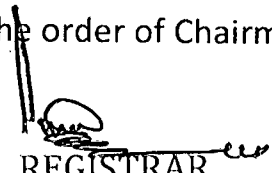


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 628/2022

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. 5730/2021 submitted today by Mr. Muhammad Amjad 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</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Restoration Appli. no. 628/2022

Aqib Khan son of Faridoon Khan resident of Nawan Shehar Tehsil and
District Abbottabad.

... PETITIONER/ APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Interior KPK
Peshawar & Others.

...RESPONDENTS

APPLICATION FOR RESTORATION OF SERVICE APPEAL
INDEX

S#	Description	Page #	Annexures
1	Application alongwith Affidavit.	1 to 2	
2	Application for condonation of delay.	3 to 4	
3	Wakalat Nama <i>& ordersheet dated 19-7-2022</i>	5 to 7	Annexure "A"

DATED: 18/10/2022

PETITIONER
Through *Q*

MUHAMMAD AMJAD
ADVOCATE ABBOTTABAD

Amjad

Contact Num = 03105263880

E Mail Address = Amjad Abbassi 1513@gmail.com

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Restoration Appli. No. 628/2022

Aqib Khan son of Faridoon Khan resident of Nawan Shehar Tehsil and
District Abbottabad.

... PETITIONER/ APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhawa through Secretary Interior Khyber Pakhtunkhawa
Service Tribunal
Peshawar. Diary No. 1656
2. Regional Police Officer Hazara Region Abbottabad. Dated 20/10/22
3. District Police Officer Abbottabad.

...RESPONDENTS

APPLICATION FOR RESTORATION OF SERVICE
APPEAL NO. 5730/2021 TITLED AS "AQIB KHAN
VERSUS GOV'T OF KPK AND OTHERS"
DISMISSED IN DEFAULT ON 19-07-2022.


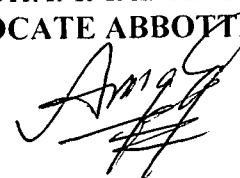
RESPECTFULLY SHEWETH:

1. That the **Service Appeal No. 5730-2021** titled as **Aqib Khna *VERSUS* Gov't of KPK etc.** was pending before this Honourable Tribunal which was dismissed in default on 19-07-2022.
2. That this Honourable Tribunal remained non-functional after the retirement of Honourable Chairman.
3. That the Appellant through his counsel, after the tribunal became functional, many a times inquired about the date of hearing of Appeal mentioned above but the it was informed that Counsel for Appellant will be served with a notice intimating him about the date of hearing.

4. That on 17-10-2022 Counsel for the Appellant called Service Tribunal and inquired about the next date of hearing of Appeal upon which he was informed that Appeal of Petitioner had been dismissed in default on 19-07-2022.
5. That neither the Appellant nor his Counsel had received any notice/ intimation about the date of hearing of the Appeal mentioned above.
6. That the law favors the decision of case on merit.
7. That valuable rights of Petitioner/ Appellant are involved.
8. That after receiving the information of dismissal in default this Appeal is being filed immediately.

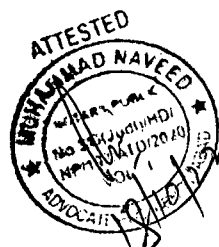
APPLICATION FOR RESTORATION OF SERVICE
 APPEAL NO. 5730/2021 TITLED AS "AQIB KHAN
 VERSUS GOV'T OF KPK AND OTHERS"
 DISMISSED IN DEFAULT ON 19-07-2022.

DATED: 18/10/2022

PETITIONER
 Through 
 MUHAMMAD AMJAD
 ADVOCATE ABBOTTABAD


AFFIDAVIT:

I, Aqib Khan son of Faridoon Khan resident of Nawan Shehar Tehsil and District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Tribunal.

ATTESTED


...DEPONENT



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Aqib Khan son of Faridoon Khan resident of Nawan Shehar Tehsil and
District Abbottabad.

... PETITIONER/ APPELLANT

VERSUS

Government of Khyber PakhtunKhawa through Secretary Interior KPK
Peshawar & Others.

...RESPONDENTS

APPLICATION FOR RESTORATION OF SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY

RESPECTFULLY SHEWETH:

1. That the titled Application for Restoration of Service Appeal is being filed before this Honourable Tribunal.
2. That the Service Appeal of Petitioner was dismissed in default on 19-07-2022.
3. That the Petitioner/ Appellant came to know about the dismissal in default of his Service Appeal on 17-10-2022 after which titled Application for restoration of Service Appeal of Petitioner is being filed immediately.
4. That Appellant had no notice/ intimation about the date of hearing on 19-07-2022.

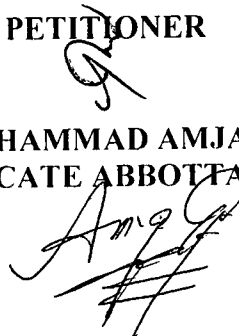
5. That the Service Tribunal remained non-functional after the retirement of Honourable Chairman and Appellant through his Counsel many a times inquired about the date of hearing of his Appeal but it was informed that Counsel for Appellant will be intimated about the date of hearing but neither the Appellant nor his Counsel had received any notice/intimation about the date of hearing.

IT IS THEREFORE HUMBL Y PRAYED THAT THE DELAY IN FILING TITLED APPLICATION MAY KINDLY BE CONDONED IF QUESTION OF LIMITATION ARISES.

DATED: 18/10/2022

PETITIONER
Through

MUHAMMAD AMJAD
ADVOCATE ABBOTTABAD



AFFIDAVIT:

I, Aqib Khan son of Faridoon Khan resident of Nawan Shehar Tehsil and District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Tribunal.

ATTESTED
M U H A M M A D N A V E D
S T A R Y P U B L I C
N O 501/JD/11-HD
NP/183/AT/D/2022
ADVOCATE ABBOTTABAD
18/10/22

 .DEPONENT

5



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 5730 of 2021

Aqib Khan S/o Faridoon Khan R/o Nawansher Tehsil and District
Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5239

...APPELLANT

V E R S U S

Dated 07/05/2021

- 1) Government of KPK through Secretary Interior Khyber Pakhtunkhwa,
Peshawar.
- 2) Regional Police Officer Hazara Region Abbottabad.
- 3) District Police Officer Abbottabad.

...RESPONDENTS

Attested
[Signature]

SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
ORDER NO.6071 / PA DATED 26.03.2021

WHEREAS THE APPELLANT HAS FILED
THE DEPARTMENTAL APPEAL FILE NO.

APPELLANT FILE NO. ORDER NO. DATED
DATED 26.03.2021 IN RESPONSE TO

NO. OF THE DEPARTMENTAL APPEAL FILE NO.

Filed to-day
in
Registrar
07/05/2021

Re-submitted to-day
and Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(6)

Annexure "A"

Appeal No. 5730/2021
Agrib Khan vs Govt



19th July 2022

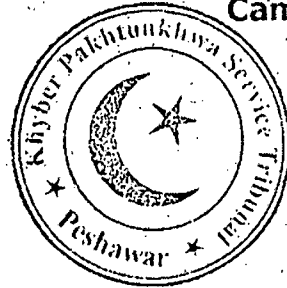
1. None present for the appellant. Syed Naseer Ud Din Shah, Addl: AG for respondents present.

2. The instant appeal was called time and again but none present 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 19th day of July, 2022.

(Salah Ud Din)
Member(Judicial)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 20/10/2022
Number of Words 800
Copying Fee 10/-
Urgent 4/-
Total 14/-
Name of Copyist _____
Date of Completion of Copy 20/10/2022
Date of Delivery of Copy 20/10/2022

S.No. 179583

Name of Advocate

محمد اسحاق عباسی



وکالت نامہ
BIBI SALMA
Finance Secretary
District Bar Association
Abbottabad

DBA NO.

851

TBA NO.

BC No.

18-1513

R.s.200/=

بعدالت خطاب سروس ٹریڈ یونٹ کے صدر جناب خواجہ بشاد
عنوان: عاقب خان بنام گورنمنٹ
منجانب: ایڈووکیٹ اسٹیٹس ٹریڈ یونٹ کے صدر جناب اسحاق عباسی
باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات کے لئے پیشی یا تصفیہ مقدمہ بمقام ایڈووکیٹ اسٹیٹس ٹریڈ یونٹ کے لئے

محمد اسحاق عباسی

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ سمیری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی اور وکیل کو ڈیڈ وائٹ ہونے کے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھلے یا بروقت تظیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروقت تظیل یا پکھری کے اوقات سے پہلے یا پچھلے یا بروقت تظیل بیرونی کرنے کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار کے واپس کرانے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل سناختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے کارگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرانے اور سید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثانی اور کسی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا عطف در درخواست حکم امتناعی یا قرنی یا قرنی بل از گرفتاری و اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختار بیرونی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو بروقت تظیل یا پکھری کے مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کی دوسرے کے لئے یا پچھلے یا بروقت تظیل یا پکھری کے مقدمہ مذکور یا اس کے برویے اختیار حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دو بیان مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2022/10/18

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Accepted
[Signature]

عاقب خان