

20.12.2022

Appellant alongwith counsel present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Written reply on behalf of respondents No. 1 to 3 & 7 have already been submitted, while respondents No. 4 to 6 & 8 were given last chance to submit written reply vide order sheet dated 28.04.2022 failing which their right for submission of written reply shall be deemed as struck off. Despite directions written reply was not submitted, therefore, right of submission of written reply of respondents No. 4 to 6 & 8 stands struck off. To come up for arguments on 06.02.2023 before D.B.



(Fareeha Paul)  
Member (E)



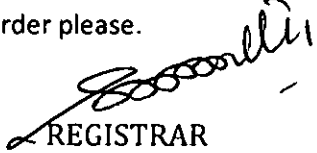

(Rozina Rehman)  
Member (J)

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2264 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2021	<p>The appeal of Mr. Masood-ur-Rehman resubmitted today by Mr. Asif Hameed Qureshi 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>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>
2-		

**Masood Ur Rehman 7264/2021**

24.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that correspondence of respondent No.6 dated 01.07.2020 addressed to respondent No. 7 has been challenged whereby the facility/payment of "Health Allowance" to the appellant has been stopped and recovery of the amount already drawn was ordered. The appellant preferred departmental appeal against the impugned order on 08.07.2020 which was not responded and the appellant went in writ petition No. 3207-P/2020 before the Peshawar High Court, Peshawar. However, the Peshawar High Court, Peshawar disposed of the said writ petition on 08.06.2021 on the ground of wrong/irrelevant forum, hence, the service appeal in hand filed in Service Tribunal on 09.08.2021. Learned counsel for the appellant was confronted with the question of limitation as per provisions of Section-4 of the Service Tribunal Act, 1974. It was contended that order bring void ab-initio issued without lawful authority and without jurisdiction the question of limitation therefore does not run against void order and reliance is placed on PLD 2002 SC 84, 2007 SCMR 729, 2009 SCMR 648 and PLD 2003 SC 724.

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. File to come up for arguments on 11.01.2022 before the D.B.

Appellant Deposited  
Security & Process Fee

  
(Mian Muhammad)  
Member(E)

11.01.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Nabi Gul, Superintendent for respondents present.

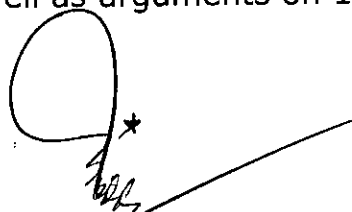
Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 28.04.2022.



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

28.04.2022

Learned counsel for the appellant present. Mr. Nabi Gul, Superintendent as representative on behalf of respondents No. 1, 2, 3 & 7 alongwith Mr. Kabirullah Khattak, Additional Advocate General present and submitted comments, which are placed on file and copy of the same handed over to learned counsel for the appellant. Learned Additional Advocate General requested for further time for submission of reply/comments on behalf of respondents No. 4, 5, 6 & 8. Last opportunity given, failing which right for submission of reply/comments of respondents No. 4, 5, 6 & 8 shall be deemed as struck off. To come up for submission of reply/comments on behalf of respondents No. 4, 5, 6 & 8 as well as arguments on 19.07.2022 before the D.B.



(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

20<sup>th</sup> Oct, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, 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