

30th Jan, 2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for respondents No. 1 to 3 present. Mr. Aftab Hussain, Advocate submitted Wakalatnama on behalf of respondent No. 4 which is placed on file. Being freshly engaged, legal Advisor for respondent No. 4 requested for time to submit reply/comments. Last opportunity is granted subject to payment of cost of Rs.10000/- To come up for reply/comments as well as arguments on 09.05.2023 before D.B.



(Muhammad Akbar Khan)
Member (E)




(Kalim Arshad Khan)
Chairman

9th May, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah, Additional Advocate General alongwith Mr. Hashmat Khan, Superintendent for respondents No. 1 and 2 and Miss. Farkha Aziz Khan, Advocate/Legal Advisor for respondents No. 3 and 4 present.

2. On 22.11.2022 the appeal was admitted to full hearing by a bench of this Tribunal suspending the operation of the impugned order in respect of the recovery of executive allowance putting the respondents on notice, who were duly served through TCS but they did not put appearance on the next date i.e. on 09.12.2022. On 09.12.2022 the learned Adll; AG sought some time to submit reply and the matter was fixed for 30.01.2023. On 30.01.2023 learned counsel for respondent No.4 filed wakalatnama and sought time while none of the other respondents filed reply nor made any request for adjournment. It was then a last opportunity was granted on payment of Rs. 10000/- cost for filing reply as well as arguments before D.B but today again neither reply was filed nor the cost was deposited rather adjournment was again sought with no good ground. However, Miss. Parkha Aziz Khan, Advocate/Legal Advisor of Excise and Taxation submitted an application and sought adjournment saying that joint parawise

comments were lying before the Finance Department (respondent No.2). Therefore, let in the interest of justice another last opportunity be given but on payment of Rs. 20000/- cost on respondents No.2,3 and 4. Copy of this order sheet be sent to the worthy Chief Secretary, Khyber Pakhtunkhwa by name with the request to check how casual the court cases are being dealt with by the concerned officials of different departments. To come up on 13.07.2023 before D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A