


30.03.2023

FORM OF ORDER SHEET

Court of

Restoration Application No. 702/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge	Original
1	2	File by Mr. Nour Muhammad Khattak Advocate. It is fixed for hearing before touring Single Bench at Swat on	3
1	30.03.2023	<p>The application for restoration of Appeal no. 1671/2022 submitted today by Mr. Nour Muhammad Khattak Advocate. It is fixed for hearing before touring Single Bench at Swat on</p> <p>file be requisitioned. Notices be issued to applicant and his counsel.</p>	Original
		By the order of Chairman	
		 REGISTRAR	

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration
Appli No 202/2023 CM. NO. _____/2023
IN
APPEAL No. 1671/2022

Mr. SARWAR KHAN VS LOCAL GOVT DEPTT:

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1.	Memo of Application with Affidavit	1
2.	Order Sheet dated 08-03-2023	"A"	2-3
3.	Vakalatnama	4

APPLICANT

THROUGH:

M
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM. NO. _____/2023

IN

APPEAL No. 1671/2022

Mr. SARWAR KHAN

VS

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 4633
Dated 30/3/2023

1. The Secretary LG & RD department, Khyber Pakhtunkhwa, Peshawar.
2. The Director General LG & RD department, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Director LG & RD, District Malakand.
4. Mr. Shahab Hussain Junior Village Secretary (BPS-09), VC Bala Batkhela District Malakand.

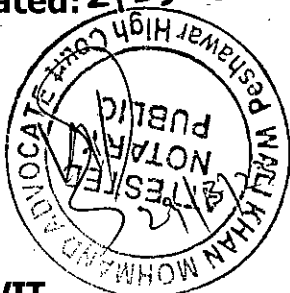
APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 08.03.2023.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 08.03.2023. Copy of the order sheet dated 08.03.2023 is attached as annexureA.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 29-3-23



[Signature]
PETITIONER/APPLICANT

Through:

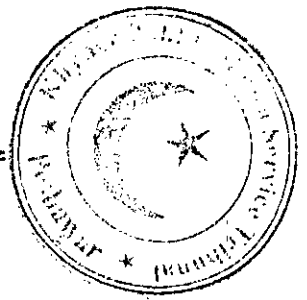
[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Sarwar Khan the applicant, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT

-2-1-



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1671 /2022

Mr. Sarwar Khan, Naib Qasid BPS-04
Village Council Ghundo, District Malakand.

..... **APPELLANT**

VERSUS

- 1- The Secretary LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General LG&RDD Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director LG&RDD, District Malakand.
- 4- Mr. Shahab Hussain, Junior Village Secretary (BPS-09), VC Bala Batkhela, District Malakand.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 07.08.2018 WHEREBY JUNIOR TO THE APPELLANT HAS BEEN PROMOTED TO THE POST OF JUNIOR VILLAGE SECRETARY (BPS-09) WHILE THE APPELLANT WAS IGNORED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 07.08.2018 of the respondents may very kindly be set aside to the extent of private respondent No.4 and the respondents may kindly be directed to consider the appellant for promotion to the post of Junior village Secretary BPS-09 w.e.f. 7.8.2018 with all back benefits including seniority. Any other remedy which this august Court deems fit may also be awarded in favor of appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant was initially appointed as Naib Qasid at u/c Sakhakot, District Malakand in the respondents department vide order 12.04.2005 and start performing his duties quite efficiently up to the entire satisfaction of his superior. Copy of the service book is attached as annexure **A.**
- 2- That since the appointment, the appellant has served the respondents department for more than 16 years quite efficiently, with zeal and zest and honored an unblemished service record. Copies of employment profile card and salary slip are attached as annexure.....**B.**

Certified to be true copy

NTR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



-3-

Service Appeal No. 1671/2022

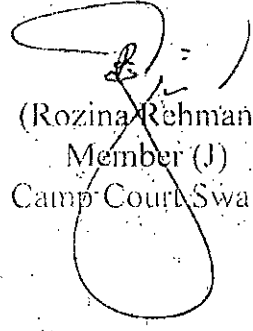
08.03.2023 Nemo for appellant. Umair Azam learned Counsel for the respondents present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
08.03.2023

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


(Rozina Rehman)
Member (J)
Camp Court Swat

Date of Presentation of Application 13-3-2023
Number of ~~words~~ Page 2
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copy -
Date of Completion of Copy 27-3-2023
Date of Delivery of Copy 27-3-2023

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Sarwar Idrees

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt

(RESPONDENT)
(DEFENDANT)

I/we Applicant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202

[Signature]
CLIENT *[Signature]*

ACCEPTED *[Signature]*

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)

[Signature]
KAMRAN KHAN

[Signature]
UMAR FAROOQ MOHMAND
[Signature]
WALEED ADNAN

&

[Signature]
MUHAMMAD AYUB
ADVOCATES

OFFICE:

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Deans Trade Centre, Peshawar Cantt.
(0311-9314232)