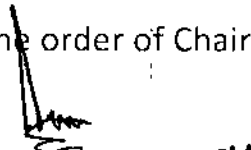


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. **18/2023**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.01.2023	<p>The application for restoration of appeal No. 15692/2020 submitted today by Shahzada Irfan Zia Advocate. It is fixed for hearing before touring Division Bench at A.Abad on . Original file be requisitioned. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL , PESHAWAR

R. Application No. 18/2023

IN

Appeal No. 15692/ 2020

SHABBIR AHMAD.....Applicant

VS

PROVINCE OF KPK, ETCRespondent

I N D E X

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Body of application		1 - 2
2.	Affidavit		3
3.	Order dated 12-12-2022	A	4 -5
4.	Vakalat Nama		

Shabbir Ahmed

APPLICANT

THROUGH:

Shahzada Irfan Zia

SHAHZADA IRFAN ZIA

ADVOCATE, PESHAWAR

21-B, NIMRA CENTRE,

FAQIRABAD NO.1, PESHAWAR.

CELL.0300-9345297

DATED. 10-01-2023

✓

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

R. Application No. 18/2023

IN

Appeal No.15692/ 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2857

Dated 10/01/2023

Shabbir Ahmad, Forest Ranger (Retired) BPS-16, Battagram Watershed Sub-Division, R/O Village Maira Babral, P/O Shoukat Abad (Poucher) Tehsil & District Mansehra.

..... APPLICANT

VERSUS

1. Province of KPK, through Secretary Environment Department, Civil Secretariat, Peshawar.
2. Chief Conservator of Forests, Central Southern Forest Region-1, KPK Peshawar.
3. Conservator of Forests, Watershed Management Circle, Abbottabad.
4. Divisional Forest Officer, Unhar Watershed Division, Mansehra.
5. Divisional Forest Officer, Daur Watershed Division, Abbottabad.

..... RESPONDENTS

**APPLICATION FOR RESTORATION OF THE APPEAL TITLED ABOVE,
DISMISSED IN DEFAULT VIDE ORDER DATED 12-12-2022**

RESPECTFULLY SHEWETH:

1. That previously the applicant / appellant filed an appeal bearing No, 15692/2020 before this Honourable Tribunal against impugned order of recovery passed by the Appellate Authority, which was admitted for regular hearing and the respondents filed their replies.
2. That on 12-12-2022 the case was fixed for arguments before the Camp Court, Abbottabad but due to non-appearance of the Learned Counsel and of the applicant / appellant, the case was dismissed in default. (The copy of the order dated 12-12-2022 is attached as Annexure -A)
3. That on one date of hearing the case was heard at Peshawar by the learned Division Bench consisting of Learned Chairman Ahmad Sultan Tareen and Learned Member Rozina Rehman, but during arguments the representative of respondents drew the attention of the court towards another appeal on similar issue which was subjudice before the Camp Court, Abbottabad and requested for clubbing both the appeals for hearing at Camp Court

**Filed to-day
Registrar**

2

Abbottabad. The representative of respondents on query of the court mentioned wrong date of hearing at camp court Abbottabad, therefore the case though was transferred but whereabouts of the case were not known to anyone, neither any notice/ summon was served upon the appellant nor to his counsel after transfer of the case to Abbottabad. It is worth to mention that the counsel did not attend the court on 14-11-2022 and his appearance shown in the order sheet is some misunderstanding.

4. That the absence of the applicant and his counsel before the court was not intentional but due to non- service of notice/ summon after transfer of the case to Camp Court, Abbottabad, therefore a lenient view is need to be taken as the applicant has already suffered a lot and entire future of the applicant depends upon his case. The justice always demands the decision of cases on merits instead of non-suiting the litigants on technical grounds including the limitation.

In view of the matter it is humbly prayed that the impugned order Dated;12-12-2022 may very graciously be set aside and the appeal of the applicant/ appellant may kindly be restored in the interest of justice.

Shabbir Ahmad

APPLICANT

THROUGH

Irfan Zia
SHAHZADA IRFAN ZIA
ADVOCATE, PESHAWAR
CELL. 0300-9345297

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPLICATION No. /2023

IN

APPEAL NO.15692/2020

Shabbir Ahmad..... APPLICANT

VERSUS

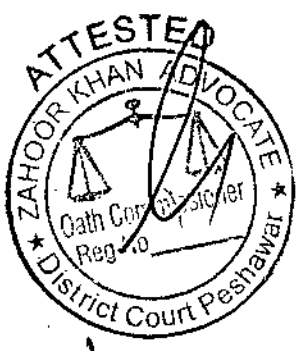
Province of KPK etc..... RESPONDENTS

AFFIDAVIT

I, Shabbir Ahmad, Applicant, do hereby solemnly affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Shabbir Ahmad

Deponent



10/1/2023

(Annex: A)

4 ⑦

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

SCANNED
KPST
Peshawar.

15692
Appeal NO. /2020

Shabbir Ahmad, Forest Ranger (Retired) BPS-16, Battagram Watershed Sub-Division, R/O Village Maira Babral, P/O Shaukat Abad (Pouchar), Tehsil & District Mansehra.

Khyber Pakhtunkhwa
Service Tribunal



..... APPELLANT
Case No. 14716
Dated 16/11/2020

VERSUS

1. Province of KPK through Secretary Environment Department, Peshawar.
2. Chief Conservator of Forests, Central Southern Forest Region-1, KPK, Peshawar.
3. Conservator of Forests, Watershed Management Circle, Abbotabad.
4. Divisional Forest Officer, Unhar Watershed Division, Mansehra.
5. Divisional Forest Officer, Daur Watershed Division, Abbotabad.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED FINAL ORDER DATED 06-10-2020, COMMUNICATED TO THE APPELLANT ON 28-10-2020, PASSED BY RESPONDENT NO-2, WHEREBY THE ORDER OF RESPONDENT NO-3, DATED 19-03-2020, COMMUNICATED ON 11-06-2020 WAS MODIFIED BY RESPONDENT NO-2 AND ORDERED RECOVERY OF RS.657760/- FROM THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS OF THE CASE

1. That succinct facts of the case are that the appellant while holding the post of Forest Ranger BPS-16, he was served with a charge sheet along with statement of allegations, wherein certain allegations were levelled against him. The appellant submitted his reply to the charge sheet and vindicated his plea and position. The reply of the appellant was well founded and reasonable but went unheeded.(Annexure-A-B-C)
2. That an Enquiry committee was constituted to probe into the allegations alleged in the charge sheet. The Enquiry committee submitted the findings to the respondent No.3, vide letter dated:21-08-2019 and recommended that the short fall may either be recovered or rectified.(Annexure-D)
That the appellant was served with a show cause notice, which he properly replied and submitted a graphic account of each and every fact, but no one put premium on his submissions.(Annexure E &F)

Filed to-day

Registrar
16/11/2020

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 15692/2020
Shabbir Ahmad vs Govt

14th Nov, 2022

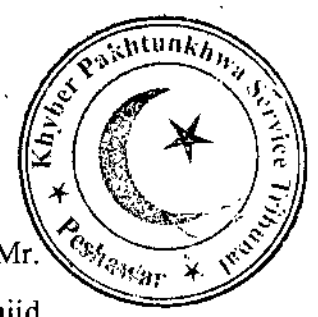
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Sajjad Khan, R.F.O for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. To come up for arguments on 12.12.2022 before the D.B at Camp Court Abbottabad.

SCANNED
KPST
Peshawar

(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



12th Dec 2022

1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Sajid Khan, Range Officer 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 Abbottabad and given under our hands and seal of the Tribunal on this 12th day of December, 2022.*

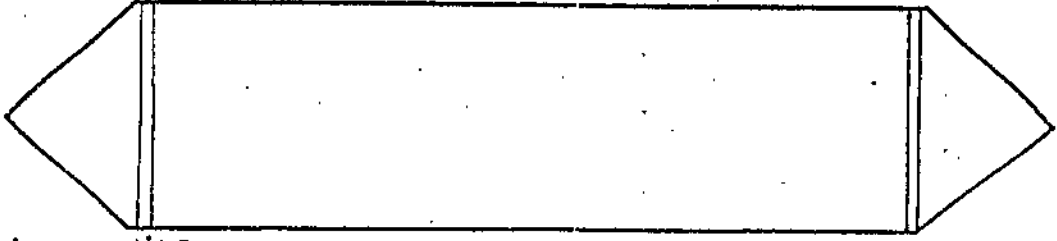
(Salah Ud Din)
Member(J)
Camp Court Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

~~Certified~~ true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 19-12-2022
Number of Words Page 2-Pages
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copyist Shehzad
Date of Completion of Copy 04-01-2023
Date of Delivery of Copy 04-01-2023

Before the KPK Service بدرت Peshawar



Applicant 2 جناب
Province of KPK پناب etc.

05-1-2023 مورخہ
Shabbir Ahmad مقدمہ
Restoration دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام Shabzada Irfan Zia کیلئے Peshawar
Advocate

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ 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 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے 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 سند رہے۔

Accepted by

18 Jan

المرقوم 5th ماہ Jan 2023

وہ 29 کے لئے منظور ہے۔
Peshawar only بمقام

Shabbir Ahmad