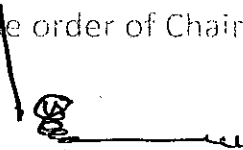


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 283/2023

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 C.O.C application no.312/2022 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single 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 Appli. no. 283/2023

CM. NO. _____/2023

IN

COC NO.312/2022

IN

APPEAL No. 7917/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

Dated

5177

8/5/2023

IMTIAZ KHAN

VS

GOVT: OF KPK

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application with Affidavit	1-2
2.	order sheet dated 05.04.2023	"A"	3-4
3.	Vakalatnama	5

APPLICANT

THROUGH:

**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Restoration Application No. 283/2023
CM. NO. _____/2023

IN

COC NO.312/2022

IN

APPEAL No. 7917/2021

1. Engineer Imtiaz Khan, Deputy Director (PSU), o/o Small Dam Directorate of Irrigation Department, Khyber Pakhtunkhwa Peshawar.
2. Engineer Sohail Khan, Deputy Director (Design), o/o Chief Engineer (South) Irrigation Department, Khyber Pakhtunkhwa Peshawar.
3. Engineer Masood Ahmed, Deputy Director (PHLCE), Project Directorate of Irrigation Department, Khyber Pakhtunkhwa Peshawar.
4. Engineer Fazli Maula, Deputy Director, Remodeling of Warsak Canal System in District Peshawar & Nowshera Project Directorate of Irrigation Department, Khyber Pakhtunkhwa Peshawar.
5. Engineer Ali Ahmed, Executive Engineer, Irrigation Division Chitral, Irrigation Department, Khyber Pakhtunkhwa Peshawar.

VS

1. Dr Shehzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Muhammad Ayaz Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED PETITION.

R/SHEWETH:

- 1- That the above titled COC Petition was pending adjudication before this Honorable tribunal which was fixed on 05.04.2023.
- 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 05.04.2023. Copy of the order sheet dated 05.04.2023 is attached as annexure**A.**
- 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 case may very kindly be restored.

Dated: 05.05.2023

PETITIONER/APPLICANT

Through:

**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

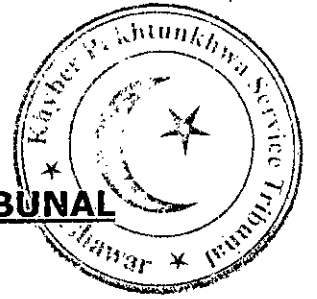
I, Engineer Intiaz Khan, Deputy Director (PSU), o/o Small Dam Directorate of Irrigation Department, Khyber Pakhtunkhwa Peshawar the applicant, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



(X) 4A" (3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



COC Petition No. 312 /2022

IN

APPEAL NO. 7917/2021 & 207/2022



1. Engineer Imtiaz Khan, Deputy Director (PSU),
o/o Small Dame Directorate of Irrigation Department,
Khyber Pakhtunkhwa, Peshawar
2. Engineer Sohail Khan, Deputy Director (Design),
O/O Chief Engineer (South) Irrigation Department,
Khyber Pakhtunkhwa, Peshawar.
3. Engineer Masood Ahmad, Deputy Director, PHLCE Project
Directorate Irrigation Department, KPK, Peshawar.
4. Engineer Fazli Maula, Deputy Director, Remodelling of Warsak
Canal System in District Peshawar & Nowshera Project
Directorate, Irrigation Department, KPK, Peshawar.
5. Engineer Ali Ahmad, Executive Engineer, Irrigation Division
Chitral, Irrigation Department, KPK, Peshawar.

..... **PETITIONERS**

VERSUS

- 1- Dr. Shehzad Khan Bangash, Chief Secretary, Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- Muhammad Ayaz, Secretary to Government of Khyber
Pakhtunkhwa, Irrigation Department, Civil Secretariat
Peshawar.

..... **RESPONDENTS/CONTEMNORS**

**APPLICATION FOR INITIATION OF CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS/CONTEMNORS UNDER THE
CONTEMPT OF COURT ORDINANCE, 2004**

R/SHEWETH:

ON FACTS:

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Brief facts giving rise to the petition are as under:

1. That the appellants filed service Appeals No. 7917 of 2021 &
207 of 2022 before this Honourable Tribunal in which
7.6.2022 date is fixed for hearing. Copies of memo of
appeals are attached as annexure

4

COC Application No. 312/22




05th April, 2023

Nemo for the petitioner.

02. On 02.03.2023, last opportunity was given to argue the case positively. Today neither the petitioner nor his counsel is in attendance despite repeated calls. The petition is, therefore, dismissed in default. Consign.

03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 05th day of April, 2023.

Certified true copy
EX. MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Farooq Paul)
Member (E)

Date of Presentation of Application 05-04-2023
Number of Words Page 2
Copying Fee 10/-
Urgent _____
Total 10/-
Date of Completion 16-04-2023
Date of Delivery of Copy 05-05-2023

5

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration No /2023

Mutiaz Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gout

(RESPONDENT)
(DEFENDANT)

I/we Appellants

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

Mutiaz Khan
موتياز خان

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

Waleed Adnan
WALEED ADNAN

Kamran Khan
KAMRAN KHAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND

Waleed Adnan
WALEED ADNAN

&

Muhammad Ayub
**MUHAMMAD AYUB
ADVOCATES**

OFFICE:

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