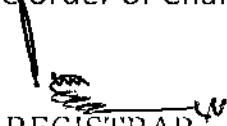


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. **88/2023**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.02.2023	<p>The application for restoration of Execution Petition No.572/2016 submitted today by Dr. Adnan Khan Advocate. It is fixed for hearing before Single Bench at Swat on . Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA AT PESHAWAR**

R.A.
CM No. 88 of 2023.

In Execution Application No.376 of 2018

In Service Appeal No. 572/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3688

Dated 20/2/2023

Zahid Khan Inspector No.302/M, Acting DSP r/o Wari,
District Dir Upper.

..... Applicant

VERSUS

Government of Khyber Pakhtunkhwa & others

..... Respondents

INDEX

S. No.	Description	Annexure	Pages No.
1.	Memo of Application with <u>CON DONATION APPLICATION</u>		<u>1-4</u>
2.	Affidavit		<u>5</u>
3.	Copy of order dated 10-11-2022	A	<u>6-7</u>

Applicant Zahid Khan
Through Counsel

Adnan Khan
Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.
Office: Adnan Law Associates,
Opp. Shuhada Park College Colony,
Saidu Sharif, Swat.
Cell: 0346-9415233

**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA AT PESHAWAR**

R.A
CM No. 88 of 2023.

In Execution Application No.376 of 2018.

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Zahid Khan Inspector No.302/M, Acting DSP r/o Wari,
District Dir Upper.

..... Applicant

VERSUS

Government of Khyber Pakhtunkhwa & others

..... Respondents

**APPLICATION FOR RESTORATION OF THE
CAPTIONED PETITION.**

Respectfully Sheweth:

1. That the above titled Execution Petition being sub judice before this Hon'ble Tribunal was fixed for hearing on 09-11-2022, however, the said day was declared as public holiday at the eleventh hour and hence the case could not be heard on the date fixed.
2. That the case was taken for hearing on the next very day i.e 10-11-2022. Needless to say that neither the petitioner nor his counsel was in knowledge that the case was adjourned to 10-11-2022. Hence, no one on behalf of the petitioner could appear in the captioned case.

3. That the case was disposed of in the petitioner's absence on the presumption that the petitioner is satisfied with the seniority list and as such he did not turn up to attend the proceedings. However, a window was kept opened for the petitioner to resubmit the case if he is not satisfied with the seniority list (Copy of order dated 10-11-2022 is attached as Annexure "A")
4. That very recently, the petitioner enquired from the office of this Hon'ble Tribunal regarding the next date of hearing where he was informed about the order under consideration.
5. That the seniority list presented before this Hon'ble Tribunal has not been prepared in light of the judgment of this Hon'ble Tribunal. Hence, the judgment remains to be implemented as yet.

It is, therefore, humbly prayed that the captioned execution petition be re-selected/restored and the case may be proceeded till the judgment is implemented in its letter and spirit.



Applicant
Through counsel



**Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.**

**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Execution Petition No.376 of 2018

In Service Appeal No.572/2016

Zahid KhanAppellant/Applicant

VERSUS

Government of Khyber Pakhtunkhwa and others

.....Respondents

**APPLICATION FOR CONDONATION OF
DELAY IN FILING RESTORATION
APPLICATION.**

Respectfully Sheweth;

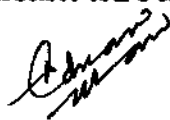
- 1) That the accompanying restoration application is being filed before this Hon'ble Tribunal, which is apparently filed after the lapse of 30 days deadline given by this Hon'ble Tribunal.
- 2) That the applicant was not in knowledge of the order dated 10-11-2022. However, after obtaining copy of the said order, the applicant forthwith attempted to file the accompanying restoration application, however, the same was not entertained by the institution branch for the reason that title page was not annexed with the copy of the order.

4

- 3) That being so, the delay occasioned as such cannot be used to the detriment of the applicant.
- 4) That it is in the interests of justice that disputes are adjudicated upon merits rather on the technicalities.

It is, therefore, humbly prayed that on acceptance this application, any delay in filing the accompanying application be condoned in the interests of justice.

Applicant through Counsel



**Dr. ADNAN KHAN, Barrister-at-Law,
Advocate Supreme Court of Pakistan.**

(5)

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA AT PESHAWAR

CM No. _____ of 2023.

In Execution Application No.376 of 2018

In Service Appeal No. 572/2016

Zahid Khan Inspector No.302/M, Acting DSP r/o Wari,
District Dir Upper.

..... *Applicant*

VERSUS

Government of Khyber Pakhtunkhwa & others

..... *Respondents*

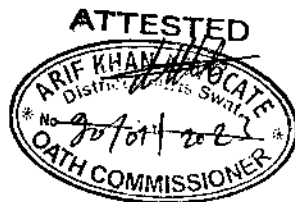
AFFIDAVIT

I, **Zahid Khan** (Applicant), do hereby solemnly affirm and declare that the contents of the above titled application are true and correct to the best of my knowledge and belief.

DEPONENT



Zahid Khan



Am
A
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**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA AT PESHAWAR**

Execution Application No. 376/ of 2018

In Service Appeal No. 573/2016

Zahid, Khan Inspector No.302/M, Acting DSP r/o Wari,
District Dir Upper.

..... Applicant

VERSUS

1. Government of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar.
2. The Regional Police Officer, Malakand Division at Saidu Sharif, Swat.
3. District Police Officer, Dir Upper.

..... Respondents

**APPLICATION UNDER SECTION 7(2)(d) OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNALS ACT 1974, FOR EXECUTION OF
DECISION DATED 07-12-2017.**

Respectfully Sheweth:

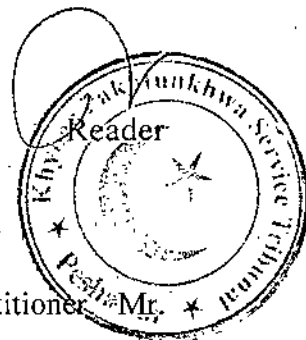
1. That the applicant was promoted as Officiating Sub-Inspector on 20-10-2007. Thereafter, he was confirmed as Sub-Inspector on 10-08-2012. Then he was promoted as officiating Inspector on 30-01-2013. After promotion as Sub-Inspector, the applicant has served in various stations of Malakand Division but there remained confusion with regard to confirmation of the applicant in the rank of Sub-Inspector.
2. That later on, in light of the recommendations and directives of respondent No.1, various officials being junior than the applicant

C.T.L
↓

Zahid Khan vs Govt (7)

10th Nov, 2022

Due to public holiday on account of Allama Iqbal Day, the case is adjourned to 10.11.2022 for the same as before.



10th Nov, 2022

1. Nobody present on behalf of the petitioner Muhammad Riaz Khan Paindakhel, learned Asst: AG for respondents present.

02. On the previous date i.e. on 05.10.2022 fresh seniority list of DSPs issued on 28.06.2022, was produced and was handed over to the learned counsel for the petitioner, who had requested for adjournment to go through the relevant documents and to apprise the Bench in respect of the execution of the main order. Today nobody is present on behalf of the petitioner, therefore, it is presumed that the petitioner is satisfied with the seniority list produced on the last date. The petition is filed, however, the petitioner is at liberty to make an application if he consider that the judgment of the Tribunal was not so implemented within thirty days of this order. Consign.

03. Pronounced in open court at Swat and given under my hand and seal of the Tribunal on this 10th day of November, 2022.

(Signature)
(Kalim Arshad Khan)
Chairman
Camp Court Swat

Date of Presentation of Application 05/11/23
Number of Words 800
Copying fee 10/-
Urgent 5/-
Total 15/-
Name of _____
Date of Copy 05/11/23
Date of Delivery of Copy 05/11/23

Certified to be true copy
(Signature)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar