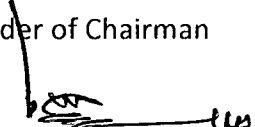


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 582/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.09.2022	<p style="text-align: center;">The application for restoration of appeal no. 7588/2021 submitted today by Mr. Amjad Ali Advocate. It is fixed for hearing before Single Bench at Peshawar on.</p> <p style="text-align: center;">Original file be requisitioned.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

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

Restoration Application No. 582/2022

C.M.No. _____/2022

IN

Service Appeal No.7588/2021

Asad Ullha KhanAppellant

Versus

Govt. of KP through Chief Secretary and others

....Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Application for restoration		1-2
2.	Copy of order		3+4

Dated: 28.09.2022

Appellant
Through

Amjid Ali (Mardan)

Advocate,

Supreme Court of Pakistan

①

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

Restoration Application NO. 582/2022

C.M.No. _____/2022

IN

Service Appeal No.7588/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1455

Dated 28/9/2022

Asad Ullha KhanAppellant

Versus

Govt. of KP through Chief Secretary and others

....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE APPEAL DISMISSED FOR
NON-PROSECUTION ON 08.09.2022**

Respectfully Submitted:

1. That the above appeal was fixed before this Hon'ble tribunal on 08.09.2022 and the same was dismissed for non-prosecution.
2. That now through instant application the appellant request this hon'ble Tribunal for restoration of his appeal, on the following grounds:-
 - a. That on the said very date i.e. 08.09.2022, the counsel appeared before the Court and marked his attendance, and later the case adjourned to be come up for 27.09.2022.
 - b. That when the counsel on 27.09.2022 attended the Court, he was informed that the case has been dismissed for non-prosecution on 08.09.2022.
 - c. That counsel was not aware of the fact that the case has been dismissed in default on 08.09.2022,

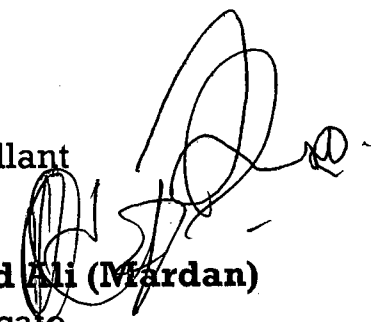
as he was given next date of hearing i.e. 27.09.2022. (2)

3. That valuable rights of the appellant are involved in the case, hence it will be in the interest of justice if the above writ petition is restored and decided on merits.

It is, therefore, prayed that on acceptance of this application the above mentioned case appeal may kindly be restored and decided on merits.

Dated: 28.09.2022

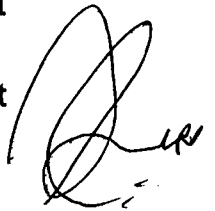
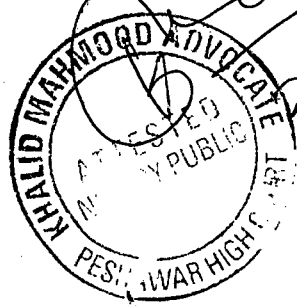
Appellant
Through


Amjid Ali (Mardan)
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble Court.

Deponent



27/9

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7588 /2021



Khyber Pakhtunkhwa Service Tribunal

Diary No. 7706
07/10/2021

Asad Ullah Khan, PMS (BS-18)
Deputy Secretary Agriculture, Department
Civil Secretariat, PeshawarAppellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Department, Civil Secretariat, Peshawar.
2. Secretary Establishment Department, Civil Secretariat, Peshawar.
3. Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Chief Minister Khyber Pakhtunkhwa/ Competent Authority, Chief Minister Secretariat, Peshawar.
(as per Rules)

....Respondents

Registrar
7/10/2021

14/10/21

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE FINAL APPELLATE ORDER DATED 30.09.2021 PASSED BY RESPONDENTS UPON DEPARTMENTAL APPEAL DATED 25.07.2016, BY NOT TREATING APPELLANT LIKE OTHER SIMILARLY PLACED OFFICERS AND JUDGMENT DATED _____.

[Signature]
Khyber Pakhtunkhwa Service Tribunal
Peshawar

(4)

19.07.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 08.09.2022 before S.B.

(Mian Muhammad)
Member (E)

ORDER

08.09.2022

Nemo for appellant.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for non-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced
08.09.2022

(Rozina Rehman)
Member (J)

27/9/22

800
40/-
141/-

27/9/22
27/9/22

بعدالت صاحب سروس ٹریڈنگ کمپنی

28/9/2022ء منجانب اسحاق علی

28/9/2022

مورخہ:

بنام: صومند KP

اسد اللہ خان

مقدمہ:

دعویٰ:

Restoration
Application
باجت نہر بر آندہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لساور کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصول چیک روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں 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

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و 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 سنڈ رہے۔

المرقوم:

28/9/2022ء

28

28

العبد

گواہ

العبد

Attest
Amjad Ali

مقام لساور کے لیے منظور ہے۔

BC 105506

0321-9882434 0321-9870175

CNIC NO 161013470297-3

Email Amjadaliase@.com