

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. **428 /2021**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.07.2021	<p>The application for restoration of Execution Petition No. 197/2019 resubmitted today by Syed Noman Ali Shah Bukhari 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>5-8-22</u></p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
	05.08.2022	<p>Judgment of Service Tribunal had already been implemented. Restoration application is not allowed. File be consigned to record room.</p> <p style="text-align: right;"><i>[Signature]</i> (Fareeha Paul) Member (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

R/A No. 428/2022

Execution Petition No. 197/2019

In

In Service Appeal No. 558/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 846

Dated 28/07/2022

Syed Manzoor Hussain Shah, N/Q Class-IV presently working
as Duty Clerk Control Room DC Khyber Agency.

..... Appellant

VERSUS

1. The ACS FATA Secretariat Warsak Road Peshawar.
2. The Political Agent Khyber Agency presently Deputy
Commissioner Khyber.
3. The Secretary Finance KPK Peshawar.

..... Respondents

APPLICATION FOR RESTORATION OF THE
ABOVE EXECUTION PETITION WAS
DISMISSED IN DEFAULT BY THIS HON'BLE
SERVICE TRIBUNAL VIDE ORDER DATED
23/06/2022.

Respectfully Sheweth:

- 1) That the above mention Execution Petition was
pending before this Hon' able Tribunal in which
23/06/2022 date was fixed for implementation.
- 2) That instant Execution Petition was dismissed in
default due to the non-availability of appellant and
his counsel.

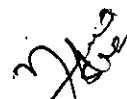
- 3) That the case was called but the council for respondent was busy in another DB and execution Petition was dismissed in default for non-appearance appellant and council for appellant also the appellant was trapped and Northern Areas due to land sliding in Kaghan Naran :
- 4) The non-appearance in the instant appeal was not intentional, hence dismissal of the execution petition cause injustice to appellant.

It is, therefore, humbly prayed that on acceptance of this application, the execution petition may be restored and the execution petition of the appellant may be restored.

Dated 28/07/2022

Applicant / appellant

Through


Syed Noman Ali Bukhari
Advocate High Court,
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution Petition No. 197/2019

In Service Appeal No. 558/2017

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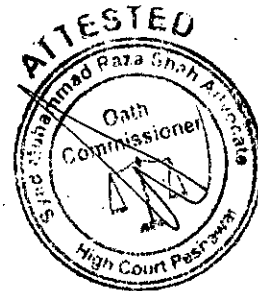
VERSUS

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3. That Secretary Finance KPK Peshawar.

AFFIDAVIT

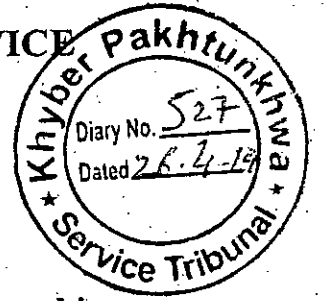
I, Syed Manzoor Hussain Shah, N/Q Class-VI presently working
as Duty Clerk Control Room DC Khyber Agency do hereby
solemnly affirmed and declare that the contents of this comments are true
and correct to the best of my knowledge and belief and nothing has been
concealed from this Tribunal.


DEPONENT



①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
Execution Petition No. 197/2019
In Re: Service Appeal No. 558/2017



Mr. Syed Manzoor Hussain Shah, N/Q Class-IV (presently working as Duty Clerk control room Torkham), Political Agent Office, Khyber Agency (presently Office of the Deputy Commissioner District Khyber), Bara Road Peshawar Cantt.

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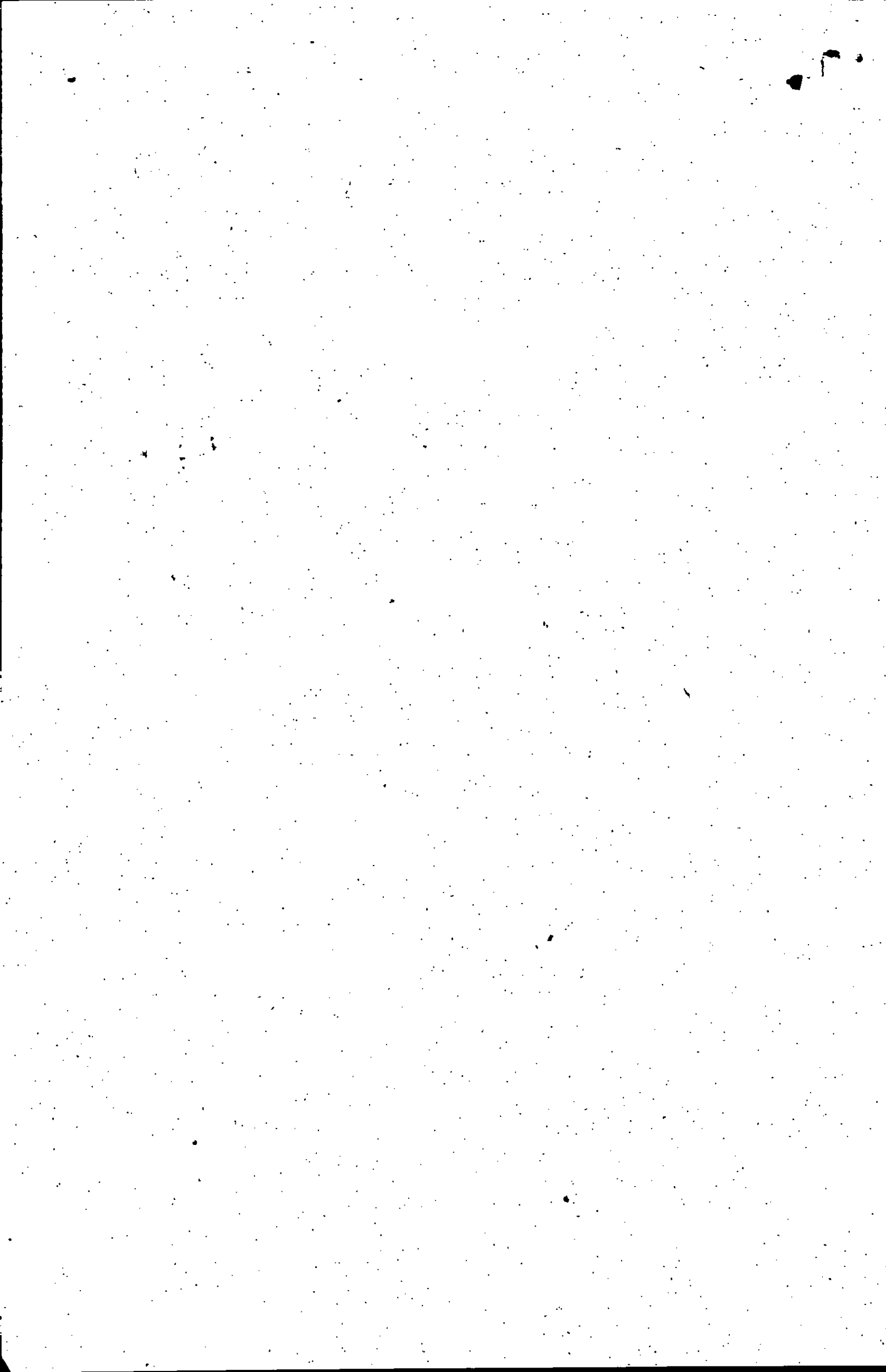
APPLICATION FOR THE IMPLEMENTATION OF ORDER DATED 01.01.2019 IN APPEAL NUMBER 558/2017 VIDE WHICH RESPONDENTS WERE DIRECTED IN THE ABOVE MENTIONED CASE TO CONSIDER THE CASE OF APPLICANT/APPELLANT FOR PROMOTION AS JUNIOR CLERK ON THE BASIS OF SENIORITY ETC

Humbly Sheweth,

1. That the applicant/appellant submitted an appeal before the honourable Tribunal on 30.05.2017 against the respondents, which was admitted on 30.10.2017 and during the pendency of appeal, the respondents were made ex-parte due to non appearance on 10.10.2018 as respondents were reluctant to appear before the honourable Tribunal.

[Handwritten signature]
Khyber Pakhtunkhwa Service Tribunal

2. That the honourable Tribunal has directed the respondents to consider the applicant/appellant for



E.P. No. 197/2019
S. Manzoor Hussain Shah

23rd June, 2022

1. None present for the petitioner. Mr. Muhammad Riaz Khan Painsdakhel, Asst. AG alongwith Mr. Zahid Gul, Private Secretary for respondents present.

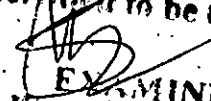
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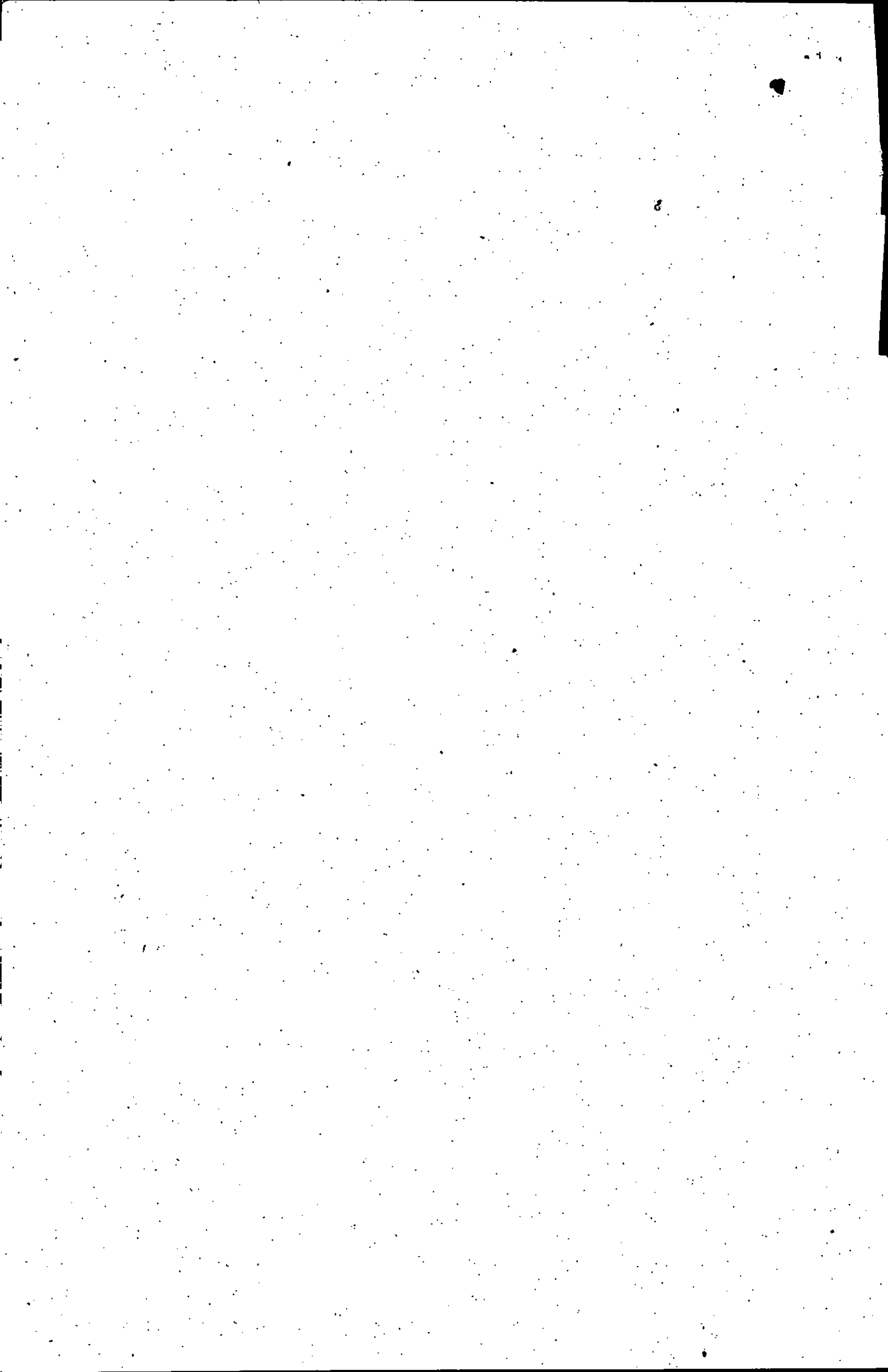
3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23rd day of June, 2022.




(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 27-7-22
Number of Pages 800
Court Fee 10/-
Present 4/2
Total 14/2
Name of Counsel ---
Date of Dismissal of Copy 27-7-22
Date of Delivery of Copy 27-7-22

Certified to be true copy

EXAMINER
Khayber Pakhtunkhwa
Service Tribunal
Peshawar

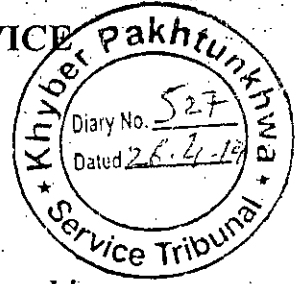


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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution Petition no. 197/2019

In Re: Service Appeal No. 558/2017



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Versus

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Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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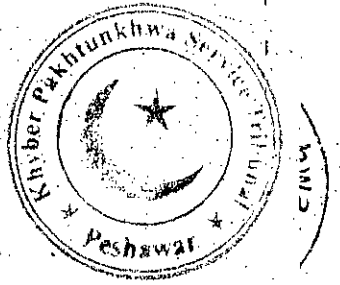
E.P. No. 197/2019
S. Manzoor Hussain Shah

23rd June, 2022

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(Handwritten signature)

(Kalim Arshad Khan)
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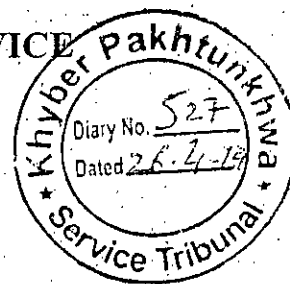
Date of Presentation of Petition 27-7-22
Name of Petitioner S.M.
Filing Fee 10/-
Court 5/-
Date of Copy 19/-
Date of Copy 27-7-22
Date of Delivery of Copy 27-7-22

Certified to be true copy
(Handwritten signature)
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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TRIBUNAL PESHAWAR**

Execution Petition no. 197/2019
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(Signature)
(Kalim Arshad Khan)
Chairman

Date of Presentation of Petition 27-7-22

Name of Petitioner 800

Amount of Fee 10/-

Amount of Cost 4/-

Amount of Deposit 14/-

Name of Counsel ---

Date of Presentation of Copy 27-7-22

Date of Delivery of Copy 27-7-22

Certified to be true copy

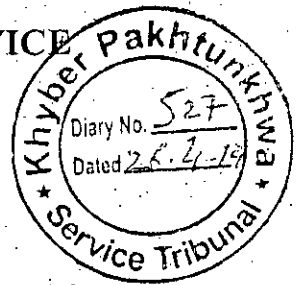
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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(Signature)
(Kalim Arshad Khan)
Chairman

Date of Presentation of Application: 27-7-22
Number of Copies: 800
Court Fee: 10/-
Stamp Fee: 5/-
Date of Delivery of Copy: 27-7-22

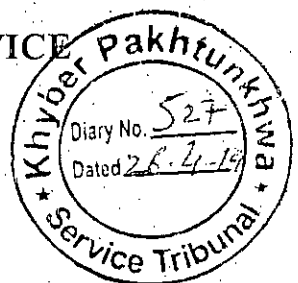
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EXAMINER
Khyber Pakhtunkhwa
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition NO. 197/2019

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Certified to be true copy
JUNIOR MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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S. Manzoor Hussain Shah


23rd June, 2022

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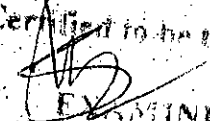
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Date of Presentation of Application 27-7-22
Number of Pages 800
Filing Fee 10/-
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

R/A NO: 428/2022

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**APPLICATION FOR RESTORATION OF THE
ABOVE EXECUTION PETITION WAS
DISMISSED IN DEFAULT BY THIS HON'BLE
SERVICE TRIBUNAL VIDE ORDER DATED
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Respectfully Sheweth:

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default due to the non-availability of appellant and
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- 3) That the case was called but the council for respondent was busy in another DB and execution Petition was dismissed in default for non-appearance appellant and council for appellant also the appellant was trapped and Northern Areas due to land sliding in Kaghan Naran .
- 4) The non-appearance in the instant appeal was not intentional, hence dismissal of the execution petition cause injustice to appellant.

It is, therefore, humbly prayed that on acceptance of this application, the execution petition may be restored and the execution petition of the appellant may be restored.

Dated 28/07/2022

Applicant / appellant

Through


Syed Noman Ali Bukhari
Advocate High Court,
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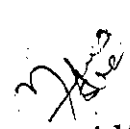
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