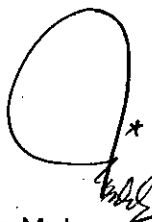


22.08.2022 Learned counsel for the petitioner present. Arguments on restoration application heard.


Learned counsel for the petitioner contended that the execution petition was dismissed in default on 19<sup>th</sup> July, 2022. The petitioner was neither intimated through notice nor informed telephonically about the date of hearing, therefore, the petitioner and his counsel could not appear before the Tribunal on the date fixed. The petitioner submitted resotration application on 29.07.2022 which is well within time. Application for restoration is allowed and the execution petition in question is restored to its original number. Adjourned. To come up for further proceedings on 06.10.2022 before S.B at Camp Court, Abbottabad.

  
(Mian Muhammad)  
Member (E)

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 436/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.07.2022	<p>The application for restoration of execution petition no. 327/2022 presented today by Syed Waqas Naqvi Advocate, may be entered in the relevant register and put up to the Court for proper order please. This restoration application is entrusted to S. Bench to be put up there on <u>22-8-22</u></p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

CASE TITLE: *Fazal Wahab* V/S *Govt. Of K.P.K & OTHERS*

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	x	✓
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Syed Waqas Naqvi Adv He*

Signature: *Waqas Naqvi*

Dated: *29/07/2022*

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

**EA No. 436 /2022**

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Allai District  
Battagram.

...PETITIONER

**V E R S U S**

Govt. of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education KPK, Peshawar and others

...RESPONDENTS

**EXECUTION PETITION**

**APPLICATION FOR RESTORATION**

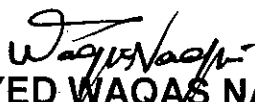
**INDEX**

S.No.	Description of Document	Annexure	Page No.
1.	Application alongwith affidavit	--	1-2
2.	Copy of order dated 19.07.2022	"A"	3-4
3.	Wakalatnama	--	5

  
...PETITIONER

**Through Counsel:**

Dated: 29/07 /2022

  
(SYED WAQAS NAQVI)  
Advocate High Court, Abbottabad.  
Contact No.0345-9550055

**Syed Waqas Naqvi**  
Advocate High Court  
Office 38, Ayub Tenali Lawyer's  
Plaza, Kutchery, Abbottabad

Khyber Pakhtunkhwa  
Service Tribunal

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

Case No. 863

E.A. No. 436 Dated 29/07/2022  
12022

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Allai District Battagram.

...PETITIONER

**V E R S U S**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK, Peshawar.
- 2) Director Elementary & Secondary Education KPK, Peshawar.
- 3) District Education Officer (Male) Battagram.

...RESPONDENTS

**EXECUTION PETITION**

**APPLICATION FOR RESTORATION OF**  
**TITLED PETITION WHICH WAS DISMISSED**  
**FOR NON-PROSECUTION VIDE ORDER**  
**DATED 19.07.2022 BY THIS HON'BLE**  
**TRIBUNAL.**

*Respectfully Sheweth;*

1. That, the captioned petition was pending adjudication before this Hon'ble Tribunal.
2. That the petitioner was neither intimated through notice nor informed telephonically about the date of hearing so the petitioner and counsel could not appear before this Hon'ble Tribunal the date fixed. So the captioned petition was dismissed in default. (Copy of order dated 19.07.2022 is annexed as Annexure "A")

3. That, non-appearance of applicant and his counsel before this Hon'ble Court was not deliberate but entirely due to misconception.
4. That, precious rights of the petitioner is involved and due to the order of dismissal, the petitioner is facing irreparable loss, as the law also demands that cases should be decided on merits.
5. That, instant application is well within time.

It is, therefore, humbly prayed that on acceptance of instant application, the titled Petition may graciously be ordered to be restored and applicant be allowed to proceed in the matter in accordance with law.

...PETITIONER

*Through Counsel:*

Dated: 29/07 /2022

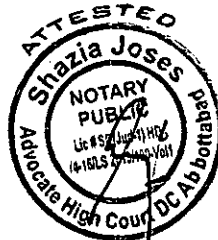
*Waqas Naqvi*  
(SYED WAQAS NAQVI)  
Advocate High Court, Abbottabad.  
Contact No.0345-9550055

**Syed Waqas Naqvi**  
Advocate High Court  
Office 38, Ayub Tareh Lawyers  
Plaza, Kutchery, Abbottabad

AFFIDAVIT:

I, Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Allai District Battagram, *petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: 29/07 /2022



28/7/22

*Fazal Wahab*  
...PETITIONER

3

ANX - "A"



BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA  
PESHAWAR



E. Petition no. 327/2022 E.P No. \_\_\_/2022

Muzal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram.

Battagram.

Secretary  
14/6  
23/6/2022

.....PETITIONER

Versus

1. Govt. of KPK through Secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer (Male) Battagram

.....RESPONDENTS

PETITION UNDER SECTION 7 OF SERVICE TRIBUNAL ACT 1974  
FOR THE IMPLEMENTATION/EXECUTION OF ORDER DATED  
12/04/2018 PASSED BY THE HONOURABLE SERVICE TRIBUNAL  
IN SERVICE APPEAL NO 572/2017.

RESPECTFULLY SHEWETH:

1. That the petitioner was appointed as Primary School Teacher (PST) on 06-07-2008 in education department at District Battagram.

(Copy of the Appointment letter and Service book of the petitioner is annexed as Annexure "A" & "A1"

2. That after serving in the department for more than seven long years, petitioner was served with a show cause notice dated 09-08-2016 by the District Education Officer (Male) Battagram on the ground that his appointment order is fake and bogus, petitioner replied to the show cause notice dated 09-08-2016.

ATTESTED

Secretary  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



19th July 2022

1. None for the petitioner present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

2. On 14.06.2022 the petitioner and his counsel had noted the case, but today nobody has turned up on behalf of the petitioner, therefore, this execution petition is dismissed for non-prosecution. Consign.

3. Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 19th day of July, 2022.

*(Signature)*  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

**Certified to be true copy**

*(Signature)*  
E. M. DINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

~~Date of Presentation of Application~~  
~~No.~~  
~~Date of Copy~~  
~~Date of Delivery of Copy~~

Date of Presentation of Application 29-7-22  
Number of Words 800  
Copying Fee 10/-  
Urgent 4/-  
Total 14/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 29-7-22  
Date of Delivery of Copy 29-7-22



5

کورٹ فیس

وکالت نامہ

بعدالت جناب سروس ٹریڈنگ اینڈ اور

عنوان: حنفی و بادیہ نام لورنڈو ڈبیرہ

منجانب: پیٹنٹس

نوعیت مقدمہ: درخواست سربراہی

### باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آں مقام  
سید عاصم نعیمی ایڈووکیٹ صاحبی کورٹ آف ایبٹ آباد  
 کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل  
 صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و 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 کاروائی 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 و ہرجانہ 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 بمراد  
 استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔  
 لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

حنفی و بادیہ

Waqas

المرقوم: 29/07/2022

بمقام:

Waqas Naqvi  
 Syed Waqas Naqvi  
 Advocate High Court  
 Office 32, Ayub Tera, Lawyer's  
 Plaza, Kutchery, Abbottabad