

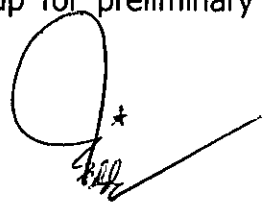


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7676/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	27/10/2021	<p>The appeal of Mr. Zafar Iqbal presented today by Mr. Ashraf Ali 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>	15.12.2021	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>15/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 24.02.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.05.2022 for the same as before.


Reader.

24.05.2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued the case at the stage of preliminary hearing. It was contended that the appellant is aggrieved of the impugned order dated 26.04.2018 when he was awarded major penalty of dismissal from service from the date of his absence. He submitted departmental appeal against the impugned order which was rejected vide appellate order dated 11.10.2019. The appellant thereafter approached the service Tribunal on 27.10.2021. On question from the court that the impugned order was passed on 26.04.2018 whereas it was challenged through departmental appeal on 14.09.2021, learned counsel for the appellant responded that the final appellate order dated 11.10.2019 was communicated to the appellant on 04.10.2021 and as such the limitation issue does not arise because period of limitation starts from the date when it was communicated to the appellant on belated stage i.e. 04.10.2021. It was agitated during the course of the arguments that even the impugned order of competent authority dated 26.04.2018 had not been endorsed to the appellant. On yet another question from the court that during all this period where was the appellant and how did he get the impugned order? Learned counsel for the appellant replied that during the period, the appellant was sick which was the main cause of his absence from duty. Moreover, the penalty of dismissal does not commensurate to the guilt of absence under Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. On this point, his attention was invited to the fact that being a uniform personnel of police service, the applicable law to the appellant was Khyber Pakhtunkhwa Police Rules 1975 and not the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It was further contended that the ends of justice have not been met because no charge sheet has been issued to the appellant. He has not been provided opportunity of personal hearing and is condemned unheard, he concluded

Points raised need consideration. The appeal is admitted to 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 reply/comments before the S.B on 04.07.2022.

(Mian Muhammad)
Member (F)

Rs-400/-
Appellant Deposited
Security & Process Fee

A. M. J. Khattak
30/5/22

04th July, 2022

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. Adjourned. To come up for written reply/comments on 05.09.2022 before S.B.



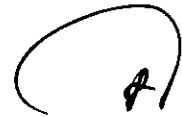
(Kalim Arshad Khan)
Chairman

05.09.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Arif Salim Stenographer for respondents present.

Reply on behalf of respondents was submitted. Copy of the same was handed over to learned counsel for appellant. To come up for rejoinder, if any, and arguments on 03.11.2022 before D.B.



(Rozina Rehman)
Member(J)

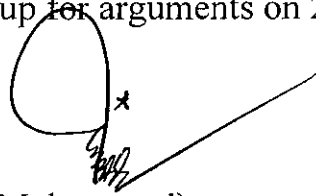
03.11.2022

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

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney.

Junior of learned counsel for the appellant also requested for adjournment on the ground that learned counsel for the appellant is busy in the honourable Peshawar High Court, Peshawar. Adjourned.

To come up for arguments on 29.12.2022 before the D.B.



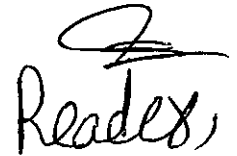
(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

29/12/22

Due to winter vacation, the case adjourned to 29-3-23 for the same,



Reader,

22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)