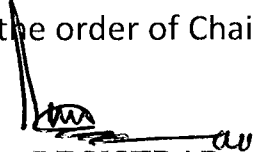


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 670/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.11.2022	<p>The application for restoration of Appeal No. 428/2019 submitted today by Syed Noman Ali Bukhari 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: center;"> REGISTRAR</p>

The joint application for restoration of appeal no. 428 & 429/2019 received to-day i.e. on 02.11.2022 is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Copies of title page of service appeals are not attached with order sheet.
- ② Service appeal was filed separately therefore restoration application be filed separately.
- 3- Spare copies/sets of memo of application along with order sheet dated 18.01.2022 for all respondents may also be submitted with the application.

No. 3132 /S.T,

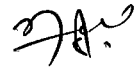
Dt. 03/11 /2022.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.

- ① Objectu Remand, file
- ② Separated, Objectu Remand

Resubmitted.



21/11/22.

BEFORE THE KP, SERVICE TRIBUNAL, PESHAWAR.

Restoration Appli. No. 670/22

Service Appeal No. 428/2019

Khyber Pakhtunkhwa
Service Tribunal

Pinny No. 1841

Dated 02/11/2022

Mutahir Khan *وکیل*

V/S

Govt: of KP & Others.

**APPLICATION FOR RESTORATION IN ABOVE
MENTIONED SERVICE APPEALS WHICH WAS
DISMISSED ON DEFAULT VIDE ORDER DATED
18.10.2022.**

RESPECTFULLY SHEWETH:

4. That the instant appeal was pending before this august Tribunal which was fixed for arguments on 18.10.2022.
5. That on 18.10.2022, the senior counsel for the appellant was engaged in the Honorable Peshawar High Court Peshawar, while junior counsel was ill due to dengue virus and could not attend the case, due to which the appeal was dismissed in default due to non prosecution.
6. That the appellant has good prime facie case, if decide on merit.

It is therefore, most humbly prayed that on acceptance of this application, the appeal may kindly be restored which was dismissed in default due to non prosecution and decides the same on merit. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

APPELLANT

Mutahir Khan *وکیل*

THROUGH:-

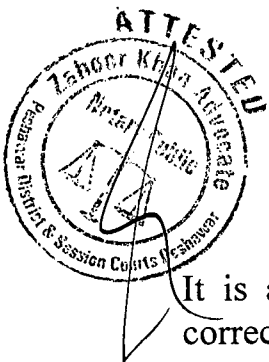
M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

S. Noman Ali Bukhari
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,
OF PESHAWAR.

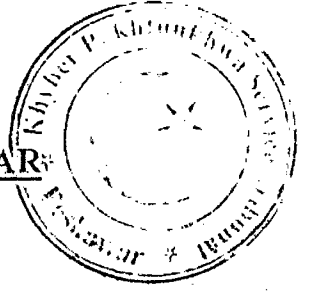
AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR



APPEAL NO. 428 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1330

Dated 24-8-2018

Mutahir Khan, Junior Clerk,
District Police Office Swabi.

(Appellant)

VERSUS

1. The Provincial Police Officer, KPK Peshawar.
2. The Regional Police Officer Mardan Region Mardan.
3. The District Police Officer Dir Lower.
4. Faisal Khan, Junior Clerk, Office of DPO, Mardan.
5. Mian Muhammad Umar, Junior Clerk, Office of DPO, Mardan.
6. Haroon, Junior Clerk, Office of DPO, Mardan.
7. Muhammad Jamal, Junior Clerk, Office of DPO, Mardan.
8. Muhammad Noman Khan, Junior Clerk, Office of DPO, Mardan.
9. Hilal, Senior Clerk/Pay Officer, AIG Traffic Gulbahar Peshawar.

(Respondents)

Filed to-day

Registrar

24/8/18

Re-submitted to-day
and filed.

Registrar

24/8/18

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 31.12.2017 ISSUED ON 30.03.2018, WHEREBY, THE APPELLANT HAS NOT BEEN ASSIGNED HIS PROPER POSITION IN THE IMPUGNED SENIORITY LIST ALONG WITH HIS BATCH MATES SELECTEE OF ADVERTISEMENT DATED 16.08.2008 AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

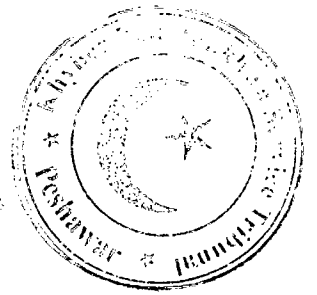
PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENT MAY BE DIRECTED TO MODIFY THE IMPUGNED SENIORITY LIST BY PLACING THE

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 428/2019

Mutahis vs Govt



18.10.2022

Nemo for the appellant. Mr. Muhammad Wisal, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

18.10.2022

(Mian Muhammad)
Member (Executive)

(Salah-Ud-Din)
Member (Judicial)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of application 01-11-2022
Number of Words 800
Copying Fee 10/-
Urgent 4/-
Total 14/-
Name of _____
Date of Submission of Copy 01-11-2022
Date of Delivery of Copy 01-11-2022