

05.07.2021

Applicant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Asad ud Din Asif Jehan Superintendent for respondents present.

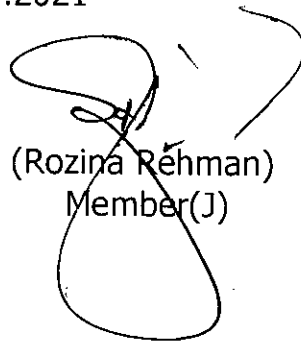
Former submitted an application for restoration as well as withdrawal of main appeal.

Record shows that appeal was dismissed in default for non-prosecution vide order dated 24.01.2019. Application for restoration of appeal was filed on 18.02.2019. Today, a request was made for withdrawal of main appeal, therefore, by acceptance of the petition filed for restoration of main appeal, instant appeal stands restored. It be registered on its old number.

In view of the written request by the learned counsel for applicant, instant appeal stands dismissed as withdrawn. No order as to costs. Files be consigned to the record room.

Announced

05.07.2021



(Rozina Rehman)  
Member(J)



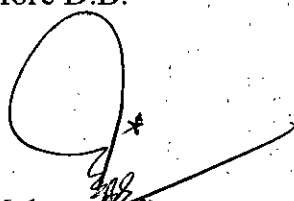
Chairman

14.01.2021

Junior to counsel for the appellant present. Addl: AG  
alongwith Syed Abdul Qadir, Agriculture Officer for  
respondents present.

Arguments could not be heard due to learned  
Member(Judicial) is on leave.

Adjourned to 01.04.2021 for arguments before D.B.



(Mian Muhammad)  
Member(E)

01.04.2021

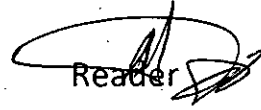
Due to non availability of the concerned D.B, the case is  
adjourned to 05.07.2021 for the same.



Reader

8-4-.2020

Due to COVID19, the case is adjourned to  
6/7/2020 for the same as before.

  
Reader

06.07.2020

Due to COVID19, the case is adjourned to 31.08.2020 for  
the same as before.

  
Reader

31.08.2020

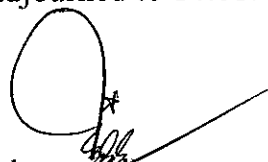
Due to summer vacation, the case is adjourned to  
05.11.2020 for the same as before.

  
Reader

05.11.2020

Junior to counsel for the appellant and Addl: AG  
alongwith Mr. Asad Ud Din Asif Jah, Supdt: for respondents  
present.


The Bar is observing general strike, therefore, the  
matter is adjourned to 14.01.2021 for hearing before the D.B.


  
(Mian Muhammad)  
Member (E)

  
Chairman

08.11.2019


Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Asad ud Din Superintendent present. Representative of the respondent department requested for time to furnish reply. Granted. To come up for reply and arguments on 30.12.2019 before D.B.


  
Member

  
Member

30.12.2019

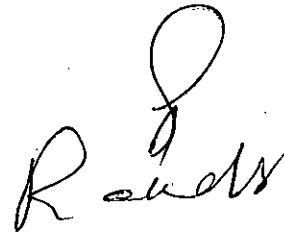
None present on behalf of the appellant. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Asad ud Din Asif Ja Superintendent for the respondents present. Representative of the respondent department requested for time to furnish reply. Notice be issued to the appellant and his counsel for attendance. Adjourned. To come up for reply and arguments on 28.02.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

28-2-2

The learned member's is on tour Therefore case is adjourned to 8-4-2020

  
R. S. Rawat

21.08.2019

Mir Zaman Advocate on behalf of learned counsel for the petitioner present. Mr. Zia Ullah learned Deputy District Attorney present and stated that the respondents be granted opportunity to file reply of the present application. Adjourn. Notices be issued to the respondents for reply. To come up for reply and arguments on 21.08.2019 before D.B.

  
Member

  
Member

21.08.2019

Learned counsel for the applicant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Asad-u-Din, Superintendent for the respondents present. Original record of present restoration application is not available before the Bench, therefore, office is directed to <sup>annex</sup> the original record of present restoration application for 07.10.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

07.10.2019

Petitioner absent. Learned counsel for the petitioner absent. Mr. Zia Ullah learned Deputy District Attorney present. Notice be issued to the respondents for reply for 08.11.2019. Adjourn. To come up for reply and arguments on the date fixed before D.B. Petitioner be also put to notice for the date fixed. Original record be also requisitioned.

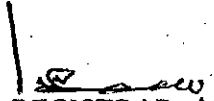



  
Member

  
Member

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal's Restoration Application No. 115/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.02.2019	<p>The application for restoration of appeal No.1019/2013 submitted by Mr. Noor Muhammad Khattak 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 18/2/19</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>30-4-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
30.04.2019		<p>Counsel for the petitioner present and seeks adjournment. Adjourned to 21.06.2019 for arguments on restoration application before D.B.</p> <p style="text-align: center;">               (AHMAD HASSAN)              MEMBER         </p> <p style="text-align: center;">               (M. AMIN KHAN KUNDI)              MEMBER         </p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

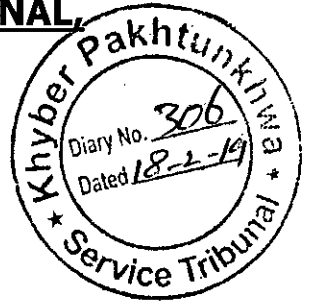
**PESHAWAR**

*Restoration Application no. 115/19*

**C.M NO. \_\_\_\_\_/2019**

**IN**

**APPEAL NO. 1019/2013**



**SHER MOHAMMAD**

**VS**

**AGRICULTURE DEPTT:**

**APPLICATION FOR RETORATION OF THE ABOVE MENTIONED  
APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 24.01.2019 dated was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned Notification dated 30.06.2011.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order dated 24.01.2019. Copy of the order sheet is attached.
- 4- That on the same date Counsel for the appellant was busy before the Honorable Peshawar High Court Peshawar and due to that reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 15.02.2019.

**APPELLANT**

**SHER MOHAMMAD**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

C.M NO. \_\_\_\_\_/2019

IN

APPEAL NO. 1019/2014

**SHER MOHAMMAD**

**VS**

**AGRICULTURE DEPTT:**

**AFFIDAVIT**

I Noor Mohammad Khattak Advocate, on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**NOOR MOHAMMAD KHATTAK**  
ADVOCATE, HIGH COURT,  
PESHAWAR

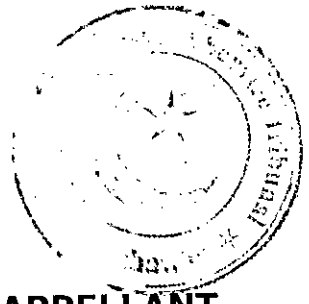


3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Amended Appeal No. \_\_\_\_\_/2014**

**In Appeal No. 1019 /2013.**



Mr. Sher Mohammad, Field Assistant (BPS-09),  
O/O the Agency Agriculture Officer Bajaur at Khar.....**APPELLANT**

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 2- The Director Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 3- The Agency Agriculture Officer, Bajaur at Khar.
- 4- Mr. Mazhar Ali Shah, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 5- Mr. Hidayatullah, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 6- Mr. Sher Afzal, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974**  
**AGAINST THE IMPUGNED NOTIFICATION DATED 30-06-**  
**2011 AND AGAINST NOT TAKING ACTION ON THE**  
**DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN**  
**STATUTORY PERIOD OF NINETY DAYS**

**PRAYERS:**

That on acceptance of this appeal the impugned Notification dated 30-06-2011 may very kindly be set aside to the extant of the appellant and the respondent Department may be directed to treat/proceed the appellant in light of the Notification dated 20-04-2012. Any other remedy which this august tribunal deems fit may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant has joined respondent Department as Field Assistant (BPS-06) vide order dated 08-06-1981. That right from appointment till date appellant performing his duty quite efficiently and up to the entire satisfaction of his superiors.

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

4

12.10.2018

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Junior to counsel for the appellant seeks adjournment on the ground that his senior counsel is not in attendance. Adjourned. To come up for arguments on 27.11.2018 before D.B

  
Member

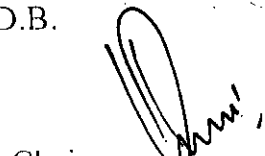
  
Member

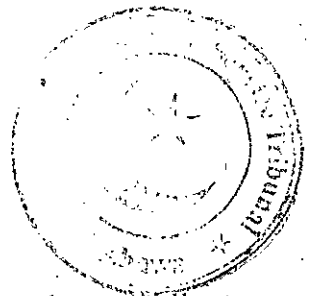
27.11.2018

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned senior counsel for appellant is reported to be busy before the Hon'ble High Court in a number of cases today. A request for adjournment made at the bar. Adjourned to 24.01.2019 for arguments before the D.B.

  
Member

  
Chairman

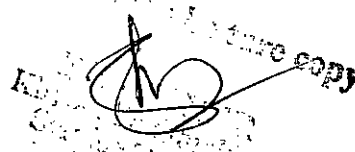


24.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. The present case is lingering on since the year 2013. Case called but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs, file be consigned to the record room.

  
Member

  
Member

Certified true copy  
  
Peshawar

Date of Dismissal or Costs 21/1/19  
Name of Counsel for Appellant 800  
Name of Counsel for Respondent 31/1/19  
Date of Dismissal or Costs 12-2-18

Before the K.P. Service Tribunal, Pakistan

Sirajull Haq Vs A.O.S. FATA.

Application for restoration as well as withdrawal of the title appeal as the grievance of the appellant is redressed.

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Respectfully Sheweth:

- ① That the above titled appeal is filed along with restoration application filed today: 5/7/2021.
- ② That the grievance of appellant is redressed by the respondents but the titled appeal is not restored as it was dismissed for non-prosecution.
- ③ That as the grievance is redressed there fore the appellant seek withdrawal of the marked appeal after restoration.

It is therefore requested that by accepting this application the appeal may be restored and then be withdrawn as not pursued.

Applicant

Through

Noor Muhammad Khan  
Advocate.

Before the K.P. Service Tribunal, Hassan

Sher Muhammad Vs A.C.S. FATA.

Application for restoration as well as  
withdrawal of the title appeal  
as the grievance of the appellant is  
redressed.

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- ③ That as the grievance is redressed there  
fore the appellant seek withdrawal of  
the marked appeal after restoration.

It is therefore requested that by  
accepting this application the appeal may  
be restored and then be withdrawn as  
not pressed.

Applicant

through

for  
Noor Muhammad Khan  
Advocate.