

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 457/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.08.2022	<p>The application for restoration of execution petition No. 06/2020 submitted today by Mr. Yasir Saleem Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned. Notices to the applicant and his counsel be also issued for the date fixed.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

SCANNED
KPST
Peshawar

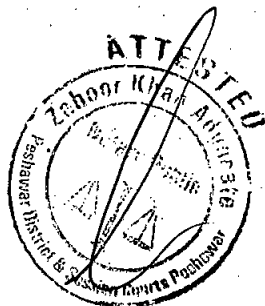
4. *That the absence was neither intentional nor deliberate.*
5. *That there is no legal harm on acceptance of the instant application.*
6. *That the instant application is well within time.*

It is, therefore that this application may please be accepted and the Execution Petition may kindly be restored and decided on merits.

Handwritten signature
Applicant / Appellant
Through:
Handwritten signature
YASIR SALEEM
Advocate,
High Court Peshawar

AFFIDAVIT

I, **Yasir Saleem Advocate**, (as per instructions of my client), do hereby solemnly affirm that the contents of this accompanying **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



Handwritten signature
ADVOCATE

11 AUG 2022

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

In the matter of
Appeal No. 232/2006
Decided on 30.04.2007.

E.P. NO. 6. / 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 33

Dated 7-1-2020

Nimatullah PTC, FCS Gulalae, Shawal, District North Waziristan
..... (Applicant)

VERSUS

1. **The Government of Khyber Pakhtunkhwa** through Chief Secretary
Khyber Pakhtunkhwa Peshawar.
2. **The Secretary Elementary and Secondary Department** Khyber
Pakhtunkhwa Peshawar.
3. **The Director Elementary and Secondary Department** Khyber
Pakhtunkhwa Peshawar.
4. **The District Education Officer**, District North Waziristan.
(Respondents)

*Application for the implementation of the
Judgment and Order dated 30.04.2007 in
captioned connected service appeals of this
Honourable Tribunal.*

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 30.04.2007.
2. That vide judgment and order dated 30.04.2007, this Honorable Tribunal allowed the appeal and reinstated the appellant. The operating Para of the Judgment and order, is reproduced below:

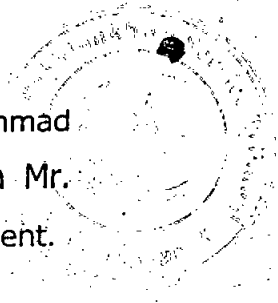
"Accordingly the appeal is accepted the impugned orders are set-aside and the appellant is reinstated into service. However the intervening period be treated as leave of kind due."

*(Copy of the Judgment and order dated
30.04.2007, is attached as Annexure A)*

3. That the judgment and order of this Honourable Tribunal, was duly communicated to the respondent by the applicant vide various applications for implementation.
4. That initially the applicant was told that she would be adjusted as soon the vacancy becomes available and thereby the applicant was kept on waiting and waiting for so many years despite the fact that the

27.10.2021

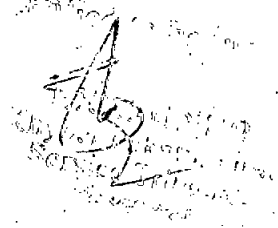
None for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Nisar, Focal Person for respondents present.



The proceedings recorded in the previous order sheets reflect the lack of interest of the petitioner in pursuit of the present execution petition. The point of maintainability of this execution petition is yet to be determined which in view of the absence of the petitioner on various dates is pending. On last date clerk of counsel of the petitioner was present and last chance was given to the petitioner for arguments on point of maintainability. Neither the petitioner nor her counsel have marked their attendance today; therefore, this execution petition is dismissed due to non-prosecution. File be consigned to the record room.

Announced:
27.10.2021

[Signature]
Chairman



3/8/22

857
19/-
6/-
15/-

3/8/22
3/8/22