet dated 28.04.2022. Despite directions written reply was not submitted, therefore, right of submission of written reply of respondents No. 1 to 4 stands struck off. To come up for arguments on 06.03.2023 before D.B.


(Fareeha Paul)
Member (J)




(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7262 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/08/2021	<p>The appeal of Mr. Imran Khan presented today by Mr. Muhammad Ilyas Orakzai 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> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Imran Khan, 7262/2021

24.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening his arguments briefed the court about service back ground of the appellant who was initially appointed as Levy Sepoy in the office of respondent No.5 on 16.06.2010. He was nominated in FIR No. 562 dated 05.06.2017 under Section-154 Cr.PC, Police Station City District Hangu. He was convicted by the court of competent jurisdiction for one year rigorous imprisonment on 07.06.2018 against which the appellant approached Peshawar High Court, Peshawar. The Peshawar High Court, Peshawar vide its judgement dated 25.03.2019 set aside order of the Trial Court and remanded back the case to the trial court for re-writing the judgement. On the basis of retrial by the Trial Court, the appellant was acquitted on 11.06.2019. The appellant has assailed and challenged the impugned order dated 01.08.2018 whereby he was "terminated", by respondent No.5 against which a departmental appeal was preferred on 26.06.2019 and after waiting for statutory period no decision was made thereon by the respondents, hence the instant service appeal instituted in Service Tribunal on 12.08.2021. It was further contended that on conviction of the appellant by the court on 07.06.2018 the appellant was terminated vide impugned order dated 01.08.2018. The appellant on his acquittal vide judgement of trial court in the remanded case, dated 11.06.2019, submitted his departmental appeal on 26.06.2019. However, in the wake of 25th Constitutional amendment (merger of ex-FATA) the case could not be decided on the question of jurisdiction of the authority till 29.03.2021 and that too on the direction of Peshawar High Court in writ petition No. 1818/2020 and COC No:24-P/2021.

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 11.01.2022 before the D.B.

(Mian Muhammad)
Member(E)

Security & Process Fee

24-9-21