

12.12.2019

Petitioner absent. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 27.01.2020 before D.B. Reply of respondents not submitted. Muhammad Shakeel Assistant Director representative of respondent No.2 absent. Respondents as well as absent representative be put to notice for the next date. Petitioner be also put to notice for the date fixed.


Member


Member

27.01.2020

Junior to counsel for the petitioner and Addl. AG alongwith Muhammad Shakeel, A.D for the respondents present.

Due to general strike on the call of K.P Bar Council, instant appeal is adjourned to 18.02.2020 for reply/arguments on application before the D.B.

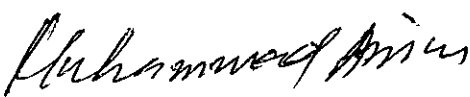

Member


Member

18.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Paindakhel learned Assistant AG alongwith Mr. Muhammad Shoaib Assistant Director for the respondents present. Case called for several time but no one appeared on behalf of the appellant. Consequently the present restoration application is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member






(M. Amin Khan Kundi)
Member

Announced
18.02.2020

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 351/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.09.2019	<p>The application for restoration of appeal No. 327/2017 submitted by Mr. Taj Muhammad Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 20/9/19</p>
2	01.10.2019	<p>This restoration application is entrusted to D. Bench to be put up there on <u>01-10-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner absent. Notice of the present application be issued to the respondents for reply for 12.12.2019. Adjourn. To come up for reply and arguments on 12.12.2019 before S.B. Notice be also issued to the petitioner for the date fixed.</p> <p style="display: flex; justify-content: space-around;"> Member Member</p>

1

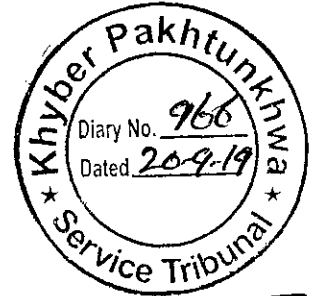
BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
AT PESHAWAR

SERVICE APPEAL No. 327/2017

SAID KAMAL KHAN VS CHIEF SECRETARY AND OTHERS

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974.

APPLICATION FOR RESTORATION OF APPEAL.



Sir,

The petitioner submit as under:

1. That the appeal titled above was pending before the Honorable Member **II** Tribunal on 19.07.2019 for arguments.
2. That the appeal has been dismissed in default.
3. That Counsel for the appellant was in Saudi Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj. (Copy of Passport/Visa attached).
4. That the Assistant was directed to appear before your honour and submit the request for adjournment.
5. That the Assistant as per his version had marked his presence but could not bring it in your kind notice that the Counsel is at Saudi Arabia.
6. That the absence of the Counsel and appellant is not deliberate but the Counsel was not available in Pakistan.
7. That the appellant got knowledge of the order of dismissal 03 September 2019 and the application is being submitted which is well in time.

It is, therefore, prayed that the dismissal order may please be set aside and the application for restoration of appeal may be accepted and the appeal may graciously be restored and decided on merits.

Dated: 03/09/2019

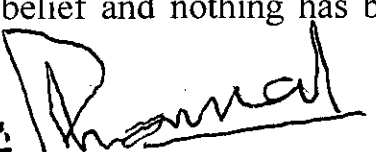


Through Counsel
for the Petitioner.

AFFIDAVIT

I, the petitioner hereby state and verify and solemnly affirm that whatever stated above are correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 03/09/2019



Joint Commissioner,
Fazal Ghafoor
Advocate
Distt Courts Peshawar



SAID KAMAL KHAN
Petitioner

BEFORE THE HONOURABLE CHAIRMAN KPK SERVICE TRIBUNAL

PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 327/2017

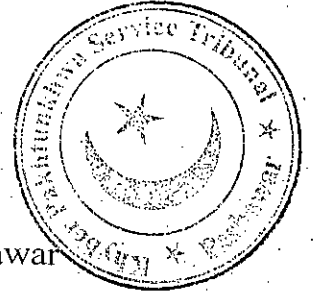
Diary No. 289

Dated 27-3-2

Said Kamal Khan Ex. Assistant Director I&HRD&M Forest Department

Resident of House No.3 Qazi Bashir Road Mardan Cantt: Mardan.

VS



- ✓ 1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar
- ✓ 2. Secretary to Govt: of Khyber Pakhtunkhwa Environment Department.
- ✗ 3. Chief Minister Khyber Pakhtunkhwa through Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar.
- ✗ 4. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.

Filed to-day

Registrar

Appeal u/s 4 of khyber paktunkhwa service tribunal

27/3/17

act 1974, against the Order No. SO(Estt:) FE&WD/1-50 PF Said

Kamal Khan/2016 of Chief Secretary Khyber Pakhtunkhwa dated,

15-07-2016 whereby the appellant was removed from service

Re-submitted to -day
and filed.

Registrar

10/4/17

Certified to be true copy
Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Service Appeal No. 327/2017

Said Kamal Khan vs Govt



19.07.2019

Appellant absent. Learned counsel for the appellant is also absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Shakeel, Assistant Director for the respondents present. Case called several times but none appeared on behalf of the appellant nor the appellant was in person present. Consequently, the present service appeal is hereby dismissed in default. No order as to cost. File be consigned to the record room.

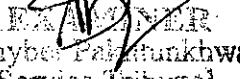
ANNOUNCED

19.07.2019


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

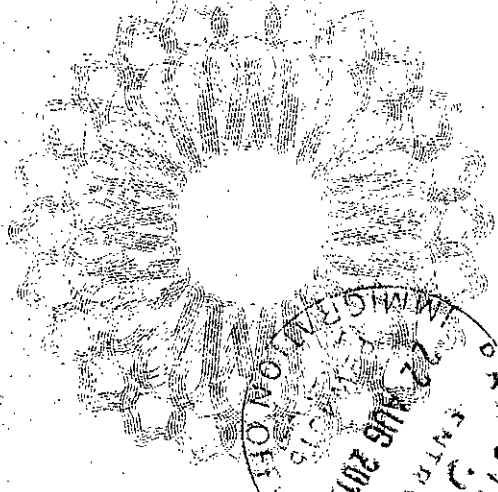
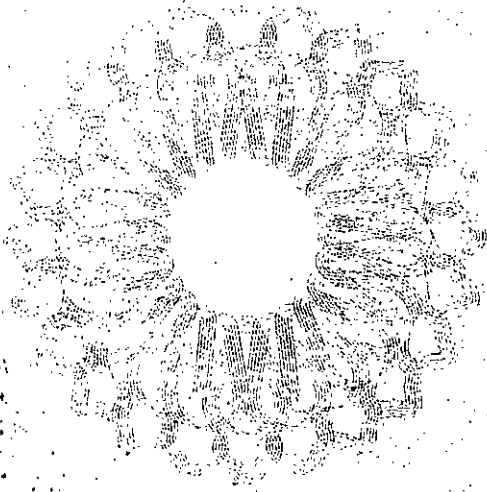
Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal Copy 11-09-19
Number of Words 800
Copying Fee 10-00
Urgent _____
Total 10-00
Name of Copyist [Signature]
Date of Completion of Copy 20-9-19
Date of Delivery of Copy 20-9-19

ملاحظات
OBSERVATIONS

ملاحظات
OBSERVATIONS



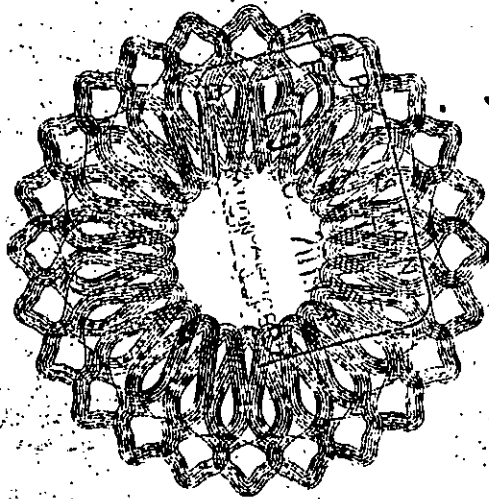
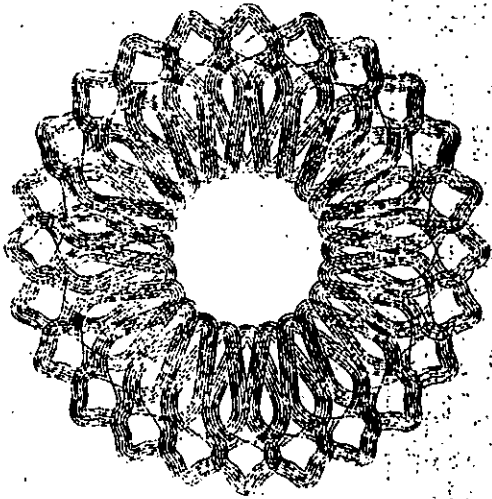
8021744

8071806

VISAS/1/23

VISAS/1/23

4



ANNOTATIONS

Religion
ISLAM

Previous Passport
N/A

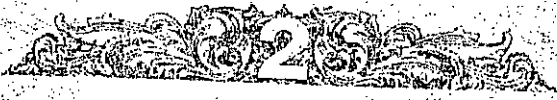


HOLDER'S SIGNATURE OR THUMB IMPRESSION

حامل ہذا کا دستخط یا نشان انگوٹھا

NOT VALID WITHOUT SIGNATURE OR THUMB IMPRESSION

یہ پاسپورٹ بغیر دستخط یا نشان انگوٹھا نا قابل استعمال ہے۔



یہ پاسپورٹ ہونے سرزمین کے دنیا کے تمام ملک کے لئے کارآمد ہے۔
THIS PASSPORT IS VALID FOR ALL COUNTRIES OF
THE WORLD EXCEPT ISRAEL.

5



BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
AT PESHAWAR

SERVICE APPEAL No. 327/2017

SAID KAMAL KHAN VS CHIEF SECRETARY AND OTHERS

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974.

APPLICATION FOR RESTORATION OF APPEAL.

APPLICATION FOR CONDONATION OF DELAY.

Sir,

1. The appeal titled above has been dismissed in default by the Honorable Tribunal on 19.07.2019.
2. That the Counsel for the appellant was at Saudi Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj.
3. That the Assistant was directed to appear before your honour but he marked his presence but could not bring it in your kind notice.
4. That the petitioner got knowledge of the order of dismissal today 03.09.2019 and filed an application for restoration.
5. That the application is within time, yet if your honour consider it otherwise then application for condonation is submitted for the reason that the Counsel was not available and the petitioner got knowledge of the same on 02.09.2019.

It is, therefore, prayed that the delay may please be condoned.

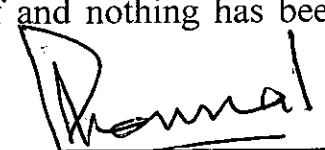
Dated: 03/09/2019

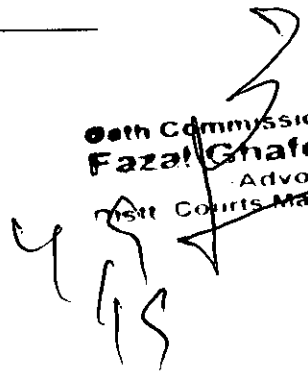

 Through Counsel
 for the Petitioner.

AFFIDAVIT

I, the petitioner hereby state and verify and solemnly affirm that whatever stated above are correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 03/09/2019


 SAID KAMAL KHAN
 Petitioner


 Oath Commissioner
 Fazaal Ghafoor
 Advocate
 West Courts Mardan

WAKALATNAMA

IN THE COURT OF Honble Member II Service Tribunal KPK at Peshawar

In Re: _____ of 20 _____

SAID KAMAL KHAN

VERSUS

CHIEF SECRETARY KPK & others

Counsel for the Petitioner

I/We, the petitioner

Hereby appoint Mr. TAJ MUHAMMAD KHAN ADVOCATE Mr. _____

Advocate & Mr. _____ Advocate, in the above mentioned matter to do all the following acts, deed or things or any of them, that is to say:

1. To act, appear and plead in the above mentioned case, and to file for bail on my / our behalf in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its proceedings until final decision.
2. To present pleadings, appeal, cross objections or petitions for execution, review, revision, withdrawal, compromise or other petitions of affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case at all its stages.
3. To withdraw or compromise the said cause or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.
4. To receive money and grant receipts therefore and do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.
5. To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate(s), whereby he/they may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate(s), or their substitutes shall do in the case.

And I/We hereby agree not to hold the Advocate(s), or their substitutes responsible for the result of the said case in the consequences of his/their absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate(s), remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid.

And I/We hereby agree that the Advocate(s), would only appear at the place of institution of the case and her/they would be at liberty to withdraw from the case in case it is transferred to some other place.

IN WITNESS WHEREOF I/We set my/our hand(s) to these presents the contents of which have been explained to and understood by me/us this the 31 day of SEP 2019 at Mardan

Attested and accepted subject to the terms regarding fees.

Taj Muhammad Khan
TAJ MUHAMMAD KHAN

LL.M

Advocate High Court, Mardan

0336-9985782

Said Kamal Khan
EXECUTANT(S)