


Form-A
FORM OF ORDER SHEET

Court of _____

Appeals Restoration Application No. 425/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.07.2022	<p>The application for restoration of execution petition no. 333/2019 in service appeal no. 1303/2015 submitted by Uzma Syed Advocate may be entered in the relevant register and put up to the Court for proper order please. This restoration application is entrusted to S. Bench to be put up there on <u>5-8-22</u>.</p> <p style="text-align: right;"> REGISTRAR</p>

SCANNED
KPST
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

R/A No: 425/2022

Execution Petition No. 333/2019

In Service Appeal No. 1303/2015

Khyber Pakhtunkhwa
Service Tribunal

Stary No. 842

Dated 28/07/2022

Elahi Baksh Daftari Office of the District Education Officer
(Male) Primary Peshawar and Residence of House No. 1
Street No. Quaid Abad Colony Peshawar.

..... Appellant

VERSUS

Director Elementary and Secondary Education Department
Khyber Pakhtunkhwa & others.

..... Respondents

APPLICATION FOR RESTORATION OF THE
ABOVE EXECUTION PETITION WAS
DISMISSED IN DEFAULT BY THIS HON'BLE
SERVICE TRIBUNAL VIDE ORDER DATED
30/05/2022.


Respectfully Sheweth:

- 1) That the above mention Execution Petition was pending before this Hon' able Tribunal in which 30/05/2022 date was fixed for implementation.
- 2) That instant Execution Petition was dismissed in default due to the non-availability of appellant and his counsel.


- 3) That the clerk of the council was appeared before the Hon'ble Tribunal but his attendance was not accepted.
- 4) That due to appearance of the council for the appellant on the date mentioned above the execution of the appellant has been dismissed and default by this Hon' able Tribunal vide order dated 30/05/2022. (Copy of the order sheet is attached).
- 5) That on the same date council for thereafter appellant was not available due to illness while the appellant was unaware about the date of hearing and due to that reason appellant and his council could not appear before this august Service Tribunal on the date fixed.
- 6) That non-appearance of the appellant and council was neither intentionally but due to the above mention reason.

It is, therefore, humbly prayed that on acceptance of this application, the execution petition may be restored and the execution petition of the appellant may be implemented. .

Dated 27/07/2022


Applicant / appellant

Through


Uzma Syed
Advocate High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Execution Petition No. 333/2019

In Service Appeal No. 1303/2015

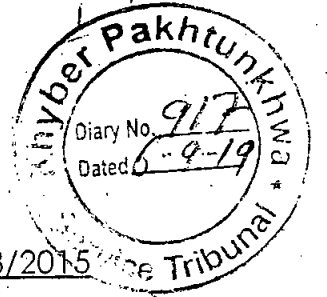
AFFIDAVIT

Elahi Baksh Daftari Office of the District Education Officer
(Male) Primary Peshawar and Residence of House No. 1
Street No. Quaid Abad Colony Peshawar.


DEPONENT



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.



Execution Petition No. 333 /2019 in Service Appeal No: 1303/2015

Elehi Bakhsh Daffari office of the District Education Officer(Male) Primary
Peshawar & Resident of House No.1 Street No.4 Quaid Abad Colony Peshawar

.....Appellant/Petitioner

VERSUS

Director, (E&SE) Department, Khyber Pakhtunkhwa & others.

..... Respondents

**EXECUTION PETITION FOR THE IMPLEMENTATION OF JUDGEMENT DATED
17/12/2018 IN THE TITLED SERVICE APPEAL ON BEHALF OF THE
APPELLANT.**

Respectfully Sheweth :-

The Appellant/Petitioner submits as under:-

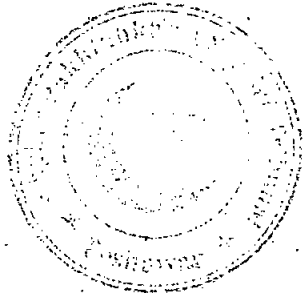
1. That the titled service Appeal was pending for disposal before this Hon'able Tribunal & has been decided in favour of the appellant/Petitioner vide judgment dated 17/12/2018 with the direction to the respondent Department to decide the Departmental Appeal of the Appellant within "90" days from the receipt of this Judgment through a speaking order. (Copy of the judgment is attached).
2. That aggrieved from the judgment dated 17/12/2018, the respondent has approached the Government of Khyber Pakhtunkhwa Law Department for filing of CPLA against the said judgment in the august Supreme court of Pakistan which was made as an un-fit case for CPLA on the ground of being badly time barred, hence the judgment dated 17/12/2018 of this Hon'able Tribunal has got finality & liable to be implemented by the respondent Department.

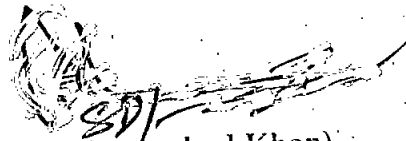
30th May, 2022

1. Nemo for the petitioner. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

2. On the last date notice was directed to be issued to the petitioner and his counsel, which was duly issued through registered post. Today the execution petition was called time and again but neither petitioner nor his counsel put appearance. In view of the above, the execution petition is dismissed in default.

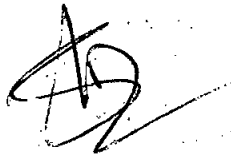
3. Pronounced in open court in Feshawar and given under my hand and seal of the Tribunal this 30th day of May, 2022




(Kalim Arshad Khan)
Chairman

800
10/-
10/-

31-05-22



15-6-22
27-6-22