


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. **93/2023**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.02.2023	<p>The application for restoration of appeal no. No. 803/2022 submitted today by Mr. Zartaj Anwar Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Parcha Peshi is given to applicant/Counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

C.M. No. \_\_\_\_\_/2022  
In  
Service Appeal No.803/2022

Zafar Iqbal.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa & others .....Respondents

**APPLICATION FOR FIXATION OF THE  
CAPTIONED SERVICE APPEAL BEFORE  
PRINCIPAL SEAT AT PESHAWAR FOR  
RESTORATION OF THE CAPTIONED  
SERVICE APPEAL NO.803/2022 WHICH  
WAS DISMISSED IN DEFAULT VIDE  
ORDER DATED 09.02.2023.**

**Respectfully Sheweth:-**

The petitioner submits as under:-

1. That the above noted service Appeal was pending before this Hon'ble Service Tribunal (Camp. Court Swat) and the same was dismissed for non-prosecution vide order dated 09.02.2023.
2. That the counsel for the appellant was busy before the Peshawar High Court on the same day.

3. That valuable rights of the appellant is involved in the present Appeal and there is no legal bar while accepting this application.
4. That the absence of the counsel for the appellant is neither intentional nor deliberate but due reason mentioned above and the application of the appellant is well within time
5. That the case/appeal to the extent of restoration may kindly be fixed before Principal seat at Peshawar

It is, therefore most humbly prayed that on acceptance of this application, the captioned service appeal may kindly be fixed before the Principal seat at Peshawar for restoration of the captioned Service Appeal No.803/2022, the best interest of justice.

Appellant  
Through

Dated 22.02.2023

  
**Zarfaj Anwar**

Advocate

Supreme Court of Pakistan

Cell no.0331-9399185

SCANNED  
KPST  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.**

*Restoration Appli. no. 93/2023*

C.M. No. \_\_\_\_\_/2022

In

Service Appeal No.803/2022

Khyber Pakhtunkhwa  
Service Tribunal

Slary No. *3707*

Date: *22/2/2023*

Zafar Iqbal.....Appellant

**V E R S U S**

Govt. of Khyber Pakhtunkhwa & others .....Respondents

**I N D E X**

S#.	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 09.02.2023		4-7

Appellant  
Through



**Zartaj Anwar**

Advocate

Supreme Court of Pakistan

Cell no.0331-9399185

Dated 21.02.2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.**

*Restoration Appli. no. 93/2023*

C.M. No. \_\_\_\_\_/2022

IN

Service Appeal No. 803/2022

Zafar Iqbal.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa & others .....Respondents

**APPLICATION FOR RESTORATION OF  
THE CAPTIONED SERVICE APPEAL,  
DISMISSED IN DEFAULT VIDE ORDER  
DATED 09.02.2023.**

**Respectfully Sheweth:-**

The petitioner submits as under:-

1. That the above noted service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 09.02.2023.
2. That on the date fixed the counsel for the appellant was busy before the Hon'ble Peshawar High Court Peshawar, it is also worth to mentioned here that the case was previously heard by Hon'ble Member Salah Din & Hon'ble Member Miss Rozina Rehman and due to above reason the counsel for the appellant did not appeared.

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3. That the absence of the counsel for the appellant is neither intentional nor deliberate but due reason mentioned above.
4. That law requires that case should be decided on merits rather than on technicality.
5. That valuable rights of the appellant is involved in the present Appeal and there is no legal bar while accepting this application.

It is, therefore most humbly prayed that on acceptance of this application the service appeal may kindly be restored and be decided on merit in the best interest of justice.

Appellant

Through



**Zarfaj Anwar**

Advocate

Supreme Court of Pakistan

Cell no.0331-9399185

Dated 21.02.2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

C.M. No. \_\_\_\_\_/2022

In

Service Appeal No.803/2022

Zafar Iqbal.....**Appellant**

**VERSUS**

Govt. of Khyber Pakhtunkhwa & others .....**Respondents**

**AFFIDAVIT**

I, Zafar Iqbal (Private Secretary BPS-17) to Deputy Commissioner Dir Upper, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*[Handwritten Signature]*  
**DEPONENT**

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**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**



Service Appeal No. 803 / 2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy  
Commissioner Dire Upper.

(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa civil secretariat Peshawar.
3. Secretary, Board of Revenue, Civil secretariat Khyber Pakhtunkhwa Peshawar.
4. Commissioner, Makand Division Saidu Sharif Swat.
5. Deputy Commissioner Upper Dir.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned transfer order dated 11.02.2022 whereby the appellant is prematurely transferred, against the Posting transfer Policy, against which the appellant filed departmental appeal dated 15.02.2022, which is not yet responded.

Prayer in appeal

On acceptance of this appeal the impugned order dated 11.02.2022 may kindly be set aside and the appellant may kindly be allowed to continue his service on the Post of Private Secretary BPS-17) to Deputy Commissioner Dire Upper, the pre-mature transfer order of the appellant is against the posting transfer policy and the secure and granted rights of the appellant. Or any other remedy which is not specifically asked for may also be awarded in favor of appellant.

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





A. No. 803/2022

Refer Inbal vs Govt

05.01.2023


Nemo for the appellant. Mr. Muhammad Jan, District


Attorney for the respondents present.

Preceding date was adjourned through Reader note, therefore, notices be issued to appellant and his learned counsel for the next date. To come up for arguments on 09.02.2023 before the D.B at camp court, Swat.

*counsel was informed telephonically on 23/1/23*

*RECORDED  
14.01.2023  
Peshawar*

  
(FAREEHA PAUL)  
Member (E)  
(Camp Court, Swat)

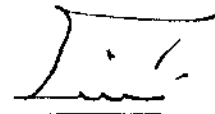
  
(ROZINA REHMAN)  
Member (J)  
(Camp Court, Swat)

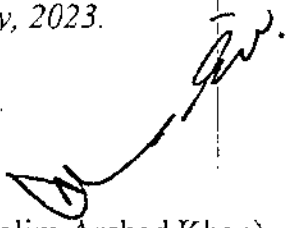
09<sup>th</sup> Feb, 2023


None present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

2. According to the office report, the learned counsel for the appellant was informed telephonically for today date but neither appellant nor his counsel is present despite making repeated calls at different intervals till closing hours. Dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 09<sup>th</sup> day of February, 2023.*

  
(Salah Ud Din)  
Member (Judicial)  
Camp Court Swat

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 10/2/2023  
Number of ~~words~~ Page 2  
Copying Fee 10/-  
Urgent       
Total 10/-  
Name of C       
Date of Completion 16/2/2023  
Date of Delivery of Copy 16/2/2023

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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 803 / 2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy  
Commissioner Dire Upper.

(Appellant)

VERSUS

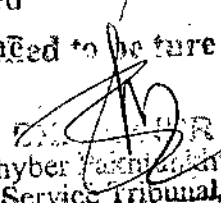
1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa civil secretariat Peshawar.
3. Secretary, Board of Revenue, Civil secretariat Khyber Pakhtunkhwa Peshawar.
4. Commissioner, Makand Division Saidu Sharif Swat.
5. Deputy Commissioner Upper Dir.

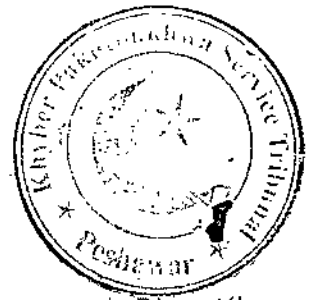
(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned transfer order dated 11.02.2022 whereby the appellant is prematurely transferred, against the Posting transfer Policy, against which the appellant filed departmental appeal dated 15.02.2022, which is not yet responded.

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Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



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05.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant submitted rejoinder, which is placed on file and copy of the same is handed over to learned Assistant Advocate General. Appellant also sought adjournment for arguments on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court, Swat.

(Mian Muhammad)  
Member (Executive)  
Camp Court Swat

(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

04.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

After hearing arguments at certain length, it was observed that the impugned order dated 11.02.2022 has been passed upon the recommendations of placement committee, therefore, learned Assistant Advocate General shall intimate the respondents to produce the said recommendations on the next date and to come up for arguments on 06.10.2022 before the D.B at Camp Court Swat.

(Rozina Rehman)  
Member (J)  
Camp Court Swat

(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

**Date of Presentation of Application** 02/01/22

**Number of Vols.** 800

**Copying Fee** 10/-

**Urgent** 4/-

**Total** 14/-

**Name of:** \_\_\_\_\_

**Date of C.** 02/01/22

**Date of Delivery of Copy** 02/01/22

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EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar