


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 357/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.06.2023	<p>The application for restoration of appeal No. 987/2017 submitted today by Syed Noman Ali Bukhari Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>12-06-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

R.A NO: 357 /2023
IN

APPEAL NO.987/2017


Y Muhammad Ramzan

V/S

Education Deptt:

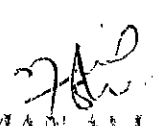
INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Application	---	01-02
2.	Copy of sine-die	- A -	03-04
3.	Copy of execution order	- B -	05-06
1.	Vakalat Nama	---	07



PETITIONER

Muhammad Ramzan

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

&


(UZMA SYED)
ADVOCATE, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

R.A NO: 357 /2023
IN

APPEAL NO.987/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5804

Dated 5/6/2023

Muhammad Ramzan Ex-PST
GPS tube well Noor Alam Di Khan

APPELLANT

VERSUS

1. The Secretary (E&SE) KPK Peshawar.
2. The Director Education Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer, Schools & Literacy DI. Khan.
4. DG Agriculture Extension Wing Tank, DI. Khan..

RESPONDENTS

APPLICATION FOR RESTORATION OF APPEAL NO.
987/2017 WHICH WAS ADJOURNED SINE-DIE VIDE ORDER
DATED 31-10-2019.

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 987/2017 was filed before this Honorable Tribunal against the order dated 08/02/2012.
2. That the instant appeal was in preliminary hearing stage at principle Bench Peshawar, the said appeal of the appellant was adjourned Sine-Die vide order dated 31/10/2019 due to reason that the execution petition no.197/2017 was pending in this respect. **Copy of the order is attached as annexure-A.**
3. That now the execution petition no 197/2017 was consigned vide order dated 15/05/2023 the appellant filed application on 15/09/2022 for copy of the order, which was handed over to the counsel for appellant on same date. **Copy of the order is attached as annexure-B.**

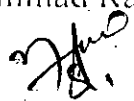
2

4. That it is in the interest of justice that the appeal of the appellant may be restore.

It is therefore, most humbly prayed, that the instant appeal No. 987/2017 may be restore on the acceptance of this application.


APPELLANT
Muhammad Ramzan

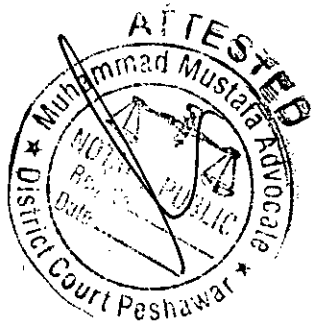
Through:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT
PESHAWAR.

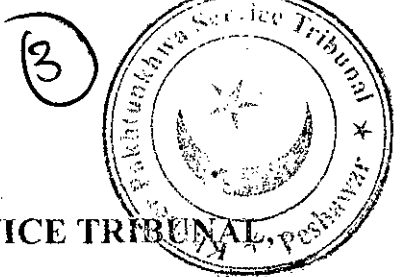
AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.


DEPONENT



Annexure - A



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 987 2017

Khyber Pakhtunkhwa
Service Tribunal

Muhammad Ramzan Ex-PST
GPS tube well Noor Alam DI. KHAN

Diary No. 826
Dated 21-7-2017

APPELLANT

VERSUS

1. The Secretary (E&SE) KPK Peshawar.
2. The Director Education Khyber Pahtunkhwa Peshawar.
3. Executive District Officer, Schools & Literacy DI. Khan.
4. DG Agriculture Extension Wing Tank, DI. Khan.

RESPONDENT

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 08.02.2012 COMMUNICATED TO THE APPELLANT ON 24.02.2017 THROUGH EXECUTION IN EXECUTION PETITION NO. 197/2016 WHEREBY THE APPEAL WAS TERMINATED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

.....
THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 08.02.2012 MAY BE DECLARED AS ILLEGAL AND MAY BE SET ASIDE. AND REINSTATED THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS OR MAY BE REPATRIATED TO HIS PARENT DEPARTMENT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to day
Registrar
21/7/17

Re-submitted to day
and filed.

Registrar

31/8/17

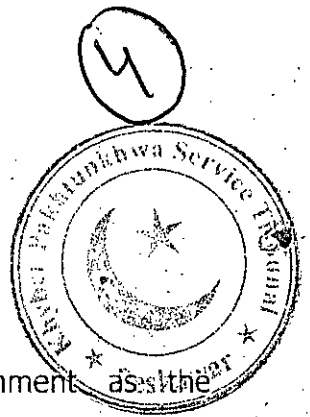
RESPECTFULLY SHEWETH:
FACTS:

Certified to be true copy

INCHER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. ✓

That the appellant was working as driver (BPS-6) in District officer Agriculture tank for last more than 16 years. The appellant performed his duty up to entire satisfaction of his superiors and no complaint has been filed against him.



17.09.2019

Counsel for the appellant present.

Learned counsel requests for adjournment as the appellant has not provided all the documents necessary for submission of amended appeal.

Adjourned to 31.10.2019 before S.B.

Chairman

31.10.2019

Counsel for the appellant present.

Learned counsel requests for adjournment of instant appeal sine-die in order to avail the outcome of execution petition No. 197/2016.

Order accordingly. The appellant may apply for restoration of the appeal, if need be.

Chairman

Date of Presentation of Application 31-5-23
Number of Words page 2
Copying Fee 10/-
Urgent 5/2
Total 157
Name _____
Date of Registration of Copy 31-5-23
Date of Delivery of Copy 31-5-23

Certified to be true copy

KHYBER PAKHTUNKHWA
Service Tribunal
Peshawar

Annexure

B/S

E.P. No. 197/2016

M. Ramzan vs Govt



15th May, 2023

01. Petitioner in person present. Mr. Fazal Shah Mohmand, Addl. Advocate General alongwith Mussarrat Hussain, DEO (Male) D.I.Khan (respondent No. 3) in person present.

02. Respondent No. 3 submitted a detailed report, wherein, after passage of the judgment dated 27.10.2011, (sought to be implemented through this execution petition) an enquiry was held and vide order dated 08.02.2012 bearing Endst.: No. 001-713, the services of a number of employees including the petitioner were terminated, on the recommendations of the report of the committee, wherein name of the petitioner appeared at S.No. 707. The petitioner was asked whether the above order of his termination, made on 08.02.2012, was challenged by him as a number of his other colleagues, terminated vide the same 'order' had so challenged the same and although the appeals were dismissed vide consolidated judgment dated 14.09.2018 of this Tribunal in Service Appeal No. 943/2012, titled "Mst. Mehnaz Begum Vs. the Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and two others", and the appellants of those appeals had preferred C.Ps No. 2238/2018 to 2263/2018 and 2499, 2682, 2778 to 2781/2018 and 2505/2018 to 3514/2018, before the august Supreme Court of Pakistan, which were also


ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(6)

E. P No. 197/2016, Continued order dated 15.05.2023

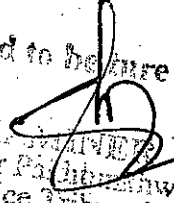
dismissed on 19.09.2018, refusing leave to appeals, to this the petitioner stated that he had not challenged this termination order dated 08.02.2012. As the petitioner has not challenged the order of his termination dated 08.02.2012, admittedly passed after the judgment (sought to be implemented through this execution petition), therefore, this petition could not run further and is filed. The petitioner is, however, at liberty to challenge the order dated 08.02.2012, if he so desires, which, if challenged, has to be decided on its own merits. Consign.

03. *Pronounced in open Court at Camp Court, D.I.Khan and given under our hands and the seal of the Tribunal on this 15th of May, 2023.*


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

Fazle Subhan, P.S

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 26/5/23
Number of Words 27
Copying Fee 10/-
Urgent
Total 10/-
Name of C
Date of Completion of Copy 26/5/23
Date of Delivery of Copy 26/5/23