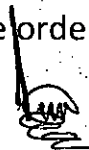



Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 725/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.12.2022	<p>The application for restoration of Appeal No. 7791/2021 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . 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: right;"> REGISTRAR </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Restriction Appli. No. 725/2022

CM. NO. _____/2022

Diary No. 2279

IN

APPEAL No. 7791/2021

Dated 12/12/22

SHAMSHER ALI

VS

LOCAL GOVT. DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application with Affidavit	1
2.	Order Sheet dated 02.12.2022	"A"	2-3
3.	Vakalatnama	4

APPLICANT

THROUGH:

**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.
Restoration Application NO. 725/2022
CM. NO. _____/2022

IN
APPEAL No. 7791/2021

SHAMSHER ALI

VS

LOCAL GOVT. DEPTT:

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL.**

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 02-12-2022.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar. That it is also worth mentioning that the subject appeals were not noted in the diary on that date.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 02.12.2022. Copy of the order sheet dated 02.12.2022 attached as annexure**A**.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 02/12/22


APPLICANT

Through:


**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**



AFFIDAVIT

I Shamsheer Ali, Junior Village Secretary (BPS-09) VC Khan Garhi, Tehsil Batkhela, District Malakand, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

Certificate to be filed copy
 PAKHTUNKHWA SERVICE TRIBUNAL
 Peshawar

under:

R/SHEWETH:
ON FACTS:

That on acceptance of this appeal the impugned order dated 07/08/2018 may kindly be modify/rectify to the extent that the appellant may very kindly be promoted to the post of Junior Village Secretary (BPS-09) with effect from the date when the post of junior secretary BPS-07 now BPS-09 has been advertised for initial recruitment i.e. w.e.f. 11-04-2015 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

PRAYER:

APPEAL UNDER SECTION-4 OF THE KHYBER
 PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
 AGAINST THE IMPUGNED ORDER DATED 07-08-2018
 OF THE RESPONDENTS WHEREBY THE APPELLANT WAS
 PROMOTED TO THE POST JUNIOR VILLAGE SECRETARY
 BPS-09 WITH IMMEDIATE EFFECT AND NOT W.E.F.
 11.4.2015 I.E. WHEN THE POST OF VILLAGE
 SECRETARY WAS ADVERTISED FOR INITIAL
 RECRUITMENT AND ALSO AGAINST NOT TAKING
 ACTION ON THE DEPARTMENTAL APPEAL OF
 APPELLANT WITHIN THE STATUTORY PERIOD OF
 NINETY DAYS

.....RESPONDENTS

- 1- The Secretary Local Government and Rural Development Department Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director General Local Government and Rural Development Department Malakand, District Malakand.

VERSUS

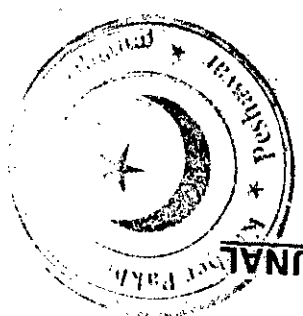
.....APPELLANT

Mr. Shamsheer Ali, Junior Village Secretary (BPS-09),
 VC Khan Gari, Tehsil Batkhela, District Malakand.

APPEAL NO. 7791 /2021

PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



NA 2-2-

(1)

-3-



2nd Dec 2022

1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.
3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 2nd day of December, 2022.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 06/12/22
Number of Pages Page 2-Page
Copying Fee 10/-
Urgent _____
Total 10/-
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Date of Completion of Copy 07-12-22
Date of Delivery of Copy 07-12-22

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

-4-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration

APPEAL NO: _____ OF 2022

Shamsher Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

L4

(RESPONDENT)
(DEFENDANT)

I/We (Applicant)

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022

[Signature]
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)

[Signature]
UMAR FAROOQ MOHMAND

[Signature]
WALEED ADNAN

&

[Signature]
MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291*-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)