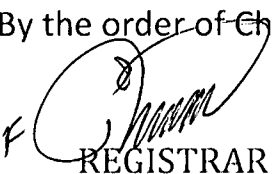


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 615/2022

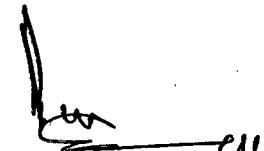
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.10.2022	<p>The application for restoration of appeal no. 37/2017 submitted today by Sardar Muhammad Irshad Advocate. It is fixed for hearing before touring Division Bench at A.Abad on _____ .Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

The restoration application of appeal of Muhammad Naveed 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. 2708 /S.T,

Di. 30/9 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sardar Muhammad Irshad Adv.
High Court A.Abad

Re-submitted after doing
me needful, please.

Amir

Registrar
KPK ST Peshawar

SARDAR MUHAMMAD IRSHAD
Advocate High Court
Abbottabad

12/10/22

**BEFORE KPK SERVICE TRIBUNAL,
PESHAWAR**

Restoration Appli. no. 615/2022

CM No. _____/2022

in

Service Appeal No.37/2017

Muhammad Naveed

..... 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

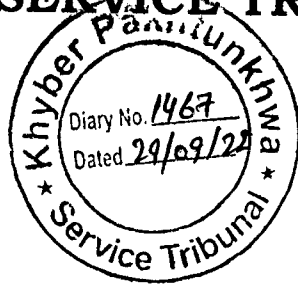
Road Abbottabad

Cell:+92343-3326000

Email: Sardarmuhammadirshad7@gmail.com

1

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR



CM No. _____/2022

in

Service Appeal No.37/2017

Muhammad Naveed

Restoration Appli. no. 615/2022

..... 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.

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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

3

**BEFORE KPK SERVICE TRIBUNAL,
PESHAWAR**

CM No. _____/2022

in

Service Appeal No.37/2017

Muhammad Naveed

..... Appellant

V/S

Govt of kpk and others

..... Respondents

AFFIDAVIT

I, Muhammad Naveed *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.

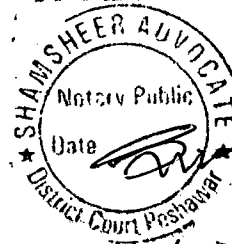
Naveed
Deponent

VERIFICATION

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

Naveed
Deponent

ATTESTED



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"RAJI"

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 37 /2017

Muhammad Naveed HC, No. 159, District Torghar, presently No. _____,
Elite Force, KPK.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1303

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.

En-partie order
not aside vide
order dt: 28/09/17
impounded vide
order dt: 28/09/17

private respondent
no. 5 to 9 placed ex-partie
vide order dt: 20/12/17.

10. Niaz Ahmed ASI 327/H, posted at CTD ...RESPONDENTS
Hazara Region, District Manshera

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

Filed by
Smeheeb
19-12-16
Registrar

Re-submitted to -day
and filed.

Registrar
16/11/2017.

Certified to be true copy

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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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

800
4/10/-
14/-

22/09/2022
22/09/2022

قیمت 50 روپے	44873			
ایڈوکیٹ: سردار ارشد		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر:				
رابطہ نمبر: 0343-3326000				

بعدالت جناب: سروس ٹریبیونل پشاور

مخانب: سائل	دعویٰ: سروس اپیل
محمد نواز	علت نمبر:
	مورخہ: 14/10/2022
لکھنؤ	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام اپیل کیلئے سردار محمد ارشد سے درخواست کی گئی ہے، وجاہت مندرجہ مضمون 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 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 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 با اختیار حاصل ہوں گے اور اس کا سناختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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 بد الع بد
مقام کے لیے منظور ہے

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

Accepted
Accepted