

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Application No. 20/2019

Date of institution ..... 15.01.2019

Sodagar Khan

VERSUS

A.E.O Mohmand Agency and others

ORDER  
31.03.2022

Mr. Taimur Haider Khan, Advocate, for the petitioner present.  
Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

The appellant/petitioner has filed the instant petition for restoration of Service Appeal bearing No. 673/2014, which was dismissed in default vide order dated 31.12.2018.

Learned counsel for the petitioner stated at the bar that the needful has been done, therefore, he wants to withdraw the instant restoration application. In this respect, written endorsement of learned counsel for the petitioner obtained at margin of the order sheet as token of proof.

In view of the above, the restoration application in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
31.03.2022

(ROZINA REHMAN)  
MEMBER (JUDICIAL)

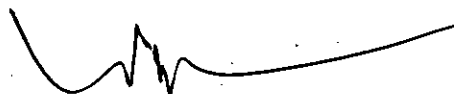
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

*The response has been done - seems withdrawn  
(Taimur Haider Khan) (F) 31/3/22*

04.01.2021 Nemo for appellant.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

Notice be issued to appellant/counsel for arguments for 14.04.2021 before D.B.

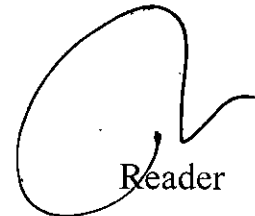


(Atiq-Ur-Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

14.04.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 29.07.2021 for the same as before.



Reader

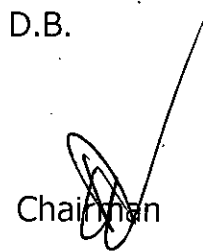
29.07.2021 Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 16.12.2021 before D.B.



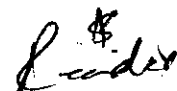
(Rozina Rehman)  
Member (J)



Chairman

16-12-21

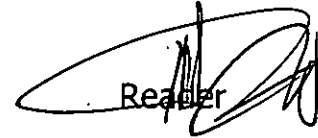
DB is on Tour case to come up  
For the same on Dated. 31-3-22



Reader

24.08.2020

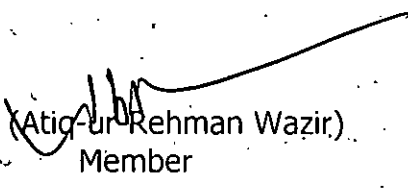
Due to summer vacation case to come up for the same on 28.10.2020 before D.B.

  
Reader

28.10.2020

Junior to counsel for the petitioner and Addl. AG alongwith Umar Zada, B&A.O for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 04.01.2021 for further proceedings before the D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member

  
Chairman



04.01.2021

~~Notice for appellant  
Umar Zada, B&A.O for the respondents General  
Counsel for the respondents  
Notice for appellant/counsel for arguments for  
04.01.2021 before D.B.~~



(Atiq-Ur-Rehman Wazir)  
Member (E)

(Rozina Rehman)  
Member (1)

15.01.2020

Petitioner absent. Learned counsel for the petitioner absent.  
Irfan Assistant representative of the respondents absent. Notice be  
issued to the respondents and absent representative for reply.  
Adjourn. To come up for reply and arguments on 24.03.2020 before  
D.B. Petitioner be also put to notice for the date fixed.



Member



Member

24.03.2020

Due to public holidays on account of Covid-19, the case  
is adjourned. To come up for the same on 10.06.2020 before  
D.B.



Reader


10.06.2020

Bench is incomplete as one learned Member (J) is on  
leave. Therefore, the case is adjourned. To come up for the  
same on 24.08.2020 before D.B.



Reader

02.07.2019 Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for further proceedings on 28.08.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

28.08.2019 Clerk to counsel for the appellant present. Asst: AG for respondents present. Clerk to counsel for the appellant submitted an application for adjournment. Adjourn. Case to come up for arguments on 13.11.2019 before D.B.

  
Member

  
Member

13.11.2019 Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for arguments on 15.01.2020 before D.B.




  
Member

  
Member

# FORM OF ORDER SHEET

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

Misc. Application No. 20/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/01/2019	<p>The application for restoration of Appeal No. 673/2014 submitted by Mr. Sodagar Khan through Mr. Taimur Haider 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</p> <p>This Misc. application be put up before DB-II Bench on <u>9-5-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	09.05.2019	<p>Nemo for the appellant. Mr. Usman Ghani learned District Attorney for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on restoration application for 02.07.2019 before D.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan kundi) Member</p>

①

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Restoration App No. 20/2019 In Appeal No.673/2014

Diary No. 85

Dated 15-1-2019

Sodagar Khan **V/S** A.E.O Mohmmand Agency and others

**APPLICATION FOR RESTORATION OF  
APPEAL NO 673/2014 WHICH HAS BEEN  
DISMISSED IN DEFAULT VIDE ORDER DATED  
31.12.2018 BY THIS HONORABLE TRIBUNAL  
AS THAT DAY THE ATTORNEY OF THE  
APPELLANT WAS BUSY IN THE FUNERAL OF  
HIS FAMILY MEMBER.**

**Prayer:-**

It is therefore, most humbly prayed that by acceptance of this application the instant appeal No. 673/2014 may kindly be restored for the best administration of justice and fair play.

**RESPECTFULLY SHEWETH:**

1. That the instant appeal was pending adjudication before this Honorable Tribunal and as expounded above, due to the non availability of the appellant/attorney, this honorable Tribunal has been pleased to dismiss the same on the basis of non-prosecution vide order dated: 31.12.2018. **(Copy of the order dated: 31.12.2018 is attached).**
2. That as mentioned in the subject, the attorney of the appellant was busy in the funeral of his family member and was unable to appear before this Honorable Tribunal.
3. That for the best interest of justice there is no legal embargo to restore the instant appeal and the appellant/attorney as well as his counsel will be careful in future.

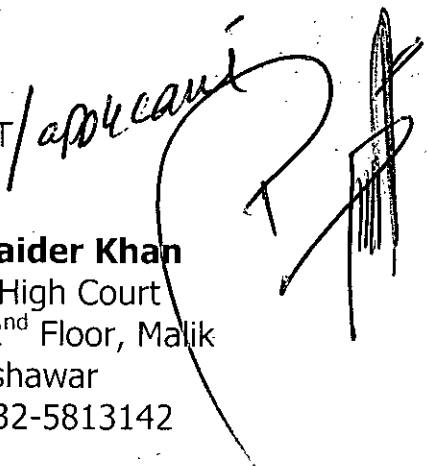
4. That any other ground may be raised at the time of arguments for the best assistance of this Honorable Tribunal.

**Prayer:**

It is therefore, most humbly prayed that by acceptance of this application the instant appeal No. 673/2014 may kindly be restored for the best administration of justice and fair play.

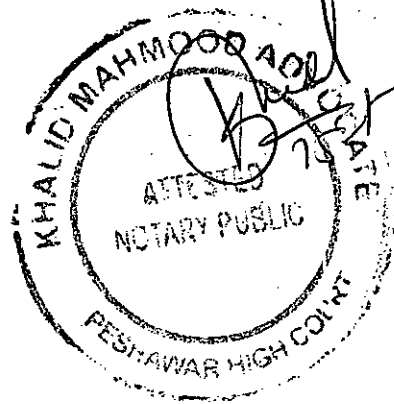
Through: **APPELLANT** / *apellant*

**Taimur Haider Khan**  
 Advocate, High Court  
 Off: 37<sup>th</sup>, 2<sup>nd</sup> Floor, Malik  
 Tower, Peshawar  
 Cell No.0332-5813142



**AFFIDAVIT**

It is affirmed and declares that the contents of application are true and correct to the best of my knowledge and belief.



*سکودانہ جات*  
 DEPONENT



3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Appeal no: 673/2014

539  
09/14/2014

SODAGAR KHAN S/O HAJI MERA KHAN, (SECURITY GAURD CLASS IV)  
PERMANENT EMPLOYEE OF GOVT PRIMARY SCHOOL TOR KOR , MALIK  
GUL KHAN QANDARI SAFI MOHMAND AGENCY.....

APPELLANT

VERSUS



1. AGENCY EDUCATION OFFICER, MOHMMAND AGENCY GALLANAI
2. DIRECTOR OF EDUCATION(FATA) KPK , FATA SECRETARIAT  
PESHAWAR
3. POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI
4. ADDITNIOL CHIEF SECRETARY, FATA SECRETARIAT,  
PESHAWAR

.....RESPONDENTS

APPEAL UNDER SECTION 4, OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED  
ORDER DATED 19-07-2010 OF RESPONDENT NO.1 DESPITE  
THE FACTS THAT APPELLANT HAS NOT TERMINATED & EVEN  
HIS NAME WAS NOT MENTIONED IN THE TERMINATION  
ORDER DATED 19-07-2010 BUT THE RESPONDENTS IN  
COMPLIANCE WITH ABOVE TERMINATION ORDER  
ILLEGALLY AND UNLAWFULLY HAS STOPPED THE SALARY OF  
THE APPELLANT SINCE MARCH, 2010, AND HIS  
DEPARTMENTAL APPEAL DATED 04-08-2010 & 26-12-2013  
BEFORE RESPONDENT NO.2 HAS NOT YET BEEN DECIDED  
WITHIN THE STATUTORY PERIOD OF 90 (NINTY) DAYS

9/4/14

PRAYER IN PETITION:

BY ACCEPTING THIS APPEAL, THE IMPUGNED ORDER  
DATED 19-07-2010 OF RESPONDENT NO 1 MAY KINDLY  
BE SETASIDE, BEING UNLAWFUL, UNCONSTITUTIONAL,  
BIASED, AND THE APPELLANT MAY BE REINSTATED WITH  
ALL BACK BENEFITS WITH RETROSPECTIVE EFFECTS,  
(SINCE MARCH, 2010).

Certified to be true copy  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

31.12.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Case called but neither the appellant nor his counsel turned up. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



Member

*[Signature]*  
Member

*[Signature]*  
**ANNOUNCED.**  
31.12.2018

**Certified to be true copy**  
*[Signature]*  
Peshawar Service Tribunal  
Peshawar

Date of Copying	<i>[Signature]</i>
Number of Copies	11-12-18
Copying Fee	6
Urgent	<i>[Signature]</i>
Total	<i>[Signature]</i>
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	11-12-18
Date of Delivery of Copy	11-12-18