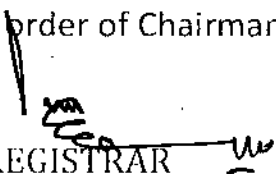


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 79/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.02.2023	<p>The application for restoration of appeal No.330/2018 submitted today Daris Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on . Original file be requisitioned. Parcha Peshi is given to applicant/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. 79/2023

C.M. No. ____/2023

In

Service Appeal No. 330/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *36/6*

Dated *16/2/2023*

Mumtaz Ali.....(Appellant)

VERSUS

Govt of KPK and others.....(Respondents)

I N D E X

S.No	Description of Documents	Pages
1.	Application for restoration	1-2
2.	Affidavit	3
3.	Copy of Order Sheet dated 22/11/2022	4

Mumtaz
Appellant

Through

Dated: 16/02/2023

Daris Khan
Daris Khan

Advocate Supreme Court
of Pakistan.

Cell No. 0343-9664100

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration Appli. No. 79/2023

C.M. No. ____/2023

In

Service Appeal No. 330/2018

Mumtaz Ali.....(Appellant)

VERSUS

Govt of KPK and others.....(Respondents)

APPLICATION FOR RESTORATION OF
THE ABOVE TITLED SERVICE APPEAL
WHICH WAS DISMISSED IN DEFAULT.

Respectfully submitted:

1. That the above titled Service Appeal was fixed before this Hon'ble Tribunal on 22/11/2022, which was dismissed in default. (Copy of Order Sheet dated 22/11/2022 is attached).
2. That on the date fixed i.e. 22/11/2022 clerk of the counsel for appellant appeared before this Hon'ble Tribunal but got knowledge that the case file has been misplaced from the office of this Hon'ble

2

Tribunal and thereafter this Hon'ble Tribunal dismissed the appeal in default.

3. That the absence of the counsel for appellant was not deliberate but for the reasons stated herein above.
4. That this Hon'ble Tribunal has got ample powers to restore the cited Service Appeal as valuable rights of the appellant is involved in the matter.

It is, therefore, humbly prayed that on accepting this application, this Hon'ble Court may very graciously be pleased to restore the cited Writ Petition.

Mumtaz
Appellant

Through

[Signature]
Daris Khan
Advocate Supreme Court
of Pakistan.

Dated: 16/02/2023

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

C.M. No. ____/2023

In

Service Appeal No. 330/2018

Mumtaz Ali.....(Appellant)

VERSUS

Govt of KPK and others.....(Respondents)

AFFIDAVIT

I, Mumtaz Ali (Appellant), do hereby solemnly affirm and declare, that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Mumtaz
DEPONENT



4

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

330
Appeal No. /2018

MUMTAZ ALI SO FARAZ KHAN
PRESENTLY SERVING AS ASSISTANT
DIRECTOR (LITIGATION), KHYBER
PAKHTUNKHWA ENVIRONMENTAL
PROTECTION AGENCY PESHAWAR



APPELLANT

VERSUS

1. GOVT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF SECRETARY
2. SECRETARY FORESTRY, ENVIRONMENT AND WILD LIFE DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA.
3. DIRECTOR GENERAL, KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION AGENCY PESHAWAR.

Appeal against the order dated 17.10.2017 of Director General Environmental Protection Agency Govt. of Khyber Pakhtunkhwa Peshawar.

Respectfully Sheweth.

The appellant submits as under:

1. That the appellant is serving as Assistant Director Litigation in Environmental Protection Agency, Govt. of Khyber Pakhtunkhwa and appointed through Khyber Pakhtunkhwa Public Service Commission in June 2014. (Copy of Notification is unncxure A)
2. That service of appellant is rendered under the relevant law and the promotion is saved under EPA Service Rules. Furthermore, the post of Deputy Director is open for all as it carries the subject of Law, science, social science, engineering and city planning etc. for recruitment and promotion. (Copy of EPA Service Rules B.)
3. That the appellant appealed for promotion against the vacant position of Deputy Director, as a right, being the most senior among the assistant Directors. (Copy of Appeal is Annexure C)

*Sec. 17
This shall
also be
justified*

ATTESTED

[Signature]
Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 330/2018
Mumtaz A.S. vs Govt

57



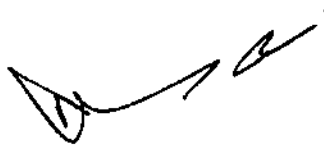
22nd Nov 2022

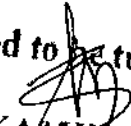
1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 22nd day of November, 2022.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16/02/2023
Number of Page 2
Copying Fee 10/-
Urgent S/r
Total 15/-
Name of _____
Date of Completion of _____ 16/02/2023
Date of Delivery of Copy 16/02/2023