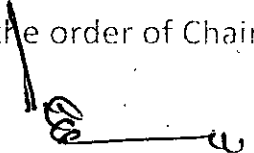


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 219/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.04.2023	<p>The application for restoration of Execution Petition no. 12/2023 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____</p> <p>Original file be requisitioned. Parcha Pehsi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli. No. 219/2023

CM. NO. _____/2022

IN

EXECUTION PETITION NO.12/2023

IN

APPEAL No. 300/2016

SCANNED
KPST
Peshawar

MUHAMMAD AQIB ZAMAN

VS

EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Application with Affidavit	1-2
2.	Order dated 28.02.2023	A	3-4
3.	Vakalatnama	5

Petitioner

Through:

[Signature]
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration *Appli. No. 219/2023*
CM. NO. _____/2022

IN
EXECUTION PETITION NO.12/2023
IN
APPEAL No. 300/2016

Khyber Pakhtunkhwa
Service Tribunal
Entry No. 4681
Date: 3/4/2023

Mr. Muhammad Aqib Zaman, CT, District Kurram.

.....PETITIONER

VERSUS

- 1- The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education Newly Merged Areas, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M) District Kurram.
- 4- The District Accounts Officer, District Kurram.

..... RESPONDENTS

APPLICATION UNDER SECTION 151 CPC AND OTHER ENABLING PROVISIONS FOR RESTORATION OF THE ABOVE MENTIONED EXECUTION PETITION NO. 12/2023 FOR THE PURPOSE OF IMPLEMENTATION OF THE JUDGMENT PASSED IN APPEAL NO.300/2016 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the above titled execution petition was pending adjudication before the this Honorable tribunal for the implementation of the judgment passed in appeal No. 300/2016 which had wrongly/ inadvertently been consigned vide order sheet dated 28.02.2023. Copy of the order sheet dated 28.02.2023 is attached as annexure**A.**
- 2- That it is pertinent to mention here that the judgment passed in appeal mentioned above had not been implemented in letter and spirit but the subject execution had inadvertently been consigned which needs to be restore for the purpose of proper implementation/execution to meets the ends of justice.
- 3- That there is no legal bar in restoring the mentioned execution petition for its proper implementation/ execution as is envisaged in section 7 (2) (d) read with section 151 of the civil procedure code, 1908.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned execution petition may very kindly be restored so that the judgment be implemented in letter and spirit.

Dated: 30/3/23

PETITIONER/APPLICANT

Through:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

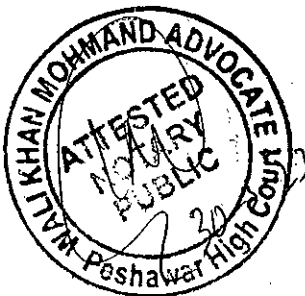
&

KAMRAN KHAN
ADVOCATES

AFFIDAVIT

I, Muhammad Aqib Zaman, Ex: CT, District Kurram, do hereby solemnly affirm on oath that the contents of the above **APPLICATION** are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

DEPONENT



11A-3-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

IMPLEMENTATION PETITION NO. _____/2022

IN

APPEAL NO 300/2016

Mr. Muhammad Aqib Zaman, Ex: CT, District Kurram.

PETITIONER



VERSUS

- 1- The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education Newly Merged Areas, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M) District Kurram.
- 4- The District Accounts Officer, District Kurram.

RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT DATED 31-05-
2018 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 300/2016 before this august Service Tribunal for his re-instatement into service with all back benefits.
- 2- That the appeal of the petitioner was heard and the appellate authority is directed as follows " *In light of above discussion this Tribunal is constrained to issue direction to the respondent department to adjust /reinstate the appellants at the posts C.T with immediate effect without back benefits. This present Service Appeals bearing No. 298/2016, 294/2016, 299/2016, 300/2016 and 302/2016 are accepted in the above terms.*" Copy of the judgment dated 31.05.2018 is attached as annexure A.
- 3- That after obtaining copy of the judgment dated 31.05.2018 the petitioner submitted the judgment mentioned above for its implementation to the Department

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar




28th Feb, 2023

1. Learned counsel for the petitioner present. Mr. Umair Azam, Addl: AG alongwith Mr. Muhammad Shah, SET for the respondents present.

02. This execution petition is misconceived as the respondents had already issued a notification No. 6626-30/Edu dated 22.11.2018 in compliance of the judgment of this Tribunal, whereby the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed. Consign.

03. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 28th day of Februarys, 2023.*


(Kalim Arshad Khan)
Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 21-3-23
Number of ~~Words~~ *Page* 2
Copying Fee 60/-
Urgent 5/-
Total 15/-
Name of Copyist _____
Date of Completion of Copy 21-3-23
Date of Delivery of Copy 21-3-23

- 5 -

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration No /2023

M. Aarib zaman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Eviction

(RESPONDENT)
(DEFENDANT)

I/We Appellant.

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. 30 / 3 /2023


CLIENT

عاقب زمان

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

(BC-10-0853)

(15401-0705985-5)

KAMRAN KHAN

UMAR FAROOQ MOHMAND


WALEED ADNAN

&


**MUHAMMAD AYUB
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)