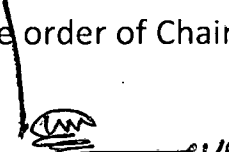


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 627/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.10.2022	<p>The application for restoration of appeal no. 1963/2021 submitted today by Mr. Hasan Zaib Rahim Advocate. It is fixed for hearing before Division Bench at Peshawar 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>

1-

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR.

Restoration Appli. NO. 627/2022

CM (Restoration) No:- _____/2022

In

Service Appeal No:- 1963-P/2021

Khyber Pakhtunkhwa
Services Tribunal

Diary No. 1658

Dated 20/10/2022

Sajjad Ali Khan S/o Rabiaz Khan, Ex-Driver in the Office of Divisional Forest Wildlife Division, Bannu R/o Kotaka, Bahadar Khel, Sokaan Zabta Khan, Tehsil & District Bannu..... Petitioner

Versus

- 1) Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar
- 2) Conservator Wildlife Southern Circle, Peshawar.
- 3) Divisional Accountant Wildlife, Bannu
- 4) Motor Licensing Authority, Bannu
- 5) Niamat Ullah Khan, Divisional Forest Officer, Wildlife Division, Bannu

.....Respondents

**APPLICATION FOR RESTORATION OF THE ABOVE TITLED
SERVICE APPEAL AND DECISION ON MERIT.**

Respectfully Sheweth:-

1. *That the above titled service appeal is pending adjudication before this Honourable Tribunal and was lastly fixed on 13/09/2022.*

2. *That due absence of the counsel for the petitioner, the appeal has been dismissed for non prosecution. (Copy of order dated 13/09/2022 is attached as annexure "A").*
3. *That the petitioner has no other remedy, but to file the instant application for restoration of the main appeal on the following amongst other grounds:-*

Grounds:-

- A. *That the absence of counsel of the petitioner was not willful but unfortunately at the time of calling of instant appeal, the counsel for the petitioner busy in other civil litigation pending before the different forums at Judicial Complex, Peshawar*
- B. *That the very day and date, the counsel send his clerk namely Jehangir Khan for request for adjournment of the above mentioned appeal because the counsel of petitioner is busy and cannot prepare the instant case and the reader of this Honourable Tribunal also given next date i.e. 26/10/2022 to the clerk of the counsel of petitioner. (Copy of Diary is attached).*

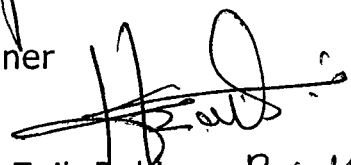
- C. *That important question of law and facts are involved in the matter and the petitioner is sanguine about the success of the case.*
- D. *That the instant application is well within time.*
- E. *That in case the main petition is not restored and dismissed on non persecution, the petitioner will suffer irreparable loss.*
- F. *That law favors decision on merit and avoid technicalities.*

It is, therefore, most humbly prayed that on acceptance of this application the above tilted appeal may kindly be restored for its decision on merit.

Dated:- 18/10/2022

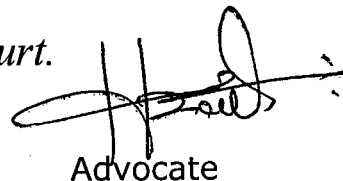

Petitioner

Through:-


Hasan Zaib Rahim B.C-11-1888
Advocate High Court
03349091119 Peshawar

Certificate:-

It is certify that no such like application has earlier been filed by the Petitioner in this Honourable Court.


Advocate

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR.

CM (Restoration) No:- _____/2022

In
Service Appeal No:- 1963-P/2021

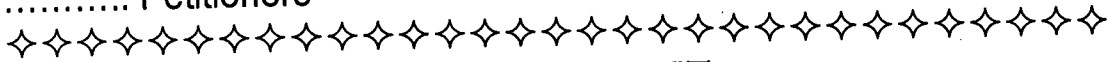
Sajjad Ali

Versus

Wild Life & others

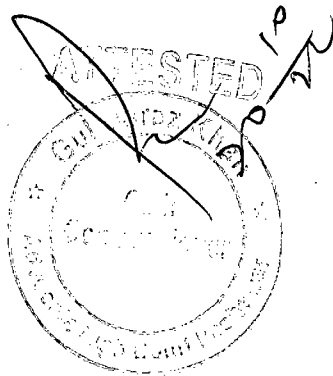
..... Petitioners

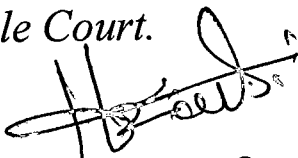
..... Respondents



AFFIDAVIT

I, Hasan Zaib Rahim Advocate High Court, Peshawar (The counsel for petitioner) do hereby solemnly affirm and declare on oath that the contents of this accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.




DEPONENT 17301440224855

-5-

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR.

CM (Restoration) No:- _____/2022

In
Service Appeal No:- 1963-P/2021

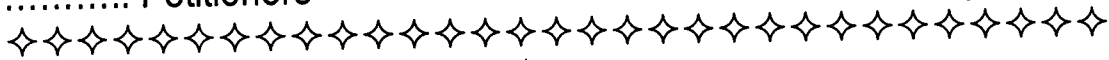
Sajjad Ali

Versus

Wild Life & others

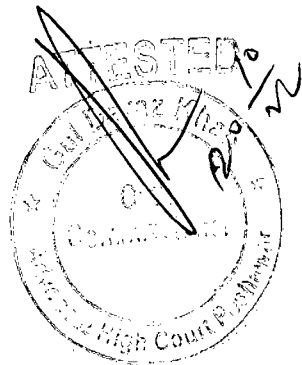
..... Petitioners

..... Respondents



AFFIDAVIT

I, Jehangir Khan clerk of Hasan Zaib Rahim Advocate High Court, Peshawar (The counsel for petitioner) do hereby solemnly affirm and declare on oath on Holly Quran, that the contents of this accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Jehangir Khan
DEPONENT 17301-48841052-3

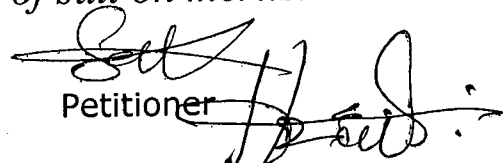
7-

- B. That valuable rights of the petitioner are involved in the instant application for restoration of the titled appeal, because delay is not voluntarily, but due to the above mentioned circumstances, which is liable to be condoned within time.
- C. That the delay in filing of the instant application for restoration of the titled appeal is not intentional nor deliberate, but due to reasons mentioned above.
- D. That for the reasons as stated above, the delay (if any) is condonable for decision of case on merits.

It is, therefore, prayed that on acceptance of this application, the delay (if any) in filing the accompanying application for restoration of the titled appeal may kindly be condoned for hearing and disposal of suit on merits.

Dated:- 18/10/2022

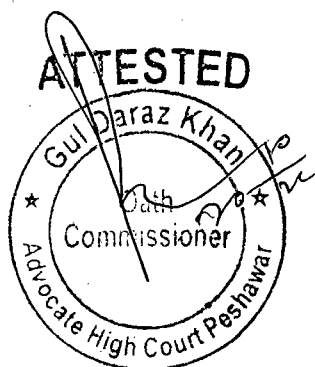
Through:-

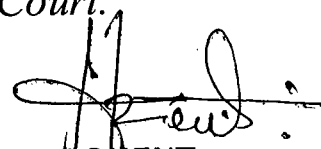

Petitioner
Hasan Zaib Rahim
Advocate High Court
03349091149

B.L-11-1888

AFFIDAVIT

I, Hasan Zaib Rahim Advocate High Court, Peshawar (The counsel for petitioner) do hereby solemnly affirm and declare on oath that the contents of this accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.




DEPONENT

A 8



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No. 1463 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1704

Dated 29/1/2021,

Sajid Ali Khan Son of Rabiya Khan, Ex-Driver in the
Office of Divisional Forest Wildlife Division Bannu R/o
Kotka, Bahader Khel, Sokaan Zabta Khan Tehsil and
District Bannu.


... .. Appellant

VERSUS

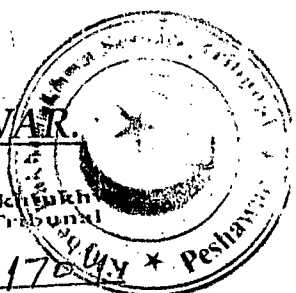
- 1- Chief Conservator Wildlife Khyber
Pakhtunkhwa Peshawar.
- 2- Conservator Wildlife Southern Circle
Peshawar.
- 3- Divisional Accountant Wildlife Bannu.
- 4- Motor Licensing Authority Bannu.
- 5- Niamat Ullah Khan Divisional Forest Officer,
Wildlife Division Bannu.

... .. Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT**


Sajid Ali Khan
Appellant
Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.



Appeal No. 1963 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17044

Dated 29/11/2021

Sajid Ali Khan Son of Rabiaz Khan, Ex-Driver in the Office of Divisional Forest Wildlife Division Bannu R/o Kotka, Bahader Khel, Sokaan Zabta Khan Tehsil and District Bannu.

..... Appellant

VERSUS

- 1- Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar.
- 2- Conservator Wildlife Southern Circle Peshawar.
- 3- Divisional Accountant Wildlife Bannu.
- 4- Motor Licensing Authority Bannu.
- 5- Niamat Ullah Khan Divisional Forest Officer, Wildlife Division Bannu.

..... Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 21/10/2020 WHICH HAS BEEN COMMUNICATED BY RESPONDENT NO.5 VIDE ORDER DATED 29/10/2020 WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE WITH IMMEDIATE EFFECT.

Filed to-day

Registrar
29/11/2021

Prayer

On acceptance of appeal, the impugned order dated 21/10/2020 which has been communicated vide order dated 29/10/2020 may kindly be set aside and the appellant may be reinstated in service with all back benefits.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

12.07.2021


Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

Appellant Deposited Security & Process Fee
12/7/21

Certified to be true copy

PRINCIPAL
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Chairman

Date of Presentation of Application 30/7/21
 Number of 800
 Copying 10
 Security 4
 Total 14
 Name of Sh
 Date of Presentation of Copy 30/7/21
 Date of Delivery of Copy 30/7/21

11

as per...
secret...

12.07.2021


Counsel for the Appellant present. Preliminary arguments heard.

1503

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

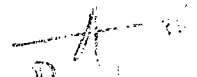
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Appellant Deposited Security Process Fee
27/7


Chairman

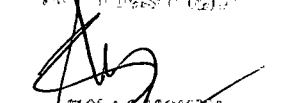
30-11-2021 Due to non-availability of DB, the case is adjourned to 09-03-2022



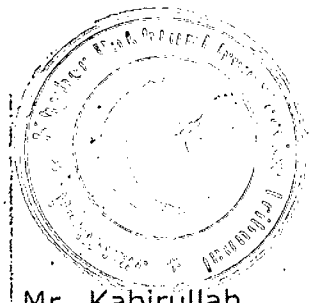

Reader

9-3-2022

ATTESTED


S. S. ARUN
Secretary, Public Hearing
Office, District Court
Pondicherry

- 12 -



Service Appeal No. 1963/2021

27.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 5.

Due to non-availability of postal stamps private respondent was not put on notice for 13/09/2022

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 5 through registered post and to come up for reply as well as arguments on 13.09.2022 before the D.B.

(Rozina Rehman)
Member (J)

(Salah-ud-Din)
Member (J)

ORDER
13.09.2022

Nemo for appellant.

Muhammad Jan, learned District Attorney for the 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.

For record

Date of Presentation of Application 18/10/22
 Number of Witnesses 800
 Copying Fee 10/-
 Transport 10/-
 Name of Applicant
 Date of Presentation of Copy 19/10/22
 Date of Delivery of Copy 19/10/22