

17.04.2023

Petitioner alongwith his counsel present. Notice

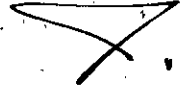
issued to the respondents and to come up for reply as well

as arguments on restoration application on 02.06.2023

before the S.B. Parcha Peshi given to the petitioner as well

as his counsel,

Naeem Amin



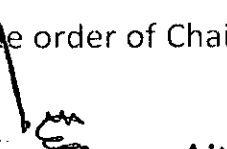

(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 143/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.03.2023	<p>The application for restoration of Execution Petition no. 160/2022 submitted today by Mr. Mir Zaman Safi Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>6-3-23</u>. Original file be requisitioned. Parcha Peshi is given to appellant/Counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>
	06.03.2023	<p>Clerk to counsel for the petitioner present and requested for adjournment on the ground that learned counsel for the petitioner is out of station. Adjourned. To come up for arguments on restoration application on 17.04.2023 before S.B. P.P given to clerk of learned counsel for the appellant.</p> <p> (Muhammad Akbar Khan) Member (E)</p>

SCANNED
KP ET
Peshawar

SCANNED
KP ET
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Restoration Appli. No. 145/2023

C.M. No. _____ /2023

IN

EXECUTION PETITION ON. 160/2022

SCANNED
BY
Peshawar

ROZI KHAN

V/S

HIGHER EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1.
2	Affidavit	2.
3	Order sheet	A	3- 4.
4	Wakalat Nama	5.

PETITIONER

THROUGH:

M. Zaman Safi
MIR ZAMAN SAFI

ADVOCATE

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.

Cell: 0333-9991564

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Restoration Appli. no. 143/2023

C.M. No. _____/2023

IN

**Khyber Pakhtunkhwa
Service Tribunal**

Case No. 40/8

Dated 2/3/2023

EXECUTION PETITION ON. 160/2022

ROZI KHAN

V/S

HIGHER EDUCATION DEPTT:

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED EXECUTION PETITION**

R/SHEWETH:

- 1- That, the above mentioned Execution Petition was pending adjudication before this august Tribunal which was fixed for hearing on 31-10-2022.
- 2- That the above mentioned execution petition filed by the petitioner for implementation of judgment dated 05.10.2021.
- 3- That on the date fixed Counsel for the petitioner did not appear before this august Tribunal and due to non appearance of the Counsel for petitioner the above mentioned execution petition has been dismissed for non-prosecution vide order/ judgment dated 31.10.2022. **Copy of the order sheet is attached.**
- 4- That the petitioner was un-aware regarding the dismissal of his execution petition due to non appearance of his Counsel while the petitioner asked his Counsel through telephonically regarding the situation but he did not properly assisted the petitioner.
- 5- That on 01.03.2023 the petitioner came to this august Service Tribunal for getting information regarding his execution petition but it came into the knowledge of petitioner that his execution petitioner has been dismissed for non prosecution.
- 6- That non appearance of the petitioner was neither deliberate nor intentional but due to cause of his un-awareness and mis-statement of his Counsel.

It is, therefore, most humbly prayed that on acceptance of this application the above title execution petition may very kindly be restored.

Dated: 01-03-2023.

APPELLANT

THROUGH:

Mir Zaman Safi
**MIR ZAMAN SAFI
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2023

IN

EXECUTION PETITION ON. 160/2022

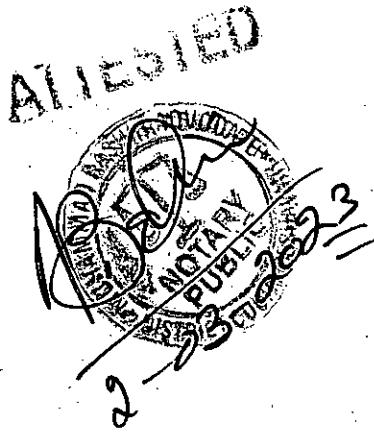
ROZI KHAN

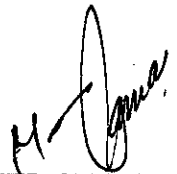
V/S

HIGHER EDUCATION DEPTT:

AFFIDAVIT

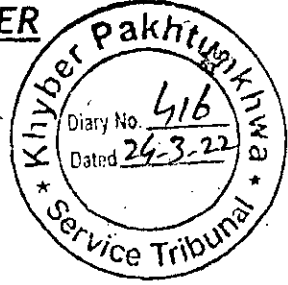
I, Mir Zaman Safi, Advocate Peshawar, on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




MIR ZAMAN SAFI
ADVOCATE

A-3

BEFORE THE HONORUABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.



EXECUTION PETITION NO. 160 /2022

IN

SERVICES APPEAL NO. 1508/2018 DECIDED ON 05/10/2021

Rozi Khan S/O Shafi Ullah R/O Thana District Malakand.



VERSUS

1. Govt of Khyber Pakhtunkhwa, through Chief Secretary KPK, Peshawar.
2. Director Higher Education KPK at Peshawar.
3. Section Officer Department of Establishment & Administration (Regulation Wing).
4. Principal, Government Girls Degree College Thana District Malakand.

RESPONDENTS

EXECUTION PETITION FOR THE IMPLIMENTATION
OF JUDGEMENT / ORDER DATED 05/10/2021
PASSED IN SERVICE APPEAL NO. 1508/2018 IN ITS
STRICT SENSE FOR SETTING ASIDE THE IMPUGNED
ORDER DATED: 04/01/2016 AND HENCE,
CONVERT HIS REMOVAL FROM SERVICE INTO
COMPULSORY RETIREMENT ACCORDING TO THE
JUDGEMENT OF THIS HONORABLE TRIBUNAL
MENTIONED ABOVE.

RESPECTFULLY SHEWETH,

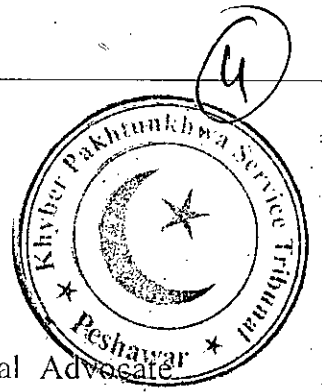
Petitioner submits as under: -

1. That the petitioner filed a services appeal No. 1508/2018 before this Honourable Tribunal decided

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11.10.2022

Nemo for petitioner.



Mr. Muhammad Adeel Butt, Additional Advocate

General alongwith Farhan, Assistant for respondents present.

Counsel was informed telephonically for the date fixed

Notices be issued to appellant and his counsel for the date fixed. To come up for further proceedings on 31.10.2022 before S.B.

(Fareeha Paul)
Member (E)

SCANNED
KIST
Peshawar

31st Oct, 2022

1. None present for the petitioner. Mr. Kabirullah Khattak, Addl. AG for the respondents present.
2. On the previous date none for the petitioner was present and notices were directed to be issued to the petitioner and his counsel. It is reported by the office that the learned counsel for the petitioner was informed telephonically but today nobody put appearance on behalf of the petitioner. In view of the above, the execution petition is dismissed in default. Consign.
3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 31st day of Oct, 2022.*

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 01-03-2023
 Number of ~~words~~ *Page* 2
 Copying Fee 10/-
 Urgent S/-
 Total 15/-
 Name of Copyist _____
 Date of Completion of Copy 01-03-2023
 Date of Delivery of Copy 01-03-2023

Certified to be true copy
EX-MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

WAKALAT NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2023

SCANNED
KPST
PESHAWAR

Rozi Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Higher Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Rozi Khan

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, High Court, Peshawar** 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. 01 / 03 / 2023

Rozi Khan

CLIENT

Mir Zaman Safi

ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003