26th Oct 2022

Appellant in person present.

Lawyers are on strike today. To come up for Preliminary hearing on 22.11.2022 before S.B at camp court D.I.Khan. P.P given to the parties.

(Kalim Arshad Khan) Chairman Camp Court D.I.Khan

- 1. Learned counsel for the appellant present and heard.
- 2. This application is for restoration of appeal dismissed in default vide order dated 16.12.2021. It appears that on 25.10.2021, the matter was fixed before the Tribunal at camp court D.I.Khan and was adjourned to 16.12.2021 on the request of appellant. On 16.12.2021, neither the appellant nor his counsel put appearance before the Tribunal and the appeal was dismissed in default due to non-appearance of the appellant and his counsel. It is contended by the petitioner that he was seriously sick and unable to appear before this Tribunal while counsel for the petitioner also remained busy in the Hon'ble Peshawar High Court Bench D.I.Khan. Even then the petitioner cannot be absolved as he too was bound to pursue his cause and for the purpose he ought to have inquired about the status of his appeal or the dates to be fixed but he did not, therefore, to secure the ends of justice, this application is allowed but on payment of Rs.10000/- as cost to be paid to the other side. The appeal stands restored to its original number. The appellant is given last chance to argue this appeal failing which the appeal will be decided on the available record without the arguments. To come up for preliminary hearing on 26.10.2022 before S.B. at camp court D.I.Khan.
- 3. Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 30th day of Sept, 2022.

(Kalim Arshad Khan)

Chairman

Camp Court D.I.Khan

Form-A

FORM OF ORDER SHEET

•	•	Restoration Application No. 460 /2022
5.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	. 2	3
1	14.07.2022	The application for restoration of appeal No. 3246/2021
		received today by registered post may be entered in the
		relevant register and put up to the Court for proper order
		please.
		REGISTRAR_
2	15-7-22	This restoration application is entrusted to touring Single
		Bench at D.I.Khan to be put up there on 29.7.22. Original
		file be requisitioned. Notices to the applicant and his counsel be
		also issued for the date fixed.
		CHAIRMAN
	29-9-22	Due to Sumer rocation
		to come up for the same on
		30-9-2022
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13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Restoration Application NO 400/2022 In Service Appeal No. 3246/2021

Khyber Palabtukhwa Service Tribunal

Diary No. 707

Dated 14-7-2022

Azmatuliah Khan son of Saad Ullah Khan r/o Mohallah Khidmatgaranwala, Dera Ismail Khan.

(Petitioner/Appellant)

VERSUS

- Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation Department, KPK, Peshawar.
- 2. Superintending Engineer, Headquarter Chief Engineer Office, South Irrigation Department, Peshawar.
- 3. Superintending Engineer, Sawabi Irrigation Division, Sawabi.
- 4. Executive Engineer, Sawabi Irrigation Division Sawabi.
- 5. SDO Gohati Irrigation Sub Division Gohati, District Sawabi.

.....(RESPONDENTS)

SERVICE APPEAL

APPLICATION FOR THE RESTORATION OF THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth,

- 1. That the above titled service appeal remained pending adjudication before this learned Tribunal. Copy annexed.
- 2. That on 16/12/2021, the petitioner got seriously sick and unable to appear before this learned Tribunal while counsel for the petitioner also remained busy in Peshawar High Court Bench Dera Ismail Khan, resultantly this honourable

tribunal dismissed the above titled service appeal due to non-prosecution vide order dated 16/12/2021. Copy of order dated 16/12/2021 is enclosed herewith.

- That the presumed absence of petitioner as well as his 3. counsel was not willful but due to above mentioned reasons.
- That the petitioner after getting knowledge of order dated 4. 16/12/2022, immediately applied for the attested copies of the case and now instant application is being submitted before this Honourable Tribunal for the restoration of case.
- That valuable rights of the petitioner are very much involved in the instant case.
- That this honourable Tribunal has got vast and ample 6. powers to entertain the application in hand.

It is therefore, humbly prayed that the above titled service appeal may please be restored to meet with the ends of justice.

July 07, 2022

Your Humble Petitioner

Azmat Ullah Khan Aullali

AFFIDAVIT:

I, Azmat Ullah Khan, the petitioner, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct and nothing has been deliberately concealed from this Hon'ble Court.

Date:- 07/07/2022

12101-9759238-9 Az etulloh

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHANKIN

In service Appeal No

Azmatullah Khan son of Saadullah Khan r/o Mohallah Khidmatgaran

Wala, District Dera Ismail Khan.

(Appellant)

VERSUS

- Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation 1. Department, KPK, Peshawar.
- Superintending Engineer, Headquarter Chief Engineer Office, 2. South Irrigation Department, Peshawar.
- Superintending Engineer, Swabi Irrigation Division, Swabi. 3.
- Executive Engineer, Swabi Irrigation Division, Swabi. 4.
- S.D.O Gohati Irrigation Sub Division Gohati. District Sawaki 5.

.. (<u>RESPONDENTS</u>)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974.

On acceptance of the instant Service Appeal, the respondents may kindly be directed to act accordance with law and assign the duties to appellant and also release the salaries of appellant which are illegally stopped by the respondents.

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3246/2021, Azmafullah Khan vi Giort



25.10.2021

Appellant present in person and requests for transfer of the appeal to Camp Court, D.I.Khan.

Keep the observations in order dated 28.07.2021 intact, let this appeal come up for preliminary hearing at Camp Court D.I.Khan on 16.12.2021 before the S.B.

Chairman

16.12.2021

Nemo for appellant.

Case was called time and again but none appeared before this Bench till its rising. As such the instant service appeal stand dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced 16.12.2021

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Carvice Tribunal

(Rozina Rehman) Member (J) Camp Court, D.I.Khan

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL CAMP COURT DERA ISMAIL KHAN

In Service Appeal No. 3246/2021

Azmatullah Khan son of Saad Ullah Khan r/o Mohallah Khidmatgaranwala, Dera Ismail Khan.

(Petitioner/Appellant)

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation Department, KPK, Peshawar.
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- 4. Executive Engineer, Sawabi Irrigation Division Sawabi.
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July 07, 2022

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Azmat Ullah Khan Aullala

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Date:- 07/07/2022

12101-9759238-9 Az etullal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHANKIN

In service Appeal No

Diary No. 2216

Azmatullah Khan son of Saadullah Khan r/o Mohallah Khidmatgaran Pakhtunia, (Appellan

Wala, District Dera Ismail Khan.

VERSUS

- Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation ·1. Department, KPK, Peshawar.
- Superintending Engineer, Headquarter Chief Engineer Office, 2. South Irrigation Department, Peshawar.
- Superintending Engineer, Swabi Irrigation Division, Swabi. 3.
- Executive Engineer, Swabi Irrigation Division, Swabi. 4.
- S.D.O Gohati Irrigation Sub Division Gohati. District Sawabi 5.

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ilecto-day 2021 Prayer: APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974.

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Chyher Fukhbunkhwa Service Tribunal. Pashawas



3246/2021, Azmafullah Khan vs Giort



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Chairman

16.12.2021

Nemo for appellant.

Case was called time and again but none appeared before this Bench till its rising. As such the instant service appeal stand dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced 16.12.2021

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Khyber Antunkings Service Tribugal Peshawar (Rozina Rehman) Member (J) Camp Court, D.I.Khan

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Restoration Applicat No. 400/2022 In Service Appeal No. 3246/2021

Azmatullah Khan son of Saad Ullah Khan r/o Mohallah Khidmatgaranwala, Dera Ismail Khan.

(<u>Petitioner/Appellant)</u>

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation Department, KPK, Peshawar.
- 2. Superintending Engineer, Headquarter Chief Engineer Office, South Irrigation Department, Peshawar.
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July 07, 2022

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Date:- 07/07/2022

1-9759238-9 2-etullal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHANKASAN TERMINAL

In service Appeal No. 246 /2021

Diary No. 2216

(Appellant)

Azmatullah Khan son of Saadullah Khan r/o Mohallah Khidmatgaran

Wala, District Dera Ismail Khan.



- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation Department, KPK, Peshawar.
- 2. Superintending Engineer, Headquarter Chief Engineer Office, South Irrigation Department, Peshawar.
- 3. Superintending Engineer, Swabi Irrigation Division, Swabi.
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Registrar Of Or Prayer: APPEAL UNDER SECTION 4 OF THE KPK
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On acceptance of the instant Service Appeal, the respondents may kindly be directed to act in accordance with law and assign the duties to appellant and also release the salaries of appellant which are illegally stopped by the respondents.

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3246/2021, Azmafullah Khan vi Giort



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Chairman

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Announced: 16.12.2021

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Restorcition Appli No. 400/2022 In Service Appeal No. 3246/2021

Azmatullah Khan son of Saad Ullah Khan r/o Mohallah Khidmatgaranwala, Dera Ismail Khan.

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VERSUS

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July 07, 2022

Your Humble Petitioner

Azmat Ullah Khan

<u> AFFIDAVIT:</u>

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Date: - 07/07/2022

DEPONENT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR, CAMP COURT D.I.KHANKING PRICE PRICE OF THE BUNAL

In service Appeal No. 2021

Diary No. 2216

Dates 0/12/101

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Azmatullah Khan son of Saadullah Khan r/o Mohallah Khidmatgaran

Wala, District Dera Ismail Khan.

(Appellañ

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Irrigation Department, KPK, Peshawar.
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	 				(RESPONDENTS))
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Chyber Pakhrunkhwa Service Tubunal Peshawar

3246/2021, Azmafullah Khan vs Gort



25.10.2021

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Chairman

16.12.2021

Nemo for appellant.

Case was called time and again but none appeared before this Bench till its rising. As such the instant service appeal stand dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced 16.12.2021

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Shyber Abtunkhwa Service Tribunal Peshawar (Rozina Rehman) Member (J) Camp Court, D.I.Khan

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

Restoration Appli: NO. 400/2022 In Service Appeal No. 3246/2021

Azmatullah Khan son of Saad Ullah Khan r/o Mohallah/ Khidmatgaranwala, Dera Ismail Khan.

(Petitioner/Appellant)

VERSUS

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-1/2021In service Appeal No.

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Azmatullah Khan son of Saadullah Khan r/o Mohallah Khidmatgara Pakhtuning

Wala, District Dera Ismail Khan.

(Aprellant)

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3246/2021, Azmafullah Khan vs Gort



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Chyber Antunkhwa Service Tribunal Peshawar (Rozina Rehman) Member (J) Camp Court, D.I.Khan

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