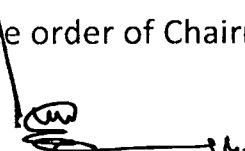


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 687/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.11.2022	<p>The application for restoration of Appeal No. 1344/2018 submitted today by Mr. Zartaj Anwar 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>By the order of Chairman</p> <p> REGISTRAR</p>

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

In the matter of *Execution Petition no-687/2022*  
Appeal No1344/2018.  
Dismissed in default on 12.10.2022.

Muhammad Usman SDFO (BPS-17).

(Appellant)

VERSUS

The Govt. of Khyber Pakhtunkhwa through Chief Secretary  
Civil Secretariat, Peshawar and others.


(Respondents)

**INDEX**

S#	Description of Documents	Annexure	Page#
1	Application		1-2
2	Affidavit		3
3	Copy of the order sheet dated 12.10.2022 is	A	4-5

*u/man*  
Applicants

Through

  
**ZARTAJ ANWAR**  
Advocate Peshawar,

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

*Exception Petition no. 687/2022*

In the matter of

Appeal No1344/2018.

Dismissed in default on 12.10.2022.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2004

Dated 22/11/2022

Muhammad Usman SDFO (BPS-17).

**(Appellant)**

**VERSUS**

The Govt. of Khyber Pakhtunkhwa through Chief Secretary  
Civil Secretariat, Peshawar and others.

**(Respondents)**

**Application for restoration of titled service appeal  
which has been dismissed for non-prosecution vide  
order dated 12.10.2022.**

Respectfully Submitted:

1. That the above noted Service appeal was pending in this Honorable Court and fixed for hearing on 12.10.2022, however it was dismissed for non-prosecution on the said date. *(Copy of the order sheet dated 12.10.2022 is attached as annexure A)*

2. That the applicant prays for the restoration of the titled appeal inter alia on the following grounds:

**GROUND OF APPLICATION**

A. That the Service Appeal was fixed for hearing on the noted date in which Counsel of the appellant at that time was "Asif Yousafzai Advocate" who was busy before the Honourable Peshawar High Court Peshawar.

B. That the applicant has also engaged Zartaj Anwar Advocate and will pursue the matter regularly.

Filed to-day  
Registrar  
22/11/22

- C. That non-appearance of the counsel for appellant on the crucial date was not willful but due to the above mentioned reason.
- D. That the applicant is ready to pursue the case in hand diligently and vigilantly in future if the Honourable Court allows restoration of the Service Appeal.
- E. Those valuable rights of the applicant are involved in the instant Service Appeal; hence the case deserves to be decided on merit.
- F. That the superior courts have always favored adjudication of disputes on merits rather than technicalities.

*It is, therefore, prayed that on acceptance of this application, the instant service Appeal may please be restored and be decided on merit.*

*Imran*  
Applicant

Through

*Zartaj Anwar*  
**ZARTAJ ANWAR**  
Advocate Peshawar

& *Imran Khan*  
**IMRAN KHAN**  
Advocate Peshawar

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

In the matter of  
Appeal No1344/2018.  
Dismissed in default on 12.10.2022.

Muhammad Usman SDFO (BPS-17).

(Appellant)

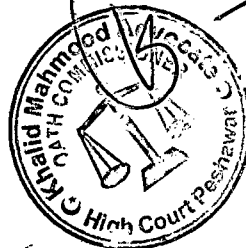
**VERSUS**

The Govt. of Khyber Pakhtunkhwa through Chief Secretary  
Civil Secretariat, Peshawar and others.

(Respondents)

**AFFIDAVIT**

I, Muhammad Usman SDFO (BPS-17) Forest  
Division Haripur, do hereby solemnly affirm and declare  
that the contents of the above application are true and  
correct to the best of my knowledge and belief and that  
nothing has been kept back or concealed from this  
Honourable Tribunal



U/ma  
Deponent

4 7

Approved A



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1344 /2018

Muhammad Usman SDFO (BPS-17),  
Haripur Forest Division.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1576

Dated 7.6.10/18

(Appellant)

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Forest Environment & Wildlife Department, KPK, Peshawar.
3. THE Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.
4. The Director General, Pakistan Forest Institute Peshawar.
5. The Public Service Commission through its Chairman Khyber Pakhtunkhwa, Peshawar.

(Respondents)


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APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER 13.06.2018 WHEREBY THE APPELLANT WAS RE-APPOINTED ON THE SAME POST OF SUB DIVISION OF FOREST OFFICER (BPS-17) WHO WAS ALREADY APPOINTED ON THE POST OF SUB DIVISION FOREST OFFICER (BPS-17) VIDE ORDER DATED 29.10.2015 ON THE RECOMMENDATION OF KPK PUBLIC SERVICE COMMISSION AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD 90 DAYS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 13.06.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO RESTORE THE APPOINTMENT ORDER DATED 19.10.2015

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

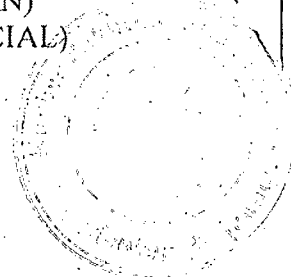
05.07.2022

Syed Noman Ali Bukhari, Advocate for the appellant present.  
Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 12.10.2022.

(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



12<sup>th</sup> Oct. 2022

1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.
2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12<sup>th</sup> day of October, 2022.*

(Fareeha Paul)  
Member(F)

(Kalim Arshad Khan)  
Chairman

pages  
15/-  
10/-

2 pages  
19-10-22

08/11/22  
14/11/22

**POWER OF ATTORNEY**

In the Court of Wahyid Rahtun Khwaja Service Tribunal

Muhammad Usman } For Respect  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

The Chief Secretary KPIC and others } Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/W, the undersigned, do hereby nominate and appoint

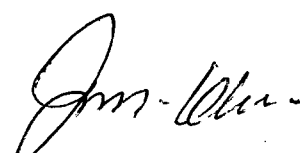
**ZARTAJ ANWAR & IMRAN KHAN ADVOCATES**, my true and lawful attorney, for me in my same and on my behalf to appear at Melior to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

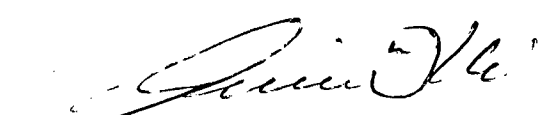
**AND** to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

**AND** I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

**PROVIDED** always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

**IN WITNESS** whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

  
**IMRAN KHAN**  
Advocate High Court  
Mob: 0345-9090648

  
**ZARTAJ ANWAR**  
Advocate High Courts  
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Mobile-0331-9399185  
BC-10-9851  
CNIC: 17301-1610454-5