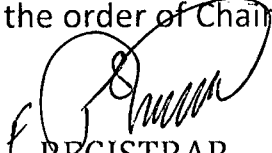


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 612/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.10.2022	<p>The application for restoration of appeal no. 36/2017 submitted today by Sardar Muhammad Irshad Advocate. It is fixed for hearing before touring <del>Division</del> 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  REGISTRAR</p>


The restoration application of appeal of Muhammad Ayaz received today by post on 29.09.2022 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1 ✓ Affidavit may be got attested by the Oath Commissioner.
- 2 ✓ Wakalat nama in favour of applicant may be placed on file
- 3 ✓ Four more copies/sets of the application along with annexures i.e. complete in all respect may also be submitted with the application in file cover.

No. 2709 /S.T,

Dt. 30/9 /2022

Sardar Muhammad Irshad Adv.  
High Court A.Abad

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Re-submitted after doing  
me needful, please,



SARDAR MUHAMMAD IRSHAD  
Advocate High Court  
Abbottabad

Registrar  
KPK ST Peshawar

10/22

**BEFORE KPK SERVICE TRIBUNAL,  
PESHAWAR**

Restoration Appli. No. 612/2022

CM No. \_\_\_\_\_/2022

in

Service Appeal No.36/2017

Muhammad Ayaz

..... Appellant

**V/S**

Govt of kpk and others

..... Respondents

**INDEX**

S.No	Description of Documents	Annexure	Page
1	Restoration application with Affidavit	-	1-3
2	Copy of order dated 10/06/2022	RA/1	4-5

**Appellant**

**Through:-**



**(Sardar Muhammad Irshad)**

**Advocate High Court**

1A Gulistan Colony College

Road Abbottabad

Cell:+92343-3326000

Email: [Sardarmuhamadirshad7@gmail.com](mailto:Sardarmuhamadirshad7@gmail.com)



# BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

CM No. \_\_\_\_\_/2022

in

Service Appeal No.36/2017

Khyber Pakhtunkhwa  
Service Tribunal

Muhammad Ayaz

Diary No. 1469

Dated 29-9-2022  
..... Appellant

**V/S**

Govt of kpk and others

..... Respondents

## APPLICATION FOR RESTORATION OF ABOVE APPEAL DISMISSED IN DEFAULT VIDE ORDER DATED 16/06/2022

Respectfully Sheweth:-

The appellant submits as under:-

1. That above appeal along with connected appeals was pending before this Honorable Tribunal wherein final arguments already addressed at the bar.
2. That due to retirement of Honorable chairman the reserved Judgment could not be announced and the appeal was posted for re-hearing of the arguments when in the meanwhile appellant's counsel proceeded to UK on 27/04/2022 and remained there for almost over three months.
3. That the appellant has been appearing before the Tribunal who mis-understood the matter and took adjournment in connected appeal as adjournment in his appeal too and it came to his knowledge as well in the knowledge of his counsel on 20/09/2022 when connected appeal was adjourned without hearing of arguments for the reason of non-fixation of this appeal and on scrutiny he came to know that the same stood dismissed on 16/06/2022. Copy of said order is annexure- "RA/1".
4. That default was not intentional but the appellant and his counsel were under bonafide belief that the appeal under application is being adjourned with connected appeals. Even otherwise the final arguments were already heard. Respondents' reply and appellant's appeal were on the record before this Honourable Tribunal and in existing circumstances the adjudication on merit was required instead of dismissal in default.

2

5. That the law encourages disposal of cases on merit and discourages knocking out of the parties on technical grounds.
6. That appellant's valuable rights are involved in the instant matter and dictates of Justice demand restoration of appeal and thereafter its disposal on merit.

It is, therefore, prayed that this Honourable Tribunal may graciously be pleased to direct restoration of this appeal by condonation of delay in the interest of Justice.

**Appellant**

**Through:-**



**(Sardar Muhammad Irshad)**

**Advocate High Court**

1A Gulistan Colony College

Road Abbottabad

Cell: +92343-3326000

Email: [Sardarmuhammadirshad7@gmail.com](mailto:Sardarmuhammadirshad7@gmail.com)

3

**BEFORE KPK SERVICE TRIBUNAL,  
PESHAWAR**

CM No. \_\_\_\_\_/2022

in

Service Appeal No.36/2017

Muhammad Ayaz

..... Appellant

**V/S**

Govt of kpk and others

..... Respondents

**AFFIDAVIT**

I, Muhammad Ayaz ~~appellant~~ do hereby solemnly affirm and declare that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

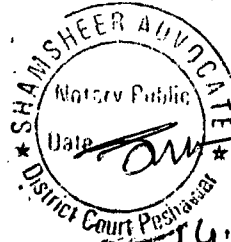
*M. Ayaz*  
Deponent

**VERIFICATION**

Verified on Oath at Abbottabad on 26<sup>th</sup> day of Sep 2022 that the contents of above affidavit are true and correct to the best of my knowledge and belief.

*M. Ayaz*  
Deponent

ATTESTED



14.10.2022

1 (4)

"RAJI"

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR



Service Appeal No. 36 /2013

Ayaz IHC, No.254, District Torghar, presently No. \_\_\_\_\_, Elite Force, KPK.

...APPELLANT

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1304

Dated 19-12-2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, KPK, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. RPO/ DIG, Hazara Region, Abbottabad.
4. District Police Officer, Torghar.
5. HC Abdul Satar No. 4 Torghar.
6. HC Qasam Ali Shah No. 981 Torghar.
7. HC Shahzad Ahmed No. 282 Torghar.
8. HC Muhammad Sohail No. 283 Torghar.
9. HC Sarfraz Ahmed No. 280 Torghar.

*Ex-parte*

*Ex parte order  
Suf. dated vide order  
dt. 25/04/15  
impleaded vide  
order dt. 25/04/15*

*Medhatul  
Sardar  
Registrar  
19/12/16*

10. *Niaz Ahmad PSI, 327/H posted at CTD Hazara Region, District Mardan.* ...RESPONDENTS

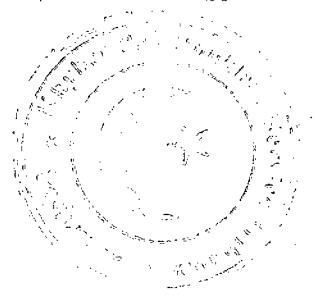
*Not submitted to -day and filed.*

*Registrar  
16/1/17*

SERVICE APPEAL UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT AS  
PER RULE 13(8) OF POLICE RULES, 1934,  
SENIORITY OF D-LIST HEAD CONSTABLE IS  
TO BE MAINTAINED FROM THE DATE OF

*Accepted for file copy*  
*Registrar*  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

5




16.06.2022

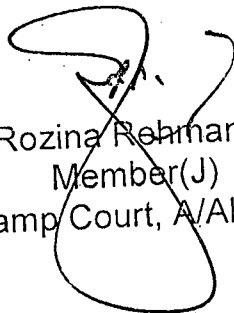
Nemo for appellant.

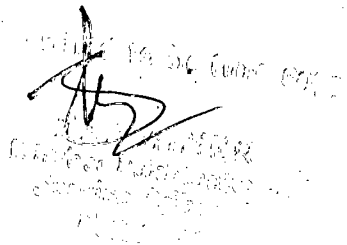
Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Ishfaq S.I. (Legal) for respondents present.

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.  
16.06.2022




  
(Fareeha Paul)  
Member(E)  
Camp Court, A/Abad

  
(Rozina Rehman)  
Member(J)  
Camp Court, A/Abad




22/09/2022  
20/-  
9/-  
15/-  
22/09/2022  
22/09/2022



قیمت 50 روپے	44875			
ایڈوکیٹ: سردار محمد ارشد، سردار عدیل احمد		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر: 0343-3326000		سرورس ٹریڈنگ پشاور		

بعدالت جناب:

مخانب: سائل	دعویٰ: سردار عدیل
	علت نمبر:
	مورخہ: 14/10/2022
	جرم:
	تھانہ:

### باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روائی متعلقہ آن مقام ایسٹ انٹار کٹیلے سردار محمد ارشد، وجاہت زیم منیل، سردار عدیل احمد کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی 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 با اختیارانت حاصل ہوں گے اور اس کا سبب سے پر واضح 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: 14/10/2022  
PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA

الع الع بل بل کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted  
Wajahat Zaim

Accepted

Accepted

Wajahat Zaim