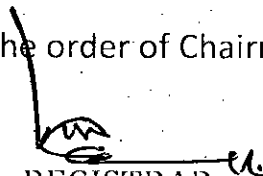



Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 605/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.10.2022	<p>The application for restoration of appeal no. 1117/2017 submitted today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for hearing before Division Bench at A.Abad on <u>19-10-22</u>. 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>
	19 th Oct, 2022	<p>None for the petitioner present.</p> <p>Notices be issued to the petitioner and his counsel. The respondents are directed through learned AAG for submission of reply on restoration application of appeal on or before the date fixed. To come up for reply on restoration application of appeal on 08.11.2022 before D.B.</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p>

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. no. 605/2022

Service Appeal No. 117/2017

Muhammad Nisar son of Muhammad Ishaq resident of Bagrian District Torghar.

...APPELLANT/ APPLICANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others.

....RESPONDENTS

APPLICATION

INDEX

S. #	Description	Page Nos.	Annexures
1.	Application alongwith affidavit	1 to 3	
2.	Copy of cause list	4 - 5	"A"
3.	Vide order dated 19/11/2022	6 - 7	"B"
4.	Wakalatnama	8	


...APPLICANT/ APPELLANT

Dated: 13/10 /2022

Through;

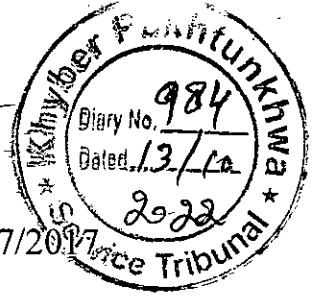

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

0346-9588583

BC - 419A
102573

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. No. 605/2022



Service Appeal No. 117/2017

Muhammad Nisar son of Muhammad Ishaq resident of Bagrian District Torghar.

...APPELLANT/ APPLICANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others.

....RESPONDENTS

SERVICE APPEAL

APPLICATION OF RESTORATION OF SERVICE
APPEAL NO. 117/17 WHICH HAS BEEN DISMISSED
DUE TO NON PROSECUTION.

Respectfully Shewth;

1. That the captioned Service Appeal was pending adjudication and was fixed on 19/09/2022 before this Honourable Tribunal.
2. That the counsel as well as clerk of counsel was present in the tribunal and argued an appeal No. 8777/20 titled "Muhammad Tariq V/s Education" on the same date. Copy of cause list is attached as Annexure "A".
3. That the counsel of appellant/ petitioner were present before SB of the Honourable Tribunal in an other Court room on the same date the absence of counsel of petitioner the instant appeal of the appellant/ petitioner was dismissed due to non prosecution vide order dated 19/09/2022 which is attached as Annexure "B".
4. That the absence of the counsel of the appellant/ petitioner was not willful as the counsel of the appellant was busy before SB of this Honourable Court in another Court room.
5. That application of appellant/ petitioner is well within time of limitation. Valuable rights of the appellant/petitioner are involved.

In view of the above, it is prayed that appeal No. 117/17
of the appellant/ petitioner may be ordered to be restored.

...APPLICANT/ APPELLANT

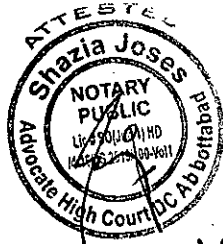
Through;

Dated: 23/10/2022

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

AFFIDAVIT;

I, *Muhammad Nisar son of Muhammad Ishaq resident of Bagrian District
Torghar*, do hereby solemnly affirm and declare that the contents of
foregoing application are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Honourable Court.



24/9/2022

DEPONENT

P-4

LIST OF DB CASES FIXED BEFORE ROZIAN REHMAN MEMBER (J) & MISS FAREEHA PAUL MEMBER (E) KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD .

19/09/2022. (MONDAY)

ARGUMENTS.

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	117/17	M NISAR	EDU	
2.	614/17	NASEER AHAMD	EDU →	14-11-22
3.	493/18	SHOUKAT ALI	EDU →	14-11-22
4.	1364/18	SAIMA QAZI	EDU →	21-9
5.	2228/19	SHAKEELA BIBI	EDU →	14-11-22
6.	880/20	M BASHIR	POLICE →	Withdraw
7.	5689/20	M NAZIR	POLICE →	
8.	8777/20	M TARIQ	POLICE Edm.	Withdraw
9.	8636/20	FIDA MOHAMMAD	EDU →	14-11-22
10.	11142/20	BABAR MIJKHTYAR	POLICE →	
11.	12094/20	ZUBAID SHAH	POLICE →	Withdraw
12.	12096/20	ISRAR AHAMD	POLICE →	
13.	14224/20	UMAR KHAN	POLICE	
14.	892/20	ADIL ALI	POLICE	
15.	11616/20	SULEMAN SHAH	POLICE	
16.	11130/20	SALEEM AKHTAR	EDU →	17-10-22
17.	3497/21	BIBI SHAHIDA	EDU	14-11-22
18.	3990/21	M ILYAS	EDU	14-11-22
19.	3991/21	A. GHANI	FOREST	14-11-22
20.	147/22	FAYYAZ ULLAH	EDU	
21.				


READER

P-3

LIST OF SB CASES FIXED BEFORE MR. KALIM ARSHAD KHAN CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

19/09/2022. (MONDAY)

PRELIMINARY HEARING.

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	12445/21	AKMAL HUSSAIN	EDU	Disposed
2.	5902/21	M FAROOQ (7)	INDU	withdrewn
3.	927/22	SHAHFIQUE	PHE	14/11
4.	929/22	ISHTIAQ AHAMAD	POLICE	14/11 A
5.	1194/22	M JAVED & 01	POLICE	14/11 A
6.	1338/22	MUZZFAR IQBAL (1)	FISHERY	14/11 A
7.	1117/22	SANAM NAZ	POILCE	14/11 A
8.	1118/22	SAIRA BANO	EDU	
9.	1136/22	FAISAL SHAHAZAD	COMM	14/11 A
10.	1182/22	WAZSEEMA JABEEN	EDU	14/11 A
11.				

EXECUTION PETITION.

S.NO	E/P/NO	APPELLANT NAME	DEPTT	NEXT DATE
1.	106/20	M SAJID	POPW	Disposed
2.	116/20	FARHAD SAJID	FOREST	14/11
3.	344/22	BILAL RAZA	JUDICIARY	Filed
4.	547/22	ABDUL JAMIL	EDU	14/11
5.	546/22	SHAKEEL AKHTAR	EDU	14/11
6.	522/22	M NOOR	EDU	14/11
7.				

REPLY.

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1	941/22	SAGIB ALI	POLICE	14/11
2	992/22	GUL AFAZAL	POLICE	14/11
	2559/21	RAJA RABNAWAZ	EDU	
	7354/21	MASHRAF JANJAL	FOOD	
	7905/21	HABIB UR REHMAN	JUDICIARY	14/11
	7907/21	IMTIAZ HUSSAIN	JUDICIARY	14/11
	11145/21	SADAQAT KHAN	EDU	16/11 93
	9259/21	FASHAT JABEEN	EDU	1
	11002/21	MOHAMMAD ZAFFAR	EDU	16/11 93

P-6

2

Annex.B

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2335

Dated 31-12-20

Restoration Application No. 477 /2018

Service Appeal No. 1117 /2018

Muhammad Nisar S/o Muhammad Ishaq Resident of Bagrian District Tor Ghar.

VERSUS

1. Government of KPK through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. District Education Officer (Male) Tor Ghar.



APPLICATION FOR RESTORATION OF CAPTIONED APPEAL,
DISMISSED FOR NON PROSECUION.

Respectfully sheweth:

1. That the captioned case was subjudice before this Hon'able Court Abbottabad Bench, wherein the instant case was fixed for hearing, but was dismissed for non prosecution vide order dated 18/12/2018.
2. That the said appeal was not mentioned in the Diary of the Counsel of the appellant.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3. That neither any notice nor any summon has been served upon the appellant nor his counsel, therefore the appellant as well as his counsel were totally unaware of the date fixed. Therefore, the counsel for the appellant could not appeared before the Hon'able Tribunal on 18.12.2018.
4. That the absence of the appellant as well as his counsel of the date fixed was neither intentional nor deliberate mistake on their part.
5. That the valuable rights of the appellant are involved in the matter and for meet the end of justice, the restoration of the case is just and equitable.


19.09.2022


Nemo for appellant.

Muhammad Jan, learned District Attorney for Peshawar 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.

Announced.
19.09.2022



(Fareeha Paul)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad



P-7

Date of Presentation of Application 29/09/22
Number of Words 800
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist _____
Date of Completion of Copy 13/10/22
Date of Delivery of Copy 13/10/22

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

کورٹ فیس

وکالت نامہ

بعدالت Peshawar Service Tribunal

عنوان: Govt بنام Nisar

منجانب: Applicant/Plaintiff

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام

Nisar vs Nisar

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت ناشر بیختم مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 28/10/2020

بمقام:

M. Ashraf Fudhi

M. Ashraf Fudhi

M. Ashraf Fudhi

المستند

المستند

Nisar