

01/12/22


Deleted from the list to  
come up on the next  
date 28/2/23


  
Reader.

28.02.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment being not prepared for arguments today. Adjourned. To come up for arguments on 14.03.2023 before the D.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

14.07.2022

Learned counsel for the appellant present Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 01.09.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

01.09.2022

Appellant alongwith her counsel present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Abdul Ghafoor, Superintendent for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 05.10.2022 before S.B.


  
(Mian Muhammad)  
Member (E)

SCANNED  
KPST  
Peshawar

05.10.2022

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Abdul Ghafoor, Superintendent for the respondents present.

Representative of the respondents submitted written reply/comments. Placed on file and a copy thereof handed over to clerk to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 01.12.2022.

  
(Mian Muhammad)  
Member (E)

25.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant has been serving the respondent- department as PST (BS-12) since 03.05.2017 and is aggrieved of the impugned order dated 05.08.2021 when major penalty of removal from service was imposed upon her on the ground that she had acquired MSc. Pakistan Study Degree on the basis of result dated <sup>17.03.2017</sup> (after the closing date of advertisement) and claimed to have been issued on the basis of result declaration dated 06.09.2016 i.e before the closing date of advertisement. Her salary was stopped illegally for which she instituted service appeal in the Service Tribunal. However, during pendency of her service appeal, impugned order dated 05.08.2021 was issued. She submitted departmental appeal against the impugned order on 09.8.2021 which was not decided within the statutory period, where-after the service appeal was filed invoking Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. It was further argued that the appellant has not been treated according to law and rules because no proper and regular enquiry was conducted. Neither charge sheet/statement of allegations nor the opportunity of personal hearing had been provided to the appellant before imposition of the major penalty of removal from service. In absence of the fulfillment of codal formalities, the imposition of major penalty is not sustainable in the eyes of law as well as Article-4 and 25 of the Constitution .

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 14.07.2022 before S.B.

R8.600/-  
Appellant Deposited  
Security & Process Fee  
28/4/22




(Mian Muhammad)  
Member(E)

Form- A

## FORM OF ORDER SHEET

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

Case No.- 7870/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2021	<p>The appeal of <del>M</del> Memoona Asma resubmitted today by Mr. Zartaj Anwar 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>
2-	10.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>09/02/2022</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>