


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 597/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.10.2022	<p>The application for restoration of appeal no. 1288/2018 submitted today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for hearing before Single Bench at Peshawar on.</p> <p>Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

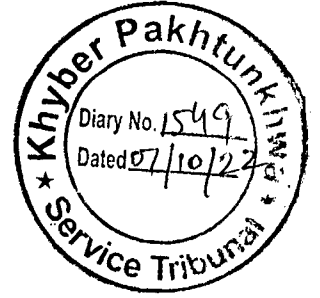
Service Appeal No1288/2018

Restoration Application No. 597/2022

Adil Khan

Versus

Education Deptt.



**APPLICATION FOR RESTORATION OF ABOVE
MENTIONED APPEAL.**

Respectfully Sheweth:

1. That the above mentioned appeal was filed against the impugned order of removal.
2. That the appeal of the appellant was fixed on 04-10-2022 for arguments. The counsel for the appellant busy before High Court and appellant himself proceeded to Peshawar High Court, Mingora Bench. For appearance in Cr.R.No20-M/2020 with Cr.MNO.ISI/2019 & Cr.210-M/2021. Copy of the document is attached as Annex-A.
3. That the appeal of the appellant was dismissed in default vide order dated 04-10-2022. Copy of order is attached as Annex-B.
4. That the appeal of the appellant may be heard on merits rather be dismissed in default.

It is, therefore, most humbly requested that kindly allow this application and the appeal of the appellant may be restored in interest of Justice.

Appellant

Through

M. Asif Yousafzai

Advocate

Supreme Court of Pakistan

date-7-10-22

AFFIDAVIT:

I do, hereby, on oath it is stated that the facts mentioned in above application is true and correct and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

07 OCT 2022

ATTESTED



PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No..... of.....

1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. 3
	04-10-2022	<p><u>Cr. R No. 20-M/2020</u> <u>With Cr. M No. 151/2019</u> <u>& Cr.M No. 210-M/2021.</u></p> <p>Present: M/S Sher Muhammad Khan & Ali Azim Afridi, Advocates for the petitioner.</p> <p>M/S Iftikhar Ahmad, D.A.G & Saeed Ahmad, Asst.A.G for the official respondents.</p> <p>M/S Yousaf Khan and Qazi Zakiuddin, Advocates for respondent No. 1.</p> <p style="text-align: center;">*****</p> <p>This case is lingering on since 2019, as the jurisdiction of this Court has been challenged by the respondent/complainant to the effect that unless and until this Court is not conferred by a law specifically and expressly, it cannot hear an appeal or revision, as the case may be, against an order passed by FCR hierarchy. The order sheet would reveal that case was initially filed as a writ petition which was converted into an appeal, by the order of His Lordship, Hon'ble The Chief Justice, Peshawar High Court, Peshawar, and then by another Bench from appeal to a Criminal Revision. However, the</p>

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learned counsel representing the respondent/complainant is stressing hard that before any decision on merit the question of jurisdiction may be determined.

2. In view of the above scenario, when this case is pending for the last more than three years. Let this case with the consent of both the parties be placed before a Division Bench of this Court, so that the controversy involved in this case especially qua the jurisdiction of this Court against the order of conviction of accused, passed by the APA, Khar, Bajaur. There shall be no further adjournment and the case shall be heard and decided on the available record and in the presence of the counsels who make themselves available on the date of hearing. Adjourned to 12.10.2022.


JUDGE

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4. Cr.M 702-M/2022 (For Bail)
(u/s 324, 337 F(1), 337 F(1)/34 PPC)
Noor Khan (Sardar Zulfiqar)
Vs The State & 01 other (Fahem Nazem & A.A.G)

5. Cr.M 90-M/2022 (Ball Cancellation)
(u/s 324, 337 F(1), F(1)/34-PPC, 15 AA, 19 AA)
(Motion)
Amir Afzal Khan (Saeed Khan & Noman Khan)
Vs Azam Khan & The State
Page 2 of 7

6. Cr.M 715-M/2022 (For Bail)
(u/s 302/324/427/34 PPC 15-AA)
Asad (Sadeet Khan)
Vs The State & 01 other (Fayaz Ahmad & A.A.G)

7. Cr.M 717-M/2022 (For Bail)
(u/s 302 PPC & 15-AA)
Muhammad Nisar Khan (Muhammad Anwar Ali)
Vs The State & 01 other (A.A.G)

8. Cr.M 719-M/2022 (For Bail)
(u/s 324/34 PPC/337-D PPC-512 Cr.P.C)
Zeeshan Ullah alias Bilal (Said Ahmad Khan & Ali Namdar Khan)
Vs The State & 01 other (A.A.G)

9. Cr.M 721-M/2022 (For Bail)
(u/s 302 PPC 15AA)
Shahid Khan (Muqadar Khan)
Vs The State & 01 other (Syed Jehangir Shah & A.A.G)

10. Cr.M 723-M/2022 (For Bail)
(u/s 496-A PPC)
Abbas (Muhammad Anwar & Ajmal Zia Khan)
Vs The State & 01 other (A.A.G)

11. Cr.M 727-M/2022 (For Bail)
(u/s 489 B.C PPC)
Zafar Ali (Habib Ullah Khan Shama Khet)
Vs The State (A.A.G)

12. Cr.R 20-M/2020 With Cr.M 151/2019 & Cr.M 230-M/2021 (Against Conviction)
Adil Khan (Sher Muhammad Khan & Ali Azim Afridi)
Vs Manasab Khan & others (Yousaf Khan, Qazi Zakiruddin, A.A.G & D.A.G)

13. Cr.R 17-M/2022 With Cr.M 84/2022 (others)
Against Interim Order
Naseeb Khan & others (Harret Rehman & Karmal Khan)
Vs The State & 1 other (Syed Abdul Haq & A.A.G)
(Through Video Link)

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PESHAWAR HIGH COURT, MINGORA BENCH, SWAT
S.B CAUSE LIST FOR TUESDAY, THE 4TH OCTOBER, 2022
BEFORE Mr. JUSTICE MUHAMMAD IJAZ KHAN

MOTION CASES

1. **Cr.M 8-M/2021**
(Leave to Appeal)
Shaukat Ali
(Murad Akmal Mirkhail &
Muhammed Iqbal)
Vs The State & 1 other
(Date by Court)
2. **Cr.M 120-M/2021**
(Bail Cancellation)
(u/s 324 PPC)
Sahib Zada
(Khurshid Ali)
Vs The State & 1 other
3. **Cr.M 81-M/2022**
(Bail Cancellation)
(u/s 324/34-PPC, 15-AA)
Sadam
(Rashid Ali Khan & Farman Ali)
Vs Ayub Khan & others
4. **W.P 599-M/2019**
With C.M 834/2019
(General)
Taj Muhammad & others
(Syed Umar Ali Shah)
Vs Gul Shiekh & others
(Muhammad Essa Khan)
5. **C.R 365-M/2020**
(Possession Suit etc)
(Against Interim Order)
Said Ullah & others
(Muhammad Ayub Khan)
Vs Mst. Tajriyan
6. **C.R 6-M/2021**
(Specific Performance etc)
Yaqoob Ali & others
(Barrister Dr. Adnan Khan)
Vs Wajid Ali & 1 other
7. **W.P 454-M/2021**
With C.M 838/2021
(Partition Suit etc)
Gul Naoshad & others
(Said Karim Shalman)
Vs Shams ul Qamar & others
8. **W.P 1063-M/2021**
With Interim Relief
(Family)
M. Asif & 1 other
(Ali Namdar Khan)
Vs Mst. Sanila Akhtar & others
9. **C.R 400-M/2022**
With C.M 1723/2022
(Declaration Suit etc)
(Against Interim Order)
Mst. Rat Pari & 01 other
(Shah Faisal)
Vs Aftab & others
10. **C.R 407-M/2022**
With C.M 1755/2022
(Declaration Suit etc)
Mst. Riyaset Bibi & others
(Malik Muhammad Ajmal Khan)
Vs Mst. Chand Bibi & others
(Through Video Link)

B

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BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.



Service Appeal No. 1288 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1521

Dated 10-10-2018

Mr. Adil Khan (Ex-PST) BPS-12
S/O Sher Bahadar Khan R/O Bajaur Agency.

.....APPELLANT

VERSUS

1. The Secretary (AI&C) FATA Secretariat, Peshawar
2. The Director Education (FATA), FATA Secretariat, Warsak Road, Peshawar
- ✓ 3. The Political Agent Bajaur Agency.
4. The Commissioner FCR, Malakand Agency
5. The Agency Education Officer, Bajaur Agency.
6. The Agency Accounts Officer, Bajaur Agency.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KPK SERVICE
TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED
25.06.2018 RECEIVED BY THE APPELLANT ON 19.09.2018
WHEREBY THE DEPARTMENTAL APPEAL OF
APPELLANT HAS BEEN DISPOSED OF/REJECTED
AGAINST THE ORDER DATED 02.08.2016 WHEREBY THE
APPELLANT DISMISSED FROM SERVICE FOR NO GOOD
GROUNDS.

PRAYER:

10/10/18

THAT ON ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED ORDER DATED 25.06.2018 & 02.08.2016 MAY BE
SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-
INSTATED INTO SERVICE WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE MAY ALSO BE AWARDED IN FAVOUR OF
APPELLANT.

to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1288/2018
Adil Khan vs Govt




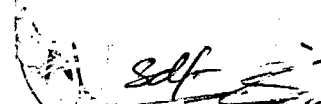
04.10.2022

1. Nobody present on behalf of the appellant. Learned Additional AG for respondents present.

2. On 15.09.2021, that is more than a year ago, learned counsel for the appellant had sought time for correction of nomenclature of the respondents. Since then adjournments are being sought by the learned counsel for the appellant, but neither application was submitted nor the appellant himself put appearance. It seems that the appellant is not interested in this appeal, therefore, the instant service appeal is dismissed in default. Consign.


3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of October, 2022.


(Fareeha Paul)
Member (I)


(Kafim Arshad Khan)
Chairman



Date of Presentation of Application 06-10-2022
Number of Words 800
Copying Fee 1/-
Urgent 4/-
Total 14/-
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Date of Completion of Copy 06-10-22
Date of Delivery of Copy 06-10-22

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

قیمت
50 روپے

43533



ایڈوکیٹ: مصطفیٰ یوسفزی

بار کونسل / ایسوسی ایشن نمبر:

راہنما نمبر: 0302-5548451

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب:

دعویٰ:

علت نمبر:

مورخہ

جرم:

تھانہ



باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام مصطفیٰ یوسفزی کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائرہ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سناختہ پر دستخط منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جگہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

بد الع

بد الع

کے لیے منظور ہے

مقام

نوٹ: اس وکالت نامہ کی کوئی ناقابل قبول ہوگی۔