

06.08.2019

Nemo for the applicant. Mr. Ziaullah, DDA for respondents present.

It is already past 3:45PM and no one is available to represent the applicant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Announced:  
06.08.2019



Member



Chairman

14.03.2019

Clerk of counsel for the petitioner present. Notice of present application be issued to the respondents. Adjourn. To come for reply and arguments on 07.05.2019 before D.B. Original record be also requisitioned for the date fixed.



(M. AMIN KHAN KUNDI)  
MEMBER



(M. HAMID MUGHAL)  
MEMBER

07.05.2019

Counsel for the petitioner and Addl. AG for the respondents present.

Learned counsel for the petitioner states that similar application in service appeal No. 397/2015 is pending disposal and is fixed on 18.06.2019. He, therefore, requested for adjournment of instant matter to the said date.

Adjourned accordingly.



Member



Chairman

18.06.2019

Clerk to counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the petitioner requested for adjournment as learned counsel for the petitioner is not in attendance. Adjourned to 06.08.2019 before D.B.



Member



Member

Form-A

FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 397/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.11.2018	<p>The application for restoration of appeal no.398/2015 submitted by Mr. Muhammad Imtiaz Khalil Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>12-2-19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
12.02.2019		<p>Counsel for the petitioner present. Notice be issued to the respondents. To come up for reply and arguments on restoration application on 14.03.2019 before D.B.</p> <p style="text-align: center;"> <i>[Signature]</i> (M. Amin Khan Kundi) Member                 <span style="margin-left: 100px;"> <i>[Signature]</i> (Muhammad Hamid Mughal) Member                 </span> </p>
		<p><del>(Clerk of counsel for the petitioner present. Notice to be issued to the respondents. Adjourn till to come for reply and arguments on 07.05.2019 before D.B. Original record be also required for the due file)</del></p> <p style="text-align: center;"> <span style="margin-right: 100px;"> <i>[Signature]</i> (M. AMIN KHAN KUNDI) MEMBER                 </span> <span> <i>[Signature]</i> (M. AMIN KHAN KUNDI) MEMBER                 </span> </p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Restoration Application no. 397/18*  
CM No. \_\_\_\_\_ of 2018  
In Service Appeal No. 398/2015

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Diary No. 2085

Dated 2-11-18

Shafi ur Rehman Son of Qandahar (Lecturer  
Economics).

... .. Appellant

**VERSUS**

Province of Khyber Pakhtunkhwa, through Chief  
Secretary, Peshawar and others

... .. Respondents

**APPLICATION FOR RESTORATION OF  
MAIN SERVICE APPEAL WHERE THE  
ABOVE SERVICE APPEAL WAS  
DISMISSED IN DEFAULT BY THIS  
HON'BLE SERVICE TRIBUNAL VIDE  
ORDER DATED 02/10/2018.**

Respectfully Sheweth:

- 1) That the above titled service appeal was fixed in this august Tribunal, which was fixed for 02/10/2018.
- 2) That the uncle of counsel of the applicant/ appellant has been died on 30/09/2018 and on the date fixed before this Hon'ble Tribunal dated 02/10/2018 in the instant appeal but on the above reason the counsel of the appellant/ applicant is unable to attend this Hon'ble Tribunal.

06.08.2019

Nemo for the applicant. Mr. Ziaullah, DDA  
respondents present.

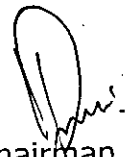
It is already past 3:45PM and no one is available  
to represent the applicant despite repeated calls.

Dismissed for non-prosecution. File be consigned  
to the record room.

Announced:  
06.08.2019



Member



Chairman

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Restoration Application no. 397/18*  
CM No. \_\_\_\_\_ of 2018  
In Service Appeal No. 398/2015

Khyber Pakhtunkhwa  
Service Tribunal

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- 3) That non available of the counsel of appellant on the date fixed is not willfully but due to reasons mentioned above.

It is, therefore, humbly prayed that on acceptance of this application, the main service appeal may be restored and the appeal of the applicant / appellant may be decided on merit.


Dated 02/11/2018

Applicant / appellant  
Through  
  
Muhammad Imtiaz Khalil  
Advocate  
High Court, Peshawar

**AFFIDAVIT**

It is solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.

DEPONENT

  
Muhammad Imtiaz Khalil  
Advocate  
High Court

سید محمد اسحاق علی شاہ

۲۰

2018ء پنجاب

بنام حکومت

شعبہ الکرمل

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام ~~سید محمد اسحاق علی شاہ~~ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور خواستہ سے قسم کی تصدیق

زرائں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا طرف یا پیل کی ڈگری

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بھائی

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

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ بر باندہ التوا کے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پیکر ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

ماہ

المرقوم

الع د گ و الع

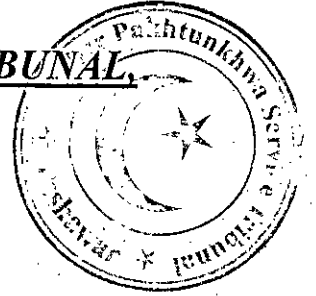
کے لئے منظور ہے۔

مقام



(1)

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**



Service Appeal No. 398 of 2015

Shafi ur Rehman Son of Qandahar Khan, Lecturer  
Economics, Govt College of Management Sciences, Lakki  
Marwat.

..... Appellant

K.W.P. Province  
Service Tribunal

Diry No 402  
dated 23-4-2015

**VERSUS**

- 1- Province of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
- 2- Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- Secretary, Industries, Commerce & Technical Education, Government of Khyber Pakhtunkhwa, Peshawar.
- 4- Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa, Benevolent Fund Building, Peshawar Saddar.
- 5- Director, Technical Education, FATA, FATA Secretariat, Wasak Road, Peshawar.

..... Respondents

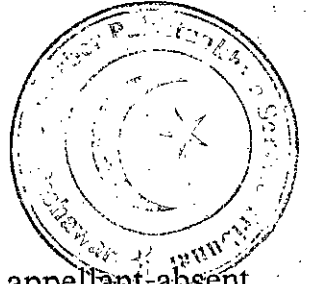
**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1973 FOR PAYMENT OF SALARY TO THE APPELLANT FROM 1<sup>ST</sup> JANUARY 2009 TILL THE ISSUANCE OF THE OFFICE ORDER NO. SO III(IND)TE/3-9/2012 DATED 31/12/2012, WHEREBY THE APPELLANT'S SERVICES WERE (REGULARIZED UNDER KHYBER PAKHTUNKHWA) ACT, 2009 AND THE DETERMINATION OF HIS SENIORITY AS PER SECTION 4 OF THE SAID ACT.**

Prayer in Appeal:

To treat the appellant as regularize from 1<sup>st</sup> January 2009 and to release him the salary from 1<sup>st</sup> January 2009 and seniority with all back benefits

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



02.10.2018

Appellant absent. Learned counsel for appellant-absent. The present case pertains to the year 2015. Absence of appellant as well as learned counsel for appellant depicts disinterest of the appellant in the present case. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

*Announced*  
02-10-2018  
*sd/-*  
(Hussain Shah) (M. Hamid Mughal)  
*Member*      *Member*

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation 19-10-18  
Number of Pages 800  
Copying Fee 6  
Urgent 6  
Total 6  
Name of Counsel [Signature]  
Date of Completion 25-10-18  
Date of Delivery 25-10-18