




Form-A  
FORM OF ORDERSHEET

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

Case No. 1427/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/12/2017	<p>The appeal of Dr. Robina Javed Khattak presented today by Mr. Abdullah Qazi Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/12/17</p>
2-	04/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/01/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.01.2018	<p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 16.02.2018 before S.B.</p> <p style="text-align: right;"> (Gulzeb Khan) Member (E)</p>

16.02.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Doctor. It was further contended that the competent authority has removed her from service vide impugned order dated 03.04.2008 on the allegation of her absence from duty. It was further contended that the appellant also filed departmental appeal but the same was also rejected hence, the present service appeal. It was further contended that neither any notice was served upon the appellant nor any proclamation in this regard was published in the newspaper nor proper inquiry was conducted against the appellant therefore, the impugned order is illegal and liable to be set-aside. It was also contended that the service of the appellant is more than twenty years therefore, the major penalty of removal from service on the allegation of absence is very harsh. It was further contended that though there is some delay in appeal but the appellant has also filed application for condonation of delay.


The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 02.04.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

02.04.2018

None present on behalf of appellant. Mr. Kadir Ullah Khattak, Additional AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 23.05.2018 before S.B

Appellant Deposited  
Security & Process Fee

  
(Ahmad Hassan)  
Member

Service Appeal No. 1427/2017

23.05.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG seeks adjournment. Adjourned. To come up for written reply/comments on 10.07.2018 before S.B.

  
(Muhammād Amin Khan Kundi)  
Member

10.07.2018

Neither appellant nor his counsel present. None is present as representative on behalf of the respondents. However, Mr. Usman Ghani, District put appearance on their behalf and requested for adjournment. Granted. To come up for written reply/comments on 27.08.2018 before S.B.

  
Chairman

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jaffar Ali, Assistant for the respondents present and submitted written reply. To come up for rejoinder and arguments on 24.10.2018 before D.B.

  
(Ahmad Hassan)  
Member


24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 11.12.2018.

  
Reader

11.12.2018

Counsel for the appellant and Addl. AG for the respondents present. The Worthy Chairman is on leave, therefore, case is adjourned to 30.01.2019 for arguments before the D.B.

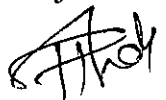
  
Member


30.1.2019

Clerk of counsel for the appellant and Addl. AG for the respondents present.

A request for adjournment is made on the ground of engagement of learned counsel for the appellant before the Honourable High Court today.

Adjourned to 09.04.2019 before D.B.

  
Member

  
Chairman

09.04.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 25.06.2019 before D.B

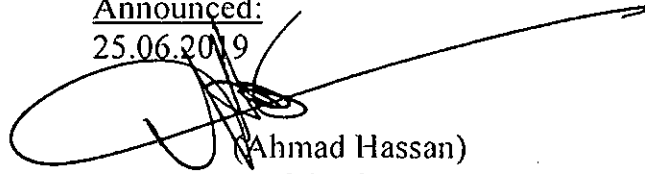
  
Member

  
Member

25.06.2019

None for the appellant present. Addl: AG alongwith Mr. Hazrat Shah, Supdt for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:  
25.06.2019

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

26.12.2019

Vide order of today i.e. 26.12.2019 passed in restoration application bearing No.266/2019, the present service appeal has been restored. To come up for further proceedings/arguments on 26.02.2020 before D.B





Member

  
Member

Form-A  
FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 266/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.07.2019	<p>The application for restoration of appeal No. 1427/2017 submitted by Mr. Abdullah Qazi Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/2/19</p>
2	16-9-19	<p>This restoration application is entrusted to D. Bench to be put up there on <u>06-09-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.09.2019	<p>Learned counsel for the appellant present. Notice be issued to the respondent for reply on 01.11.2019 before D.B. Original record be requisitioned for the date fixed.</p> <p style="text-align: center;">               (Ahmed Hassan)              Member         </p> <p style="text-align: center;">               (M Hamid Mughal)              Member         </p>

01.11.2019 Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Khan Askar Medical Officer present. Representative of the respondents requested for time to furnish reply. Granted. To come up for reply and arguments on ~~10.12~~ 2019 before D.B.

  
Member

  
Member

10.12.2019 Saleem Javid Litigation Officer representative of the respondent department present and seeks time to furnish reply. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 26.12.2019 before D.B.

  
Member

  
Member


26.12.2019

Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney present.

Arguments heard. File perused.

Learned counsel for the petitioner/appellant raised the plea that the instant application for restoration of service appeal No.1427/2017 was filed within time and in the interest of justice, the same may be allowed, to which learned DDA showed his no objection.

In view of above the present application for restoration of Service Appeal No. 1427/2017 is allowed and the main service appeal is restored. To come up for arguments on main service appeal on 26.02.2020 before D.B. No order as to costs. File of the instant application be consigned to the record room.

  
Member

  
Member



26.02.2020

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 01.04.2020 before D.B.

  
Member

  
Member

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.

  
Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.08.2020 before D.B.

  
Reader

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.

Reader

02.11.2020

Junior to counsel for the appellant and Usman Ghani, District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 12.01.2021 for hearing before the D.B.

(Mian Muhammad)  
Member

Chairman

12.01.2021

Counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment in order further prepare the brief. Adjourned to 16.04.2021 for hearing before the D.B.

~~Worthy Chairman~~  
non-functional therefore, adjourned  
Member(E)

16.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 10.08.2021 for the same as before.

Reader

10.08.2021

Since, 1<sup>st</sup> Moharram has been declared as public holiday, therefore, case is adjourned to 30/12/2021 for the same as before.

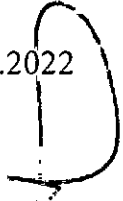
  
Reader

30.12.2021

Due to winter vacation, the case is adjourned. To come up on 17/3/2022

  
Reader

17.03.2022


 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.03.2022 for the same as before.

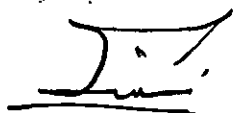
  
Reader.

25.03.2022

Mr. Jan Muhammad, Advocate (junior of learned counsel for the appellant) present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has proceeded for *Tableegh*. Adjourned. To come up for arguments on 31.05.2022 before the D.B.

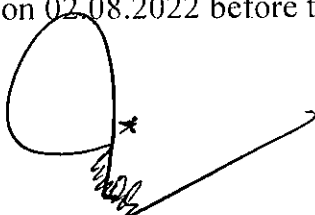
  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

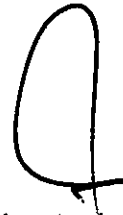
31<sup>th</sup> May, 2022

Mr. Munfat Ali Yousafzai, Advocate present and submitted Wakalatnama on behalf of the appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has been newly engaged in the instant appeal and will argue the case on the next date. Last chance is given for arguments failing which the case will be decided on the available record without arguments. To come up for arguments on 02.08.2022 before the D.B.



(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman

2-8-2022

Proper DB not available the case is  
adjourned to 31-10-2022

  
Reader

31<sup>st</sup> Oct., 2022

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

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 13.13.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman


13.12.2022

Counsel for the appellant present.

Muhammad Jan learned District Attorney for the respondents present.

Former made a request for adjournment in order to further prepare the brief. Last chance is given. To come up for arguments on 10.01.2023 before D.B.

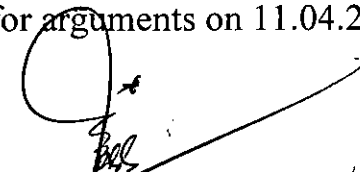
  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

10.01.2023

Clerk of learned counsel for the appellant present.  
Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk 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 arguments on 11.04.2023 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)