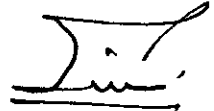


11.01.2022

Learned counsel for the appellant present. Mr. Muhammad Irshad, Assistant and Mr. Muhammad Nisar, C.T alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for submission of reply. Adjourned. To come up for submission of reply before the S.B on 08.03.2022.



(Salah-Ud-Din)

08.03.2022

Due to retirement of the Worthy Chairman (J) Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.



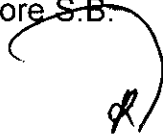
Reader.

08.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General present. Nemo for respondent Department.

Reply of respondents is still awaited. Notice be issued to respondents for submission of reply/comments. To come up for reply/preliminary hearing on 29.07.2022 before S.B.



(Rozina Rehman)
Member (J)

03.11.2021

Counsel for the appellant present.

Learned counsel for the appellant argued that the appellant is feeling aggrieved of the appointment order dated 25.01.2011 issued by respondent No.3 whereas his other colleagues have been appointed w.e.f 2009 despite the fact that they entered into government service on the same date. Learned counsel for the appellant was confronted with the question that why did not the appellant submit his departmental appeal against the impugned order at relevant point of time? He replied that departmental appeal was submitted in the year 2018 which was not responded/decided by the respondents, hence, the instant service appeal was filed in the Service Tribunal on 26.03.2019. Learned counsel could not substantiate or justify the long delay for filing service appeal in the Service Tribunal as per provisions of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, therefore, it deems appropriate to issue pre-admission notice to the respondents to assist the Tribunal on the point. To come up for preliminary hearing on 11.01.2022 before S.B.


(Mian Muhammad)
Member(E)

24.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.


Reader

10.06.2021

Counsel for the petitioner present.


Instant application has been filed on 07.10.2019 for restoration of Service Appeal No. 482/2019 dismissed for non-prosecution on 28.08.2019. The matter pertains to pay and arrear, therefore, application is allowed and Service Appeal No.482/2019 is restored to its original number with cost of Rs. 2000/-. To come up for preliminary hearing on 15.09.2021.


Chairman

15.09.2021

Mr. Sohaib, Advocate, Junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 03.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

28.07.2020

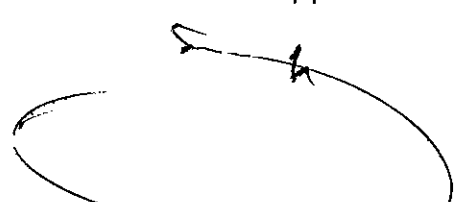
Mr. Muhammad Tariq, learned counsel for petitioner is present. No one on behalf of the respondents is present at the moment i.e 11:36 A.M. As a result of declaration of Public Holiday being falling on 22nd April 2020 due to COVID-19 pandemic respondents could not be issued notices. Notices be issued to respondents for 20.10.2020. File to come up for their reply and arguments before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

20.10.2020

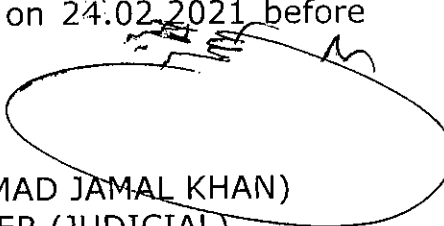
Mr. Kabirullah Khattak, Additional Advocate General for the respondent is present.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 26.11.2020 on which date to come up for reply and arguments on restoration application before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

26.11.2020

Counsel for the petitioner is present. No one on behalf of the respondents is present at the moment i.e 12:33 P.M. The learned Additional Advocate General is directed to contact the respondents for submission of reply. File to come up for reply and arguments on restoration application on 24.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

17.12.2019

Nemo for petitioner. Addl. AG present. No representative of the respondents is available.

Notices be sent to the respondents for further proceedings on 28.01.2020 before S.B.


Chairman

28.01.2020

None present on behalf of petitioner. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings on 17.03.2020 before S.B. Petitioner be put to notice for the date fixed.


Member

17.03.2020

Clerk to counsel for the petitioner present and seeks adjournment as lawyers community is on strike on the call of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 22.04.2020 before S.B.


Member

22.04.2020




Due to public holiday on account of COVID-19, the case to come up for the same on 28.07.2020 before S.B.


Reader

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 375/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.10.2019	<p>The application for restoration of appeal No. 482/2019 submitted by Mr. Muhammad Tariq 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</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>05/11/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	05.11.2019	<p>Counsel for the petitioner present.</p> <p>Notice of instant application be given to respondents for 17.12.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

28.08.2019

Nemo for appellant.

On the last date of hearing due to absence of appellant fresh notice was required to be issued for today. The record shows that the requisite notice was issued, however, despite repeated calls no one is present on behalf of the appellant. It is already past 3.00 P.M.

Dismissed for non-prosecution. File be consigned to the record room.



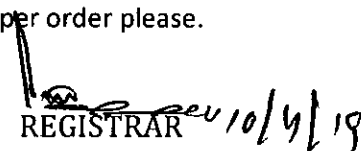


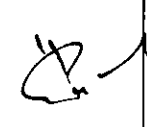
Chairman

Announced:
28.08.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 482/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/04/2019	<p>The appeal of Mr. Neik Dullah Khan resubmitted today by Mr. Muhammad Tariq 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 10/4/19</p>
2-	11/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	20.05.2019	<p>Junior to counsel for the appellant present and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 05.07.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
	05.07.2019	<p>Appellant absent. Learned counsel for the appellant absent. Appellant and his counsel be put to notice for 28.08.2019. Adjourn. To come up for preliminary hearing on the date fixed before S.B</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Neik Dullah Jan son of sher Hassan Junior Clerk GHS Shewa District Waziristan Miran Shah received today i.e. on 26.03.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copies of first appointment and its withdrawal order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. S20 /S.T,


Dt. 27-3- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Tariq adv. Pesh.

Respected Sir,

Re-submitted after compliance.


Advocate
10/4/19

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. _____ /2019

Neik Dullah Jan

VERSUS

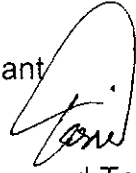
Director Education FATA, & others

INDEX


S.No	Description	Annexure	Page No
1.	Grounds of Appeal	-	01-04
2.	Copy of Appointment Order Dated 25/10/2011	<u>"A"</u>	05
3.	Copy of the Departmental Appeal	<u>"B"</u>	06
4.	Wakalat Nama	-	07

Through

Appellant


(Muhammad Tariq)

&


(Amanullah)
Advocates, High Court
Peshawar

①

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. _____ /2019

Neik Dullah Jan S/O Sher Hassan

R/O Junior Clerk G.H.S. Shewa District North Waziristan, Miran Shah

.....(Appellant)

VERSUS

1. Director Education FATA, FATA Secretariat, Warsak Road Peshawar
 2. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Peshawar
 3. District Education Officer District North Waziristan, Miran Shah
-(Respondents)

APPEAL UNDER SECTION 4 OF ~~12-B-K~~ 4
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
APPOINTMENT ORDER DATED 25/01/2011 VIDE
WHICH APPELLANT WAS APPOINTED AS
JUNIOR CLERK W.E.F TAKING OVER CHARGE
I.E. 25/01/2011 AND APPELLANT HAS FILED
DEPARTMENT APPEAL TO THE RESPONDENT 03
TO GRANT THE APPELLANT BACK BENEFITS
W.E.F FROM 17/08/2009 BUT TILL DATE THE
ORDER HAS NOT COMMUNICATED TO THE
APPELLANT INSPITE OF SEVERAL REQUEST

Prayer in Appeal

On acceptance of instant appeal, Appellant may be considered as appointed on the post of junior clerk from the dated 17/08/2009 and Appellant may be granted all back benefit w.e.f 17/08/2009 which were granted to other candidates/colleagues who have participated in the test and interview process alongwith Appellant and appointed on 17/08/2009 AND any other order deem proper may be passed in the matter.

Respectfully sheweth:

1. That Respondent 03 flouted advertisement in Daily New papers by inviting applications for appointment from the agency candidates for various discipline including some post of Junior Clerk, Appellant also applied for the same.
2. That after conducting test and interview, nine candidates qualify for the post of Junior Clerk including Appellant in which Appellant was at serial 4 of the merit lis. Respondents vide appointment Order 17/08/2009, 28/09/2009 and 07/10/2009 appointed other candidates and Appellant was dropped being overage by 29 days.
3. That thereafter Appellant approached the Respondents and made several request them but they have not considered the same. Appellant was aggrieved from the acts and deeds of Respondents filed Writ Petition No.833/2010 before Honorable Peshawar High Court Peshawar which was decided on 15/12/2010 with the direction "***to treated the Writ Petition as representation and remit it to Respondent 03 for disposal strictly on merit and in accordance with law/policy/rules of the Government on the subject within a month after receipt of this order.***"
4. That vide Appointment Order Dated 25/10/2011 Appellant was appointed as Junior clerk in BPS-07 at G.H.S Shewa (NWA) w.e.f from taking over the charge i.e. 25/10/2011 while other candidates/colleagues who participated in test and interview alongwith Appellant were appointed

also entitled to be considered as appointed w.e.f from 17/08/2009 and also entitled all back benefits which were granted to the other.(Copy of Appointment Order Dated 25/10/2011 is Annexure "A")

- 5. That Appellant aggrieved from the Appointment Order Dated 25/10/2011 and has made several requests to the Respondents to grant/allowed the Appellant same back benefits which were allowed to the other colleagues/candidates who participated with Appellant in the test and interview but they make the rolling stone to the Appellant and turn deaf ear to the request of Appellant.
- 6. That lastly in the month of December, 2018 Appellant filed Departmental Appeal before the Respondent 03. But till date, Respondent 03 has not decided the Departmental Appeal/Representation of Appellant inspite of several requests were made by the Appellant but in vain. (Copy of the Departmental Appeal is Annexure "B")
- 7. That Appellant is highly aggrieved from the unjust and cruel attitude of the Respondents. As such, approach this honorable Tribunal by Challenging the same on the following

GROUND:

- A. That the acts and deeds of the Respondents is against the law. Hence, not tenable.
- B. That acts and deeds of the Respondents are incorrect, illegal, without substance, in utter disregard of the well settle principle of law. As such, the same is liable to be set aside.
- C. That acts and deeds of Respondents are tainted with malafide; the same are in derogation of provisions of the Constitution.
- D. That Respondents have not treated the Appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That Appellant has participated in the process of test and interview alongwith other candidates/colleagues who were appointed w.e.f. 17/08/2009, 28/09/2009 and 07/10/2009 and Appellant was

which is against the Golden Principle of Natural Justice. Hence, the same is not sustainable in the eyes of law.

- F. That the acts and deeds of Respondents are based on malafide, discrimination, without substance and in utter disregard of the well settled principle of law. As such, liable to be struck down this score alone.
- G. That the violation was brought into the notice of Respondents by filing Departmental Appeal which is still pending.

It is, therefore, respectfully prayed that on acceptance of instant appeal, Appellant may be considered as appointed on the post of junior clerk from the dated 17/08/2009 and Appellant may be granted all back benefit w.e.f 17/08/2009 which were granted to other candidates/colleagues who have participated in the test and interview process alongwith Appellant and appointed on 17/08/2009 AND any other order deem proper may be passed in the matter.

Through

Appellant

(Muhammad Tariq)

&

(Amanullah)
Advocates, High Court
Peshawar

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY.

APPOINTMENT ORDER.

Consequent upon the decision of Honourable High Court (I Khan Bench) and directive letter of Director of Education PATA No. 1407/AS dated 22.1.2011, Mr. Seikdullah Jan a/o Sher Hassan local candidate is hereby appointed as Junior clerk 1b BPS -7 at Rs(3830-190-9830) per month plus usual allowances as admissible under the rules against a vacant post of Junior Clerk at GHS Shewa (NWA) with effect (the date of taking over charge).

TERMS AND CONDITIONS:-

1. His appointment is made on temporary basis and liable to termination at any time with out any notice. If he wish to resign from his post, he should give one month prior notice or forfeit one month pay in lieu thereof.
2. He should produce his heal and age certifice from Medical Supdt HQ Hospital Miranshah.
3. If he failed to assume his charge within 15 days, his order will be treated as cancelled.
4. He would not be handed over charge if his age is less than 18 years.
5. His academic/Professional certificates should be got checked from the concerned Board/University and his pay should not be drawn till receipt of verification.
6. His original qualification, date of birth and Domicile certificate should be checked and p. copy be placed on record.
7. His service will be terminate if he is found absent regularly for 4 days continuously.
8. His NIC should be checked by the concerned officer.
9. Charge report should be submitted to all concerned.
10. He will be terminated if his certificate/degree found fake/ bogus or tampered.
11. The appointee will be entitled for the benefit as admissible to civil servant except pension and gratuity.

Agency Education Officer,
North Waziristan Agency.

Indst; No. 803-09 / appointment/ASO/Dated 25/01/2011.

Copy to:-

1. The Additional Registrar High Court (I Khan Bench with ref; to decision of the court date 15.12.2010. WPN: 833/10
2. The Director of Education, PATA, Peshawar with ref; to his letter No. quoted above.
3. The Political Agent North Waziristan Agency.
4. The Agency Accounts Officer NWA.

S. H. M. S. / S. S. S.
B. Official

AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

OFFICE OF THE AGENCY EDUCATION OFFICE NORTH WAZIRISTAN AGENCY

APPOINTMENT ORDER

Consequent upon the direction of Honorable High Court D.I.Khan bench W.P.No.833/10 and directive letter of Director of Education FATA No.1407/AD dated 22.1.2011, Mr. Neikdullah Jan s/o Sher Hassan local candidates is hereby appointed as Junior Clerk in BPS-7 at Rs {3636-190-9230} per month plus usual allowances as admissible under the rules against a vacant post of Junior Clerk at GHS Shewa (NWA) with effect from the dated of taking over charge.

TERMS AND CONDITIONS

1. His appointment is made on temporary basis and liable to termination at any time with out any notice. If he wish to resign from his post. He should give one month prior notice or forfeit one month pay in lieu thereof.
2. He should produce his heal and age certificate from Medical supdt Hq Hospital Miranshah.
3. it he failed to assume his charge within 15 days , his order will be treated as cancelled.
4. He should not be handed over charge if his age is less than 18 year or not more than 33 years.
5. His academic/Professional certificates would be got checked from the concerned Board/University and his pay should not be drawn till receipt of verification.
6. His original qualification , date of birth and domicile certificate should be checked and p.copy be placed on record.
7. His service will be terminated if he is found absent regularly for 4 days continuously.
8. His NIC should be checked by the concerned officer.
9. Charge report should be submitted to all concerned.
10. He will be terminated if his certificate/degree found fake/bogus ro tempered.
11. The appointee will be entitled for the benefit as admissible to civil servant except pension and gratuity.

up
Attested

Sd/-
Agency Education Officer.
North Waziristan Agency.

Endst: No.203-09/Appointment/AEO/Dated 25/10/011.

Copy to :-

1. The Additional Registrar High Court D.I. Khan Bench with ref: to decision of the Court dated 13.12.2010 W.P.No.833/10.
2. The Director of Education, FATA, Peshawar with ref: to his letter No.quoted above.
3. The Political Agent North Waziristan Agency.
4. The Agency Accounts Officer NWA.

Sd/-
Agency Education Officer.
North Waziristan Agency.

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر ضلع شمالی وزیرستان میرانشاہ

عنوان: اپیل برائے بیک بینیفیٹ

مودبانہ گزارش ہے کہ فدوی نے جو نیر کلرک کیلئے ٹیسٹ و انٹرویو دی تھی جس میں ہم تمام نوعد کنڈیڈیٹ شامل ہوئے تھے جس میں فدوی میرٹ میں چار نمبر پر آیا تھا لیکن فدوی کو آرڈر نہ ملا کیونکہ کہہ رہے تھے کہ آپ overage ہے۔ فدوی نے دفتر ہذا میں ہر ایک کے ساتھ بات چیت کی لیکن کوئی شنوائی نہیں ہوئی۔ اُس وقت سلیکشن کمیٹی کے ممبر تاج محمد AASO تھا۔ اُس کو بھی کئی دفعہ تقرری کا سوال کیا لیکن فدوی کو آخر کار پتہ چلا کہ دفتر ہذا میری تقرری میں مخلص نہیں ہے جس پر فدوی تنگ ہو کر پشاور ہائی کورٹ میں رٹ پٹیشن دائر کی اور بالآخر فیصلہ فدوی کے حق میں دیا گیا۔ فیصلہ کی 15/12/2010 تھا اور میری تقرری 25/01/2011 کو جاری کیا۔ لیکن میرا حق 17/08/2009 سے بنتا تھا۔ اس سلسلے میں بار بار دفتر ہذا کا چکر کاٹا رہا کہ مجھے میرا حق 17/08/2009 سے دیا جائے لیکن دفتر ہذا کے حملے نے بار بار صبر کرنے کی تلقین کرتے رہے۔

اس لئے ایک صاحبان سے نہایت عاجزی سے اپیل کرتا ہوں کہ فدوی کو 17/08/2009 سے

25/01/2011 تک بیک بینیف دیا جائے۔ بندہ تازندگی دعا گور ہونگا۔

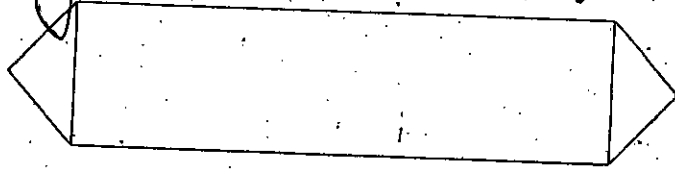
العارض

آپکا تابع دار نیکد ار اللہ جان جو نیر کلرک جی ایچ ایس شیواہ ضلع شمالی وزیرستان

up
Attested

7

بعدالت صاحب اسٹریٹس سٹیٹوٹو



2019ء پنجاب

بیکہانہ جان بنام ڈیڑھ سڑک اجور

مورثہ
مقدمہ
دعوی
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 کے لیے محمد طارق اسٹریٹس اور
 آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2019

Accepted

Manually Accepted

المرقوم

العہدہ

مقام شاہ

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 1162 of 20 17.

Mr. Iqbal Khan

Appellant/Petitioner

Versus

Mr. Iqbal Khan

RESPONDENT(S)

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27-08-2017 at 10:00 AM.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27-08-2017 at 10:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. SB

No.

Appeal No. 482 of 20 19

Neik Dullah Jan Appellant/Petitioner

Versus

Director Edu FATA Peshawar Respondent

Respondent No. 2

Notice to: —

Additional Chief Secretary FATA
FATA Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal ^{on} 11/11/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Dec 20 21

[Signature]
 Registrar,

**Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 682 of 20 19
Neik Dullah Jan Appellant/Petitioner

Versus

Director Edu FATA Peshawar Respondent

Respondent No. 3

Notice to: —

Distt. Education Officer Distt.
North Waziristan Miran Shah.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/11/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Dec. 20 . 21



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 682 of 20 19

Neik Dullah Jan Appellant/Petitioner

Versus

Director Edu FATA Peshawar Respondent

Respondent No. 1

Director Education FATA, FATA
Secretariat Warsak Road Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 11/11/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Dec-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Dec 20 21



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

APPEAL No. 482 of 20/9.

Neik Dullah Jan

Appellant/Petitioner

Versus

Director Education FATA Peshawar.

RESPONDENT(S)

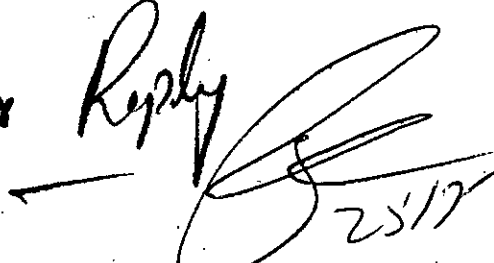
Respondent No. 1


Notice to Appellant/Petitioner

Director Education FATA
Secretariat Warsak Road Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 29/7/22 at 9:00 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

25/7


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No. 482 of 2019.

Noik Dullah Jan

Appellant/Petitioner

Versus

Director Education FATA Peshawar.

RESPONDENT(S)

Respondent No. 2

Notice to Appellant/Petitioner

Additional chief Secretary
FATA Secretariat Wazirak Road
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 29/7/22 at 9: am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
25-7-22

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Restoration Application No. 375/2019

C.Misc.No. _____/2019

In

Service Appeal No 482- of 2019

Neik Dullah Jan

Versus

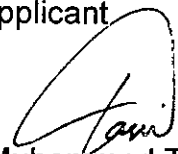
Director Education FATA & other

INDEX

S.No	Description	Annex	Page No
1.	Application for Restoration alongwith affidavit	—	01-02
2.	Copy of Order dated 15/07/2014	"A"	03-04
3.	Application for Condonation of Delay alongwith affidavit	—	05-06

Through

Applicant


(Muhammad Tariq)
Advocate High Court
Peshawar

Office Address: 2nd Floor Al-Mansoor Hotel Opp: Gulbahar Police Station
G.T. Road Peshawar
Cell # 0333 9385283

(1)

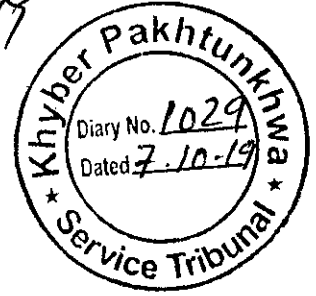
BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

~~File~~ Restoration Appli. no. 375/2019

C.Misc.No. _____/2019

In

Service Appeal No 482- of 2019



Neik Dullah Jan S/O Sher Hassan

R/O Junior Clerk G.H.S Shewa District North Waziristan, Miran Shah

(Applicant)

Versus

1. Director Education FATA, FATA Secretariat, Warsak Road Peshawar
2. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Peshawar
3. District Education Officer District North Waziristan, Miran Shah

(Respondents)

Application for restoration of Service
Appeal No. 482/2019 which was
dismissed for non-prosecution vide
Order dated 28/08/2019.

Respectfully Sheweach:-

1. That Applicant/Appellant has filed Service Appeal which was fixed for 28/08/2019 and dismissed for non-prosecution. (Copy of Order dated 28/08/2019 is attach)
2. That Applicant/Appellant seeks the restoration of captioned Writ Petition on the following

GROUNDS:-

- A. That on 05/07/2019 Applicant due to bad health has contacted his counsel that he is unable to appear before this honorable Tribunal. As such, instructed to appear and argue the same.
- B. That Mr. Hazrat Bilal (Clerk to Muhammad Tariq, Advocate High Court) has attended the Honorable Tribunal but the appeal was


already adjourned and next date of hearing was fixed for 27/09/2019 which was noted in the diary of my counsel. (Copies of advocate diary of 28/08/2019 and 27/09/2019 is attached).

- C. That on 27/09/2019, when Counsel for the Applicant appeared in the Tribunal and the reader of this honorable Tribunal has disclosed that the captioned case was dismissed for non-prosecution on 28/08/2019. As such, absence of Applicant is neither willful nor intentional rather it was due to the above said reason.
- D. That the valuable rights and interest are attached to the instant case and the application in hand is also within time.
- E. That law seeks the adjudication of suits etc on merits and technicalities should be avoided.
- F. That there is no legal bar in restoration of captioned Service Appeal rather it would be in the larger interest of justice.

It is, therefore, respectfully prayed that on acceptance of application in hand , the captioned Service may very graciously be restored and consequently it may be decided on merits OR any other order deemed proper may also be passed in the matter.


Applicant


Through


 (Muhammad Tariq)
 Advocate, High Court
 Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that contents of Application for restoration are true and correct and nothing has been kept from this honorable Court.


 (Deponent)



BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

(K)
3

Service Appeal No. 482 /2019

Amrullah
'A'

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 394

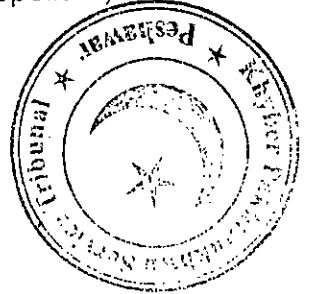
Dated 26/3/2019

Neik Dullah Jan S/O Sher Hassan

R/O Junior Clerk G.H.S. Shewa District North Waziristan, Miran Shah

.....(Appellant)

VERSUS



1. Director Education FATA, FATA Secretariat, Warsak Road Peshawar
2. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Peshawar
3. District Education Officer District North Waziristan, Miran Shah

.....(Respondents)

Filed to-day

Registrar

26/3/19

APPEAL UNDER SECTION 4 OF K.P.K. 7
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
APPOINTMENT ORDER DATED 25/01/2011 VIDE
WHICH APPELLANT WAS APPOINTED AS
JUNIOR CLERK W.E.F TAKING OVER CHARGE
I.E. 25/01/2011 AND APPELLANT HAS FILED
DEPARTMENT APPEAL TO THE RESPONDENT 03
TO GRANT THE APPELLANT BACK BENEFITS
W.E.F FROM 17/08/2009 BUT TILL DATE THE
ORDER HAS NOT COMMUNICATED TO THE
APPELLANT INSPITE OF SEVERAL REQUEST

Re-submitted to -day
and filed.

Registrar

10/4/19

ATTESTED

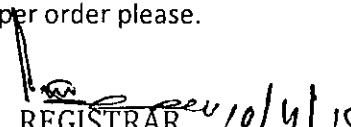



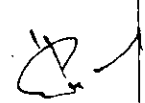
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

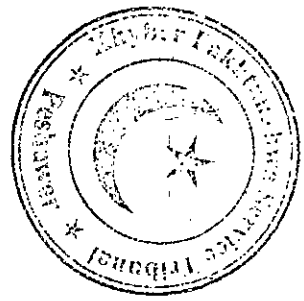
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Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 482/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/04/2019	<p>The appeal of Mr. Neik Dullah Khan resubmitted today by Mr. Muhammad Tariq 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-	11/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/05/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	20.05.2019	<p>Junior to counsel for the appellatant present and seeks adjournment as senior counsel for the appellatant is not in attendance. Adjourn. To come up for preliminary hearing on 05.07.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
	05.07.2019	<p>Appellant absent. Learned counsel for the appellatant absent. Appellant and his counsel be put to notice for 28.08.2019. Adjourn. To come up for preliminary hearing on the date fixed before S.B</p> <p style="text-align: right;"> Member</p>



28.08.2019

Nemo for appellant.

On the last date of hearing due to absence of appellant fresh notice was required to be issued for today. The record shows that the requisite notice was issued, however, despite repeated calls no one is present on behalf of the appellant. It is already past 3.00 P.M.

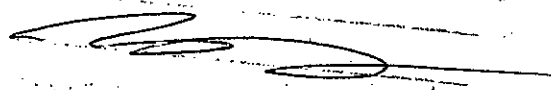
Dismissed for non-prosecution. File be consigned to the record room.


Chairman

Announced:
28.08.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of the Petition 02-10-19
Number of Pages 1200
Copying Fee 16-00
Urgent —
Total 16-00
Name of Copy 
Date of Completion of Copy 03-10-19
Date of Delivery of Copy 03-10-19

(S)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.Misc.No. _____/2019

In

Service Appeal No 482- of 2019

Neik Dullah Jan S/O Sher Hassan

R/O Junior Clerk G.H.S Shewa District North Waziristan, Miran Shah

(Applicant)

Versus

1. Director Education FATA, FATA Secretariat, Warsak Road Peshawar
2. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road
Peshawar
3. District Education Officer District North Waziristan, Miran Shah

(Respondents)

Application for Condonation of
Delay if any caused in filing of the
captioned Restoration Application
in hand

Respectfully Sheweath:

1. That the above Captioned Restoration Application has been filed along with application in hand wherein no date of hearing is fixed so far.
2. That Applicant pray for condonation of delay if any caused in filing of the captioned Restoration Application on the following!

G R O U N D S:

- A. That on 05/07/2019 Applicant due to bad health has contacted his counsel that he is unable to appear before this honorable Tribunal. As such, instructed to appear and argue the same.
- B. That Mr. Hazrat Bilal (Clerk to Muhammad Tariq, Advocate High Court) has attended the Honorable Tribunal but the appeal was already adjourned and next date of hearing was fixed for

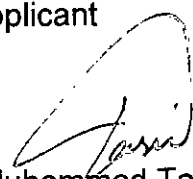
27/09/2019 which was noted in the diary of my counsel. (Copies of advocate diary of 28/08/2019 and 27/09/2016 is attached).

- C. That on 27/09/2016, when Counsel for the Applicant appeared in the Tribunal and the reader of this honorable Tribunal has disclosed that the captioned case was dismissed for non-prosecution on 28/08/2019. As such, absence of Applicant is neither willful nor intentional rather it was due to the above said reason. As such, absence of Applicant is neither willful nor intentional rather it was due to the above said reason. As such, delay if any was accrued in filing of the Restoration Application then in the larger interest of justice, delay may very graciously be condoned.
- D. That there is no legal bar in condoning the bona fide delay occasioned in filing of Application.

It is, therefore, respectfully prayed that on the acceptance of instant application, delay (if any) in filing of captioned Application in hand may very graciously be condoned.

Through


Applicant


 (Muhammad Tariq)
 Advocate High Court
 Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that contents of Application for Condonation of delay are true and correct and nothing has been kept from this honorable Court.




 (Deponent)

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FRIDAY
SEPTEMBER '19

September

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Evening

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No. Restoration Appeal 375 of 20 19

Noik Dullah Jan Appellant/Petitioner

Director Edu FATA Peshawar Respondent

Respondent No. 3

Regd

Notice to: —

Distt: Education Officer Distt:
North Waziristan, Miran Shah.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17/12/2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner, you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Restoration ✓
Copy of ~~appeal~~ is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....14/11

Day of.....Nov 20 19

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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