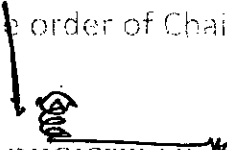


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 285/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1.	08.05.2023	<p>The application for restoration of Appeal no. 1150/2022 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>15-5-23</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration NO. _____/2023

Umay Ferooz

VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED APPEAL AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 05/5/23

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Restoration Appli. No. 285/2023

CM. NO. _____/2023

IN

APPEAL No. 1150/2022

UMAR FAROOQ

VS

SOCIAL WELFARE DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application with Affidavit	1-
2.	Order Sheet dated 19.04.2023	"A"	2-3
3.	Vakalatnama	4

APPLICANT

THROUGH:



**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM. NO. _____/2023
IN
APPEAL No. 1150/2022

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 5196
Dated 8/5/2023

Mr. Umar Farooq, Rehabilitation Officer (BPS-17) Rehabilitation Centre Drug addicts (RCDA) Kohat.

VS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Government of Khyber Pakhtunkhwa, Social Welfare, Special Education, Women Empowerment, Ushar & Zakat Department, Peshawar.
3. The Director Social Welfare, Special Education, Women Empowerment, Ushar & Zakat Department, Peshawar.

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 19.04.2023.
- 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 19.04.2023. Copy of the order sheet dated 19.04.2023 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: 05.05.2023

Through:


PETITIONER/APPLICANT


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Umar Farooq 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.

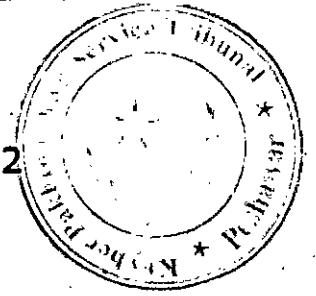

DEPONENT



"A" (2)

BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL WRIT NO. 1150 /2022



Mr. Umar Farooq, Rehabilitation Officer (BPS-17)
Rehabilitation Centre Drug Addicts (RCDA) Kohat
Under transfer to RCDA D.I.Khan

.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Social Welfare, Special Education & Women Empowerment Department,

-----**RESPONDENTS**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 14-03-2022 WHEREBY THE APPELLANT WAS TRANSFERRED FROM RCDA KOHAT TO RCDA D.I.KHAN IN SHEER VIOLATION OF RULES AND TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT

PRAYER:

THAT ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED NOTIFICATION DATED 14-03-2022 MAY VERY KINDLY BE SET ASIDE TO THE EXTENT OF PETITIONER POSTING AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO POST/RETAIN THE APPELLANT AGAINST THE POST OF REHABILITATION OFFICER(BPS-17) AT RCDA KOHAT INSTEAD OF RCDA D.I:KAHN AND TO STRICTLY FOLLOW TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT. ANY OTHER REMEDY WHICH THIS AUGUST SERVICE TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF THE PETITI

R/SHEWETH:

Brief facts giving rise to the instant service appeal are as under:

- 1- That the appellant is law abiding citizen of Pakistan and was appointed in the respondents department as Rehabilitation Officer (BPS-17) vide Notification dated 20-04-2021.

Signature
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1150/22

3



17th Feb, 2023

Nemo for the appellant. Mr. Muhammad Jan, District Attorney, for

the respondents present.

Notice be issued to the appellant and his counsel to attend the court on the next date. Adjourned. To come up for arguments on 19.04.2023 before S.B at camp court D.I. Khan.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman
Camp Court D.I. Khan

19.04.2023

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

This case was called time and again but neither the appellant nor his counsel appeared before the Tribunal.

As such, the appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
19.04.2023

(Muhammad Akbar Khan)
Member (E)
Camp Court, D.I.Khan

Mutazem Shah

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 28-4-23
Number of ~~Words~~ page 2
Copying Fee 10/-
Urgent
Total 10/-
Name of
Date of Completion 05-05-23
Date of Delivery of Copy 05-05-23

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration No /2023

Uma Farooq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Social Welfare

(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. / /2023


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


KAMRAN KHAN


UMAR FAROOQ MOHMAND


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES