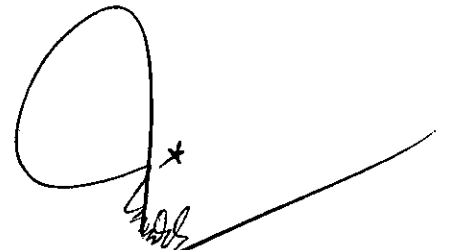


22.04.2022

Counsel for the appellant present.

Learned counsel for the appellant argued the case in preliminary hearing. He contended that the appellant was implicated in FIR No. 1298 dated 04.12.2018 under Section 302-34 PPC, Police Station Inqilab Peshawar and arrested on 05.12.2018. The appellant was bailed out on 03.01.2022 by Peshawar High Court. On departmental side, disciplinary proceedings were however, initiated against him when he was placed under suspension on 12.03.2019 and then dismissed from service vide impugned order dated 11.10.2019. He filed departmental appeal against the impugned order on 18.01.2022 subsequent to his release on bail which was rejected vide appellate order dated 31.01.2022. His revision petition also met the same fate when turned down on 01.04.2022. Where-after he preferred the instant service appeal on 18.04.2022. It was further contended that the appellant is still under trial in the judicial/criminal case and is on bail, not acquitted of the charges as yet, the respondents were therefore, required under Rule 16.3 of the Police Rules, 1934 to have placed him under suspension till culmination of the judicial proceedings against him. The appellant being civil servant involved in a criminal case made a futile attempt to challenge the departmental penalty before his acquittal, only on the basis of bail by the Competent Court of Law. He relied on PLD 2010 Supreme Court 695 and 2012 PLC (C.S) 627. He further argued that the impugned order are illegal and void while placing reliance on PLJ 2000 Tr.C (Services) 181, PLD 2003 Karachi 691, 2003. Moreover, limitation would not run against wrong, illegal, unlawful, void ab-initio orders as the appellant had not been heard in a regular inquiry because no charge sheet/statement of allegation ever served on him and as such the impugned orders are not sustainable, may graciously be set aside and the appellant be reinstated in service with all back benefits.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 23.06.2022 before S.B.



(Mian Muhammad)  
Member(E)

Rs-600/-  
Appellant Deposited  
Security & Process Fee  
A. M. J. 27/4/22

23<sup>rd</sup> June, 2022

Junior of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 16.08.2022 before S.B.

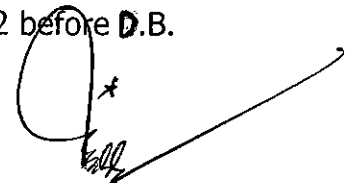


**(Kalim Arshad Khan)**  
Chairman

16.08.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Gul Zad, SI for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same is handed over to junior of learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 10.11.2022 before D.B.



(Mian Muhammad)  
Member (E)

10.11.2022


Junior to counsel for the appellant present.

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

Former requested for adjournment on the ground that his senior counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 09.01.2023 before D.B.

SC  
K  
Peshawar

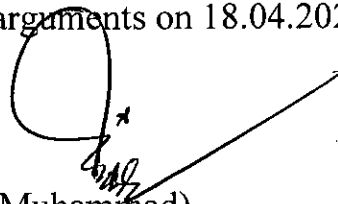
  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

09.01.2023

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Assistant Advocate General. Junior of learned counsel for the appellant also 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 on 18.04.2023 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)