

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Execution Petition No.238/2022
IN Service Appeal No.946/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2923
Dated 12-1-2023

Asad Ullah Khan Section Officer
Home Department, Civil Secretariat, Peshawar.....Appellant


VERSUS

The Govt. of Khyber Pakhtunkhwa
Through Secretary Establishment Department,
Civil Secretariat, Peshawar and 02 othersRespondents

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Dated: 11.01.2023



Appellant

through


Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

(1)

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

Execution Petition No.238/2022
IN Service Appeal No.946/2018

Asad Ullah Khan Section Officer
Home Department, Civil Secretariat, Peshawar.....Appellant

VERSUS

The Govt. of Khyber Pakhtunkhwa
Through Secretary Establishment Department,
Civil Secretariat, Peshawar and 02 othersRespondents

**APPLICATION FOR RESTORATION OF
THE ABOVE APPEAL AND ITS DECISION
ON MERITS.**

Respectfully Submitted:

1. That the above titled execution petition was fixed for hearing on 20.12.2022 and was dismissed in default for non-prosecution.
2. That absence of counsel for the appellant on the date fixed was neither intentional nor deliberate, but due to the reason that, diary of the counsel was misplaced from the clerk, due to which the counsel was not in knowledge regarding fixation of the case. It is, further submitted that no telephonic call was received by the counsel regarding hearing of the case.
3. That valuable rights of appellant are involved in the case in hand, which requires decision on merit.

4. That superior Courts of the country has time and again held that the cases should be decided on merit rather on the basis of technicalities

(2)

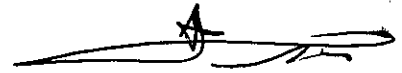
It is, therefore, prayed that on acceptance of this application the titled appeal may kindly be restored.

Appellant
Through


Amjid Ali (Mardan)
Advocate, Supreme Court

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble Court.



Deponent



12/01/23

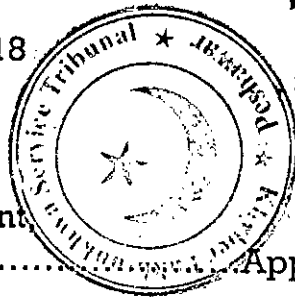
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 946 /2018

Khyber Pakhtunkhwa Service Tribunal

Dirry No. 1113

Dated 31-7-2018



Asad Ullah Khan
Section Officer Home Department
Civil Secretariat, Peshawar Appellant

VERSUS

1. Provincial Govt. of Khyber Pakhtunkhwa, through Secretary Establishment Department, Civil Secretariat, Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Chief Minister Khyber Pakhtunkhwa/ Competent Authority, Chief Minister Secretariat, Peshawar.

....Respondents

SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 FOR SETTING ASIDE THE IMPUGNED FINAL APPELLATE ORDER DATED 18.07.2018 AND PS ORDER DATED 28.12.2016 CONSIDERATION OF APPELLANT FOR PROMOTION FROM BPS-17 TO BPS-18

Medto-day
Registrar
31/7/18

Respectfully Sheweth:-

- 1) That appellant is a PMS Officer vide letter dated 03.03.2009. (Copy of appointment letter is Annex "A")
- 2) That the respondents never offered any mandatory training for promotion to BPS-18 w.e.f. 03.03.2009 to 04.08.2016 to the appellant.
- 3) That the respondents called meeting of Provincial Selection Board on 10.05.2016 and deferred the promotion to the appellant to BPS-18, due to lack of

[Signature]
Khyber Pakhtunkhwa Service Tribunal
Peshawar

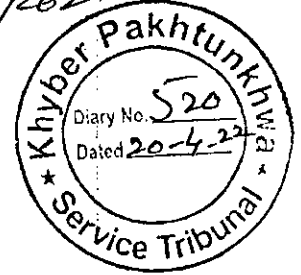
(3)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

Execution Petition no. 238/2022

In re:
SA No.946/2018

Asad Ullah Khan, Section Officer
Home Department, Civil Secretariate, Peshawar



....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa, through
Secretary Establishment Department, Civil Secretariat,
Peshawar and 02 others

.....Respondents



**APPLICATION FOR IMPLEMENTATION OF
JUDGMENT OF THIS HON'BLE SERVICE
TRIBUNAL, PESHAWAR DATED 27.07.2021
PASSED IN SA NO.946/2018 IN ITS TRUE
LETTER AND SPIRIT.**

Respectfully Sheweth

Sir,

Appellant humbly submits as under:-

1. That this Hon'ble Tribunal has passed judgment dated 27.07.2021 in Service Appeal No.946/2018. (Attested copy enclosed as Annex "A")
2. That attested copy of the judgment dated 27.07.2021 was sent to the respondent vide letter dated 30.08.2021 through registry. (Copy of letter dated 30.08.2021 and registry slip are enclosed as Annex "B")
3. That the said judgment has not yet been implemented.
4. That after announcement of order dated 27.07.2021, the appellant approached the Department / respondents

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(4)

6th July, 2022

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned AAG seeks time to submit implementation report. Respondents are directed to submit proper implementation report on or before the next date. To come up for implementation report on 08.09.2022 before S.B



(Kalim Arshad Khan)
Chairman

Ep. No. 238/2022

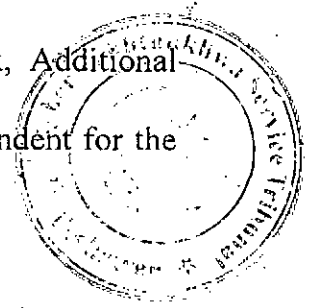
Asadullah Khan vs Govt

(5)

18.11.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Additional

Advocate General alongwith Mr. Sultan Shah, Superintendent for the respondents present.



Learned Additional Advocate General requested for time to

Counsel was informed telephonically on 14/11/22

submit implementation report on the next date. Adjourned. To come up for implementation report on 20.12.2022 before S.B. Notice be issued to the petitioner as well as his counsel on the date fixed.

SCANNED KPST Peshawar

(Mian Muhammad)
Member (E)

20th Dec. 2022

1. None present for the petitioner. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. On the previous date too nobody was present on behalf of the petitioner. The office has informed the learned counsel on telephone but today again nobody put appearance on behalf of the petitioner. In view of the above, the execution petition is dismissed in default. Consign.

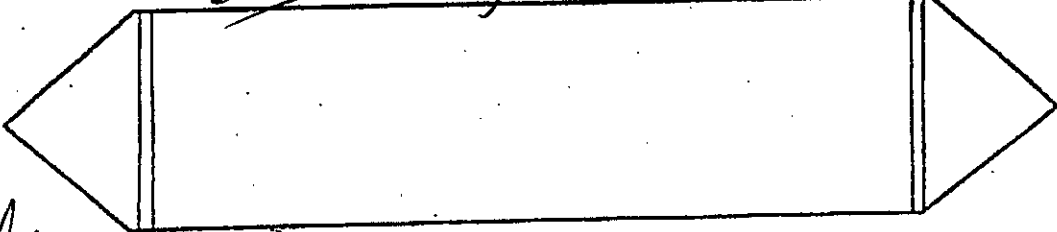
3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 20th day of December, 2022.

(Kalim Arshad Khan)
Chairman

Notified by the Tribunal
Service Tribunal
Peshawar

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بعدالت حساب کسٹریبلز کیلئے



2023ء منجانب اسلام آباد

موزخہ --- CM NO ---

مقدمہ --- EP 238/22 ---

دعویٰ --- SA 946-2018 ---

اسد اللہ خان نیج

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام ~~لاہور~~ کیلئے ~~ایگزیکٹو ایڈووکیٹ جنرل~~ کے ذریعے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنہ التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 12

واہ العباد

کے لئے منظور ہے
Attestd
Amjad Ali Advocate
Be 105506

لیا

بمقام

16101-3470 290-3

amjadalisc@.com

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