

02.08.2022

Due to summer vacations, the case is adjourned to 04.10.2022 for the same as before.

Reader

04.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 07.11.2022 before the D.B at Camp Court Swat.

Appellant is directed to provide ~~second~~ member copy of the instant appeal on or before the date fixed.



(Rozina Rehman)
Member (J)
Camp Court Swat




(Salah-Ud-Din)
Member (J)
Camp Court Swat

07.06.2022

Clerk of learned counsel for the petitioner present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 04.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.07.2021

Petitioner present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

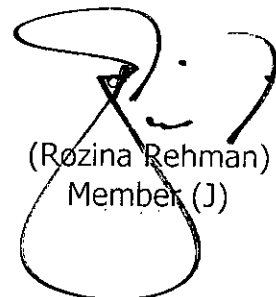
Arguments heard. Record perused.

Application in hand was submitted seeking restoration of main service appeal which was dismissed in default vide order dated 04.11.2021.

Record shows that the case was dismissed for non-prosecution on 04.11.2021 and the application seeking restoration of appeal was filed on 07.12.2021. Law favors adjudication on merits and procedural technicalities should not be allowed to stand in the way of administration of justice. As such, application is accepted and the main service appeal stands restored. It be registered, copy whereof be placed on original file. Case be put up for arguments before D.B on 02.08.2022.



(Fareeha Paul)
Member (E)

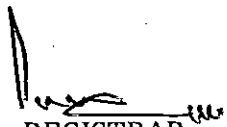
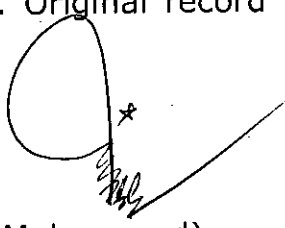
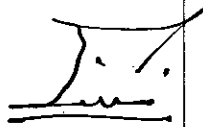


(Rozina Rehman)
Member (J)

Form-A
FORM OF ORDER SHEET

Court of _____

Appeals Restoration Application No. 374/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.12.2021	<p>The application for restoration of appeal no. 11/2021 submitted by Mr. Muhammad Nabi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to touring DB at Swat to be put up there on <u>10.5.22</u></p> <p style="text-align: right;">CHAIRMAN</p>
10.05.2022		<p>Counsel for the petitioner present. Notices be issued to the respondents for 07.06.2022 before the S.B at Camp Court Swat. Original record be requisitioned for the date fixed.</p> <p style="text-align: center;"> (Mian Muhammad) Member (E) Camp Court Swat</p> <p style="text-align: right;"> (Salah-ud-Din) Member (J) Camp Court Swat</p>

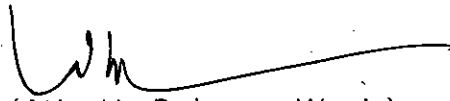
Service Appeal No. 10/2021

O R D E R
04.11.2021

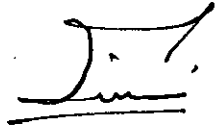
Nemo for the appellant.

The appeal in hand was called on for hearing after various intervals, however neither the appellant nor anyone else appeared on his behalf till the closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room.

ANNOUNCED
04.11.2021



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

26.08.2021

Counsel for the appellant present. Preliminary arguments heard.

The copy of order bearing endorsement No. 1715-18/E-IV, dated 11.02.2015 of the office of IGP Khyber Pakhtunkhwa Peshawar as annexed with the appeal has been perused. Accordingly request of an appellant ex-Head Constable Umara Khan No. 13 of District Police, Dir Upper for pay i.e. the period he remained out of service on account of dismissal from service is treated as kind leave (leave of the kind due). Let the respondents be heard whether similar treatment has been meted out to the appellant in present appeal or not when his service appeal was although decided by the common judgment dated 11.06.2010 alongwith the appeal of afore-named Umara Khan. Subject to all just and legal objections, including that of limitation to be determined during the course of full hearing, this appeal is admitted. 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 at Peshawar 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 04.11.2021 before the D.B at camp court, Swat.


Chairman
Camp court, Swat.

26.07.2021

To come up for preliminary hearing on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed. Office objection shall also be dealt with on the date fixed.

Chairman

23.08.2021

Junior to counsel for the appellant present and requests for short adjournment as learned senior counsel is not available today. Request is accorded. To come up for preliminary hearing on 24.08.2021 before S.B at Camp Court, Swat.

Chairman

Camp Court, Swat

24.08.2021

Appellant present in person and seeks adjournment due to non-availability of his learned counsel today. Request is accorded. To come up for preliminary hearing 26.08.2021 before S.B at camp court, Swat.

Chairman

Camp Court, Swat

Sir,

The objections NO. 5, 6, 7, 10 and 11
not removed. The objection of this
office and reply of counsel for the
appellant is submitted for order please.

Humble Chair-man

~~_____~~
4/11/2021

Be fixed before SB for P.H. along with
office objections.

~~_____~~
4/11/2021

To,

The Registrar service tribunal Khyber Pakhtunkhwa Peshawar.

Written Reply for objections memo no. 3918 I.S.T of 26/11/2020
consl. on the behalf of appellants Mr. Jamal-ud-Din and
Muhammad Islam.

objections:-

- i). objection No: 1 is removed, address of appellants are complete.
- ii). objections No: 2 is removed, as per law.
- iii). objection No: 3 is removed.
- iv). objection No: 4 is removed.
- v). objection No: 5 is not fully removed but all available record is attached.
- vi). objection No: 6 some of applications are attached to concern department.
- vii). objection No: 7, dismissal order are attached, and order "B"
- viii). objection No: 8, application to concern department are attached.
- ix). objection No: 9, the concern department dont reply to our application.
- x). objection No: 10, ~~we~~ we shall provide the same when courts demand.
- xi). objection No: 11 is removed, as per law.
- xii). objection No: 12 is removed.

Dear sir, I have tried my best for removing all
objection but some document are misplaced and we
have not attached with the our appeal petition. Therefore
I am requesting that put my appeals before the
court with these objections.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16955

Dated 24/12/2020

Sajjad Wahid advocate



0342-9658842

counsel for appellants, Mr. Jamal-ud-Din.

Mr. Muhammad Islam.


Date: 24-12-2020

The joint appeal of Mr. Jamal-ud-Din and Muhammad Islam received today i.e. on 26 .11.2020 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Addresses of appellants are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellants.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 6- Copies of reinstatements order of the appellants mentioned in para-4 of the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Copies of impugned orders are not attached with the appeal which may be placed on it.
- 8- Copies of departmental appeals against the impugned orders are not attached with the appeal which may be placed on it.
- 9- Copies of memo of service appeal in respect of appellant and court order/judgment mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 10- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 11- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above named appellants may be filed separately/individually.
- 12- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

No. 3918 /S.T

Dt. 26/11 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Nabi Adv. Swat.

Respected sir, I have tried my best to remove all the above objection but some documents are misplace for which I want more time of 15 days to remove these objection.

Sajjad walid Advocate



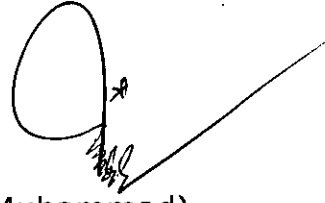
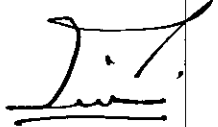
⇒ put before the court along with all objections. 15 days time further extended.

As per
7/12/2020

Form-A
FORM OF ORDER SHEET

Court of _____

Appeals Restoration Application No. 375/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.12.2021	<p>The application for restoration of appeal no. 10/2021 submitted by Mr. Muhammad Nabi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2		<p>This restoration application is entrusted to touring DB at Swat to be put up there on <u>10.5.22</u></p> <p> CHAIRMAN</p>
10.05.2022		<p>Counsel for the petitioner present. Notices be issued to the respondents for 07.06.2022 before the S.B at Camp Court Swat. Original record be requisitioned for the date fixed.</p> <p> (Mian Muhammad) Member (E) Camp Court Swat</p> <p> (Salah-ud-Din) Member (J) Camp Court Swat</p>

[Redacted]

[Redacted]

[Redacted]

official respondents No. 1 & 2 present Clerk of learned court

private respondents No. 3 to 6 present

course are on strike Adjourned - 10:00 am

comments on 07/17/2022 by [Redacted] 173 at [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

C.M No. 375 -M /2021

In

Service appeal No. 10 of 2021

Jamal-ud-din.....applicant/appellant

VERSUS

DPO Dir Upper & others..... Respondents

INDEX

<u>S #</u>	<u>Description</u>	<u>Pages</u>
1	C.M for Restoration with affidavit	
2	Condonation of delay application with affidavit	
2	Copy Order dated 02-11-2021	
3	Wakalatnama	

Applicant / appellant
Through counsel



MUHAMMAD NABI
Advocate High Court.

Attested & Accepted by
Muhammad Nabi
Advocate, High Court

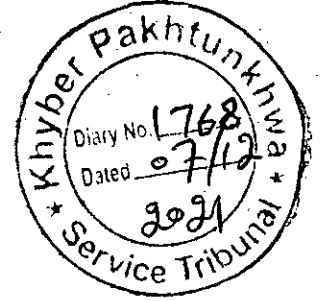
Opposite: Grassy Ground
Saidu Sharif, Swat
Cell No: 0312-9992347

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

C.M No. 375 -M/2021

In

Service appeal No. 10 of 2021



Jamal-ud-din son of Niamatullah resident of Gujaro Kass,
Sheringal, District Dir Upper.

.....applicant/appellant

VERSUS

1. District Police Officer, Dir Upper.
2. Deputy Inspector General of Police Malakand Region at Saidu Sharif, Swat.
3. Inspector General of Police at Civil Secretariat Peshawar.
4. District Accounts Officer Dir Upper.

.....Respondents

Application u/s order 9 rule 4 for
restoration of above titled case dismissed
in default vide order dated 02-11-2021.

Respectfully Sheweth:

1. That the above titled appeal was pending in this Hon'ble court, which was dismissed in default on 02-01-

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

C.M No. _____-M /2021

In

Service appeal No. 10 of 2021

Jamal-ud-din.....applicant/appellant

VERSUS

DPO Dir Upper & others..... Respondents

Application for Condonation of delay if arises

Respectfully Sheweth!

1. That the captioned application has filed today.
2. That the appellant / applicant was unaware of the dismissal order of the instant appeal
3. That the delay (if any) occurred in filing the captioned application for condonation of delay was due to the above mentioned reasons which were beyond the appellant control.

It is, therefore, humbly prayed that by the acceptance of instance Application the delay (if any) in filing the captioned application may kindly be condoned.

Appellant
Through Counsel



MUHAMMAD NABI
Advocates, High Court

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

SERVICE APPEAL No 10 M of 2020



Jamal-ud-din son of Niamatullah resident of Gujaro Kass,
Sheringal, District Dir Upper.

.....Appellant

VERSUS

1. District Police Officer, Dir Upper.
2. Deputy Inspector General of Police Malakand Region at
Saidu Sharif, Swat.
3. Inspector General of Police at Civil Secretariat Peshawar.
4. District Accounts Officer Dir Upper.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
OF THE KPK SERVICE TRIBUNAL ACT,
1974, AGAINST THE ACTION &
INACTION OF THE RESPONDENTS
WHEREBY THE RSPONDENTS ARE NOT
RELEASED THE BACK BENEFIT /
SALARY TO THE PERIOD 17 MONTHS
AND 13 DAYS OF THE APPELLANT

Certified to be true copy
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No. 10/2021



ORDER
04.11.2021.

Nemo for the appellant.

The appeal in hand was called on for hearing after various intervals, however neither the appellant nor anyone else appeared on his behalf till the closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room.

ANNOUNCED
04.11.2021.

(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat

(Salah-Ud-Din)
Member (J)
Camp Court Swat

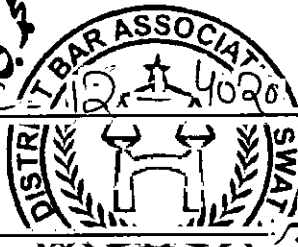
Certified to be true copy

PRESIDENT
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 07/12/2021
Number of Warrants 800
Copying Fee 10/-
Urgent 4/-
Total 14/-
Name of Copyist _____
Date of Completion of Copy 07/12/21
Date of Delivery of Copy 07/12/21

89465

بریل نمبر:



بار کونسل نمبر: 4020

بار ایسوسی ایشن نمبر:

رابطہ نمبر: 0312-9992347

ڈسٹرکٹ بار ایسوسی ایشن سوات

C.T.C

بعدالت جناب: سروس ٹریسینگ ڈیپارٹمنٹ کو فراہم مقام پشاور۔

منجانب: مسٹر محمد نبی	Application of Reformation
محلہ: محلہ الدین و خانہ	علت نمبر:
مورخہ:	مورخہ:
جرم:	جرم:
تھانہ:	تھانہ:

باعتبار آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ G.T.C محمد نبی ایڈووکیٹ ہائی کورٹ کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کائل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب، دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمزارہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداخت منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا کالت نامہ لکھ دیا کہ سندر ہے

Attested & Accepted by
Muhammad Nabi
Advocate, High Court

مقام پشاور

M-Nabi Ad

Attested And

Accepted:

الرقوم: 6-12-2021

مسٹر محمد نبی ایڈووکیٹ ہائی کورٹ

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

7B

No.

APPEAL No. 10 of 20 21

Jamal-ul-Din

Appellant/Petitioner

Versus

DPO, DIV Upper

RESPONDENT(S)

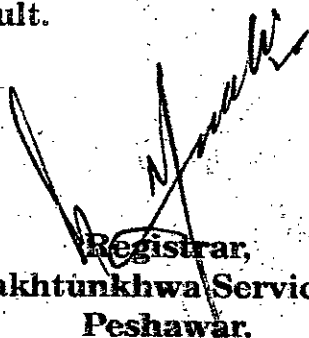
✓
Notice to Appellant/Petitioner

Jamal-ul-Din s/o Niamat
R/o Gujarra Kass. Shinggal
Distt. DIV Upper

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

APPEAL No. 10 of 20

21

Jamal-ud-Din & 5 Others
Appellant/Petitioner

Versus

D.P.O. Dir Upper RESPONDENT(S)

Notice to Appellant/Petitioner

Muhammad Nabi

Advocate High Court

Swat

0312 9992347

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 3-5-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

APPEAL No. 10 to 15 of 2021.

Jamal-ud-Din & (S) others

Appellant/Petitioner

Versus

DPO, Div Upper

RESPONDENT(S)

Ullah

✓
Notice to Appellant/Petitioner

Jamal-ud-Din S/o Nizam
R/o Gujano Kass Sheringal
Distt: Div Upper

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23-8-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.