

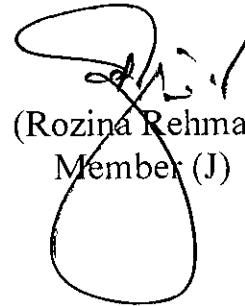
28.11.2022

Appellant present through counsel present.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Reply on behalf of respondents have already been submitted. To come up for arguments on 05.01.2023 before D.B.

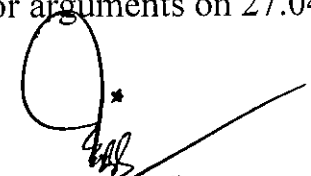
Rs-100/-
Appellant Deposited
Security & Process Fee
H. Mujib
06/12/22



(Rozina Rehman)
Member (J)

05.01.2023

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

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 27.04.2023 before D.B.

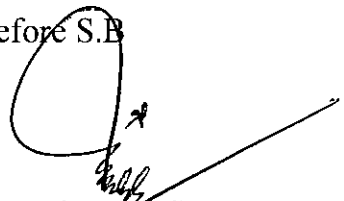

(Mian Muhammad)
Member (E)


(Kalim Arshad Khan)
Chairman

22.09.2022

Junior of learned counsel for the appellant present.
Mr. Muhammad Riaz Khan Painsdakhel, Assistant
Advocate General for the respondents present.


Reply/comments on behalf of respondents have
already been submitted. 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 preliminary hearing on 10.10.2022 before S.B


(Mian Muhammad)
Member (E)

06.10.2022

Counsel for the appellant present. Mr. Kabir Ullah
Khattak, Additional Advocate General for respondents
present.

Learned Additional AG seeks time to prepare the
brief. Adjourned. To come up for preliminary hearing on
28.11.2022 before S.B.


(Kalim Arshad Khan)
Chairman

30.03.2022

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on pre-admission notice not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments /preliminary hearing on 22.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

22nd June, 2022

Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Waheed Ur Rehman, Sr. Assistant Director, LG & RDD, Peshawar for respondents present.

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Peshawar

Written reply on behalf of the respondents submitted which is placed on file. A copy of the same is handed over to the learned counsel for the appellant. To come up for preliminary hearing on 05.08.2022 before S.B.



(Kalim Arshad Khan)
Chairman

05.08.2022

Junior of learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Written reply had already been submitted. Junior counsel requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 22.09.2022.



(Fareeha Paul)
Member (E)

22.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 09.09.2008 whereby he was awarded the major penalty of "dismissal from service". The appellant preferred departmental appeal to the appellate authority on 23.01.2020 which was not responded, hence, the instant service appeal filed in the Service Tribunal on 20.05.2020. According to learned counsel for the appellant the impugned order is void ab-initio as no prescribed procedure has been followed to conduct a formal/regular enquiry and the impugned order has been issued with retrospective effect i.e from the date of his absence (19.09.2006) as ex-parte action without meeting the ends of justice. Moreover, as per judgement of Larger Bench in service appeal No. 562/2016 titled Rahim-ud-Din-vs-Inspector General of Police, Khyber Pakhtunkhwa and others, it has been held that in case of void order(s) limitation does not run. On the contrary, the supreme court of Pakistan in CP No. 2478 of 2019 dated 24.12.2020 has held that even a void order needs to be challenged and the period of limitation provided by the law, is to be taken into account. Let pre-admission notice be issued to respondents to submit reply/parawise comments and assist the Tribunal. To come up for preliminary hearing on 28.01.2022 before S.B.


(Mian Muhammad)
Member(E)

28.01.2022

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

Written reply on pre-admission notice not submitted. Learned AAG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for reply/preliminary hearing on 30.03.2022 before S.B.


(Mian Muhammad)
Member(E)

18.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 30.06.2021.


Reader

30.06.2021

Junior to counsel for appellant present.

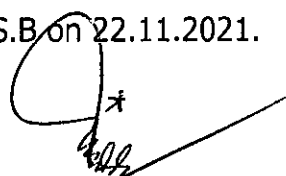
He made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Mingora Bench. In this regard, application was also submitted which is placed on file of Service Appeal No.2238/2019 titled Muhammad Ismail. Case is adjourned. To come up for preliminary hearing on 28.09.2021 before S.B.


(Rozina Rehman)
Member(J)

28.09.2021

Junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing before the S.B on 22.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

12.08.2020

Counsel for the appellant present.

Learned counsel referred to the impugned order dated 09.09.2008 and stated that the same was given effect from 19.09.2006. In the circumstances, a request for adjournment of instant matter to a date after the decision of similar proposition by a Larger Bench of this Tribunal is made.

Adjourned to 23.09.2020 before S.B.


Chairman

23.09.2020

Counsel for the appellant present.

On the last date of hearing instant matter was adjourned to avail the outcome of cases pending before the Larger Bench and having similar nature. The Larger Bench has not yet concluded the proceedings before it, therefore, instant matter is adjourned to 03.12.2020 before S.B.


Chairman

03.12.2020

Counsel for the appellant present.

The proposition regarding retrospectivity of penalty has not been decided by the Larger Bench as yet. Instant case is, therefore, adjourned to 18.02.2021 before S.B.



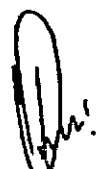

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- ~~4934~~ 4934 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge | | |
|-------|---------------------------|--|------------|---|
| 1 | 2 | 3 | | |
| 1- | 20/05/2020 | <p>The appeal of Mr. Meraj Gul presented today by Mr. Noor Muhammad Khattak 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> | 08.06.2020 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar.</p> <p>Adjourned to 12.08.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p> |