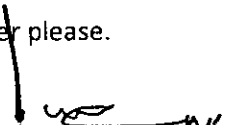



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7623/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2021	<p>The appeal of Mr. Shakir Ullah 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>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>11/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

11.11.2021

Counsel for the appellant present.

This appeal is second round of litigation against the same impugned order which has been restored after denovo enquiry conducted on direction of the Tribunal given in the judgment dated 20.01.2021 passed in Service Appeal No. 1014/19 whereby service appeal of the appellant bearing No. 964/19 was also decided. According to the submissions made in the departmental appeal, it is the only ground with the appellant that the basic order dated 04.04.2019 was restored without any regular enquiry. However, the copy of the enquiry report has not been annexed with the Memorandum of appeal. Learned counsel on query as to absence of said annexure stated that the department did not supply the same despite application. Anyhow, it would be in the fitness of things to issue pre-admission notice to respondent No. 2 for furnishing the copy of enquiry report on next date. Case to come up 04.01.2022 before S.B.


Chairman

04.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present and furnished copy of enquiry report, which is placed on file. Preliminary arguments heard and record perused.

The present appeal is an extension of previous service appeal No. 1014/2019 before this Tribunal which was decided vide judgment dated 20.01.2021 with the operative part as copied below.

"In view of the situation, the impugned orders stand set aside and the appellants are reinstated in service with direction to the department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellants be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry."

The main grievance of the appellant is that *de-novo* inquiry was not conducted to meet with requirements of the remand order. The question whether the latest inquiry report as produced today conforms to the requirement of Law on the subject makes a fit case for regular hearing subject to all just and legal objections. 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. To come up for written reply/comments on 26/04/2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

M. Adeel Butt
05/04/22

[Signature]
Chairman

04.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present and furnished copy of enquiry report, which is placed on file. Preliminary arguments heard and record perused.

Vide my detail order of today in connected service appeal No.7623/2021 this appeal is also admitted for full hearing subject to all just and legal objections. 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. To come up for written reply/comments on 26/04/2022 before S.B.

RS. 600/-
Appellant Deposited
Security & Process Fee


A. H. Butt
05/04/22


Chairman

26.04.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 01.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

1st June, 2022

Counsel for the appellant present. Mr. Haseenullah, Assistant for respondent No. 1 & 2 and Mr. Hamid Saleem, Law Officer for the respondent No.3 present.

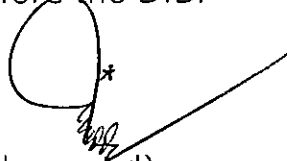
Respondent No. 1 & 2 have submitted reply/comments, which is placed on file. Respondent No.3 submitted application for deletion from the panel of respondents. Case to come up for arguments on 17.06.2022 before D.B.


Chairman

17.06.2022

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 sought adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to death of his close relative. Adjourned. To come up for arguments on 24.06.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Bakhtmal Jan, AD and Mehtab Gul, Law Officer for the respondents present.

During the course of arguments it came to the notice of the Bench that earlier appeal of the appellant filed against the order dated 04.04.2019 was decided by a Bench headed by Mrs. Rozina Rehman, Learned Member (Judicial) who had also handed down the judgment. Therefore, it is appropriate that this appeal be placed before the Bench of Mrs. Rozian Rehman, Learned Member (Judicial). To come up for arguments on 01.07.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

01.07.2022

Bench is not available, therefore, case is adjourned to 14.7.2022 for the same as before.



Reader

14.07.2022

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 made preparation for arguments. Adjourned. To come up for arguments on 12.09.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

~~Learned counsel for the respondents present. Mr. Iftab Khattak, Additional Advocate General for respondents present.~~

~~Since the learned counsel for the appellant has not made preparation for arguments, therefore, the order is adjourned. To come up for arguments on 12.09.2022 before D.B.~~

~~Learned counsel for the respondents present.~~

~~Learned counsel for the respondents present.~~

12.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO for respondents present.

Arguments of the parties were heard at length and in the light of arguments, learned District Attorney is directed to produce original Notification bearing endorsement No.3506-13 Dated Peshawar 25.05.2012 vide which five SST (General) in BS-16 were appointed including the appellant Shakir Ullah at Serial No.5. As this notification was declared bogus by the learned District Attorney during arguments, therefore, he is directed to make sure the production of notification in respect of SSTs from Serial No.1 to 4 as well as any notification bearing endorsement No.3506 alongwith proper register in order to show dispatch on 25.05.2012. To come up for production of relevant record and further arguments on 29.09.2022 before D.B.



(Fareeha Paul)
Member(E)




(Rozina Rehman)
Member(J)


29.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO and Muhammad Tufail Assistant for respondents present.

On the preceding date, the respondent Department was directed to make sure the production of notification in respect of SSTs from Serial No.1 to 4 as well as any Notification bearing endorsement No.3506 alongwith proper register in order to show dispatch on 25.05.2012. Today, nothing was brought in black & white by the respondent Department with further request for adjournment, therefore, they are directed to produce the entire record mentioned above. In the meanwhile, this Bench was apprised in respect of an inquiry pending against the present appellants, therefore, the respondents are directed to produce the outcome of that inquiry alongwith full record on or before 13.10.2022 before D.B. Respondent No.2 be noticed through learned District Attorney and the representatives present in Tribunal to make sure his personal appearance on the date fixed.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

13th Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. Advocate General alongwith Director E&SE Khyber Pakhtunkhwa (respondent No. 2) in person Bahramand ADEO for the respondents present.

Learned AAG submitted departmental record which is placed on file. Learned counsel for the appellant requests for adjournment in order to further prepare the brief. To come up for arguments on 03.11.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

03.11.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Learned counsel for the appellant attended this Tribunal at 11:50 am with a request~~ed~~ for arguments in all the connected service appeals (41) after 02:00 pm as reportedly his cases were fixed before august Peshawar High Court Peshawar. The undersigned is also busy in S.B while learned Member Executive (Ms. Fareeha Paul) is busy in D.B with hon'ble Chairman. As the learned counsel is not in a position to argue the cases therefore, in view of busy schedule of the counsel this case is adjourned for arguments on 15.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

15th Nov. 2022 Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Bahramand, Assistant Director and Mehtab Gul, Law Officer for the respondents present.

Partial arguments heard. To come up for further arguments on 17.11.22022 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)


17.11.2022

Clerk of counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 23.11.2022 for arguments before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

23.11.22

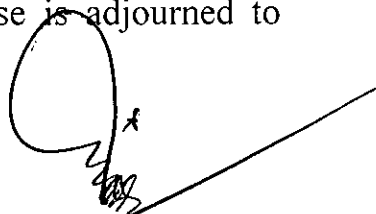
Due to rush of work, this case has been delayed. To come up for the bench on 23.01.23.



23.01.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave. The bench is incomplete, therefore, the case is adjourned to 03.02.2023 for arguments before the D.B.


(Mian Muhammad)
Member (Executive)