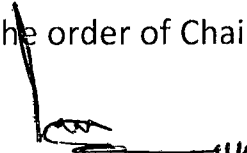


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 604/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.10.2022	<p style="text-align: center;">The application for restoration of appeal no. 1556/2019 submitted today by Mr. Abdur Rehman Qadar Advocate. It is fixed for hearing before Division Bench at A.Abad on _____ .Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

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

Restoration Application No. 604/2022  
C.M.No. \_\_\_\_\_ / 2022  
In  
APPEAL No. 1556 / 2019

Sultan Mehmood S/o Fida Muhammad.

..... Applicant / Appellant

Versus

Secretary Forest (Environment) Department,  
Govt. of KPK, Peshawar and others.

... Respondents

**SERVICE APPEAL**

**APPLICATION FOR RESTORATION OF SERVICE APPEAL**  
**DISMISSED IN DEFAULT BY THIS HONOURABLE TRIBUNAL**  
**ON 23-09-2022.**

**INDEX**

S.NO.	Description of Documents	Annexures	Pages
1.	Application for restoration of service appeal alongwith Affidavit.		1 - 4
2.	Attested copy of the order dated <u>23-09-2022</u> .	A	5-6

Dated: 12-10-2022

  
Applicant / Appellant

Sultan Mehmood

Through:

Abdul Rehman Adar  
Advocate.

rehmanadar007@gmail.com



①

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

*Restoration Appli. No. 604/2022* C.M. No. \_\_\_\_\_ / 2022  
In  
APPEAL No. 1556 / 2019

Sultan Mehmood S/o Fida Muhammad resident of Gulfam Town,  
Mian-de-Seri, Tehsil and District, Abbottabad.

..... Applicant / Appellant

Versus

1. Secretary Forest (Environment) Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Divisional Forest Officer, Agror and Tanawal, Mansehra.
3. Head of Budget and Accounts (Pension) Forestry, Environment and Wildlife Department, Peshawar.
4. Chief Conservator of Forest, Central Southern Region-I, Shami Road, Peshawar.
5. Chief Conservator of Forest Region-II, Abbottabad.
6. Conservator / Project Director Watershed Management Abbottabad.
7. Divisional Forest Officer, Unhar Watershed, Mansehra.

..... Respondents

**SERVICE APPEAL**

**APPLICATION FOR RESTORATION OF SERVICE APPEAL**  
**DISMISSED IN DEFAULT BY THIS HONOURABLE TRIBUNAL**  
**ON 23-09-2022.**

Respectfully Sheweth:

2

1. That the Applicant / Appellant filed the above titled Service Appeal before this Honourable Tribunal being aggrieved from the non-payment of pension / post retirement emoluments, which was pending adjudication before this Honourable Court and had been ripped up for arguments.
2. That the above titled appeal was fixed for hearing on 23-09-2022 however, the date of hearing was mistakenly and inadvertently got noted as 30-09-2022 instead of 23-09-2022.
3. That the Applicant / Appellant on 30-09-2022 came to know that the above titled appeal due to non-appearance of the Appellant has been dismissed by this Honourable Tribunal on 23-09-2022.  
**(Attested copy of the order dated 23-09-2022 is appended herewith.)**
4. That the non-appearance of the Applicant / Appellant on 23-09-2022 was neither deliberate nor willful but the same was the result of mistakenly wrong noting of the date of hearing as 30-09-2022.
5. That the Applicant / Appellant is a retired civil servant, who stood retired on 07-04-2018 but his pension and post retirement emoluments have not been released / paid so far on the basis of illegal and unlawful imposition of a so-called recovery.

3

6. That during the fog end of his life, the Applicant / Appellant is running pillar to post for the release of his pension etc, and now after filling the above titled appeal, is hopeful for the redressal of his grievance, in shape of release of his pensionary benefits, illegally withheld by the Respondent Department.
7. That the valuable pensionary rights of the Applicant / Appellant are involved in the above titled appeal therefore, the Applicant / Appellant instead of being knocked out on account of non-appearance on the date fixed, that too owing to mistakenly wrong noting of the date of hearing, the justice demands that appeal of the Applicant / Appellant may kindly be restored and be decided on merits.


**"Pray accordingly."**

Dated: 12-10-2022



**Applicant / Appellant**

**Sultan Mehmood**

Through:   
Abdul Rehman Qadar  
Advocate Supreme Court of  
Pakistan.

rehmanqadar007@gmail.com

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

C.M.No. \_\_\_\_\_ / 2022

In

APPEAL No. 1556 / 2019

Sultan Mehmood S/o Fida Muhammad.

..... Applicant / Appellant

Versus

Secretary Forest (Environment) Department,  
Govt. of KPK, Peshawar and others.

... Respondents

**SERVICE APPEAL**

**APPLICATION FOR RESTORATION OF SERVICE APPEAL  
DISMISSED IN DEFAULT BY THIS HONOURABLE TRIBUNAL  
ON 23-09-2022.**

**AFFIDAVIT**

I, Sultan Mehmood S/o Fida Muhammad resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of the above titled Application are true and correct to the best of my knowledge and belief.

Dated: 12-10-2022

Deponent





Annex-1

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**BEFORE THE PESHAWAR HIGH COURT  
PESHAWAR.**

Appeal no. 1556/2019

W.P.No. 846 /2019

Sultan Mehmood S/o Fida Mohammad, resident of Gulfam Town, Mian-de-Seri, Tehsil and District, Abbottabad.

...PETITIONER

**V E R S U S**

1. Secretary Forest (Environment) Department, Govt of KPK, Peshawar.
2. Divisional Forest Officer, Agror and Tanawal, Mansehra.
3. Head of Budget and Accounts (Pension) Forestry, Environment and Wildlife Department, Peshawar.
4. Chief Conservator of Forest, Central Southern Region-I, Shami Road, Peshawar.
5. Chief Conservator of Forest Region-II, Abbottabad.
6. Conservator / Project Director Watershed Management Abbottabad.
7. Divisional Forest Officer, Unhar Watershed, Mansehra.

.... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, TO THE EFFECT THAT THE PETITIONER SERVED IN THE FOREST DEPARTMENT OF GOVT OF KPK FOR 40 YEARS AND RETIRED ON 07/04/2018, BUT TILL NOW THE PETITIONER HAS NOT BEEN PAID HIS PENSION / POST RETIREMENT EMOLUMENTS BY THE BUDGET AND ACCOUNTS (PENSION) DEPARTMENT GOVT OF KPK (RESPONDENT NO.3), WHICH IS ILLEGAL, PERVERSE, ARBITRARY, UNILATERAL, AGAINST THE SETTLED LAW, RULE AND POLICY.

**PRAYER:**

ON ACCEPTANCE OF INSTANT WRIT PETITION, RESPONDENTS / FOREST DEPARTMENT GOVT OF KPK, PESHAWAR MAY GRACIOUSLY BE DIRECTED TO

No. 4357  
25/7/19

Certified to be true copy

MINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

A  
025/7

6



Service Appeal No. 1556/2019, *Sultam Mehmood*

- 23<sup>rd</sup> September, 2022 1. None present for the appellant. Mr. Kabirullah Khattak. Addl: AG for respondents present.
- 2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant service appeal is dismissed in default. Consign.
- 3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 23<sup>rd</sup> day of September, 2022.*

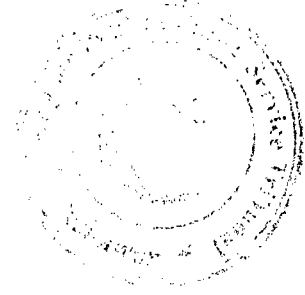
*[Signature]*

(Farzha Paul)  
Member (E)  
Camp Court Abbottabad

*[Signature]*

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

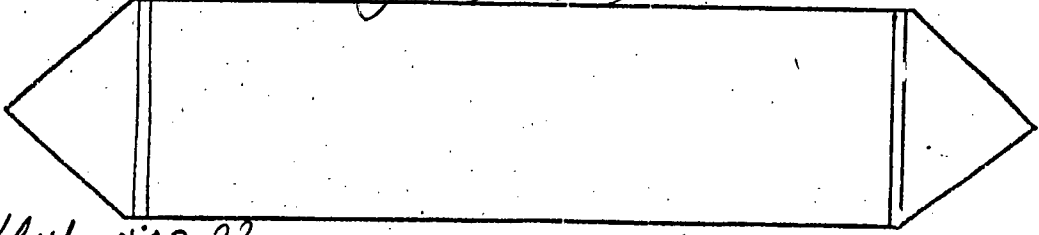
Certified to be true copy  
*[Signature]*  
Khalid  
Service Tribunal  
Peshawar



Date of Pronouncement of Judgment 05-10-2022  
 Number of Copies 800  
 Copy of the 10/-  
 Date of 4/1-  
 Total 14/-  
 Date of Delivery of Copy 05-10-2022  
 Date of Delivery of Copy 05-10-2022



# بعدالت سرورس نرائیونل ۱۶۱۱ استوار



2022ء منجانب ایبیلانٹس

بنام سیکریٹری فورسٹ سلطان محمد

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام ایبیلانٹس کیلئے عبدالرحمن قادر ریس  
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 ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا ایبیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر 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 لکھدیا کہ سدر ہے۔

Accepted

B

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المرقوم

کے لئے منظور ہے۔

ایبیلانٹس

بمقام