


## FORM OF ORDER SHEET

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

Restoration Application No. 492/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.07.2023	<p>The application for restoration of appeal no. 15293/2020 submitted today by Mr. Kamran Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>19-07-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

*Restoration Appl. no. 492/2023*

**CM. NO. \_\_\_\_\_/2023**

**IN**

**APPEAL No. 15293/2020**

**MUSHTAQ**

**VS**

**LEVIES**

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**APPLICANT**

**THROUGH:**

  
**KAMRAN KHAN**  
**ADVOCATE HIGH COURT**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

*Restoration* **PESHAWAR**  
*App No 492/2023*

CM. NO. \_\_\_\_\_/2023

IN

APPEAL No. 15293/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6482

Dated 14/07/23

Mr. Mushtaq Ex Sepoy No. 1905 Dir Levies.

**VS**

1. The Secretary, Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. The Commandant Dir Lower Levies at Timergara Dir Lower.
3. The Subedar Major Dir Lower Levies at Timergara Dir Lower.

**APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.**

**R/SHEWETH:**

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 03.07.2023.
- 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 03.07.2023. Copy of the order sheet dated ~~03.07.2023~~ 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 service appeal may very kindly be restored.

**Dated: 13.07.2023**

*[Signature]*  
**PETITIONER/APPLICANT**

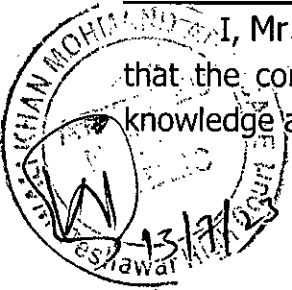
**Through:**

*[Signature]*  
**KAMRAN KHAN**  
**ADVOCATE HIGH COURT**

**AFFIDAVIT**

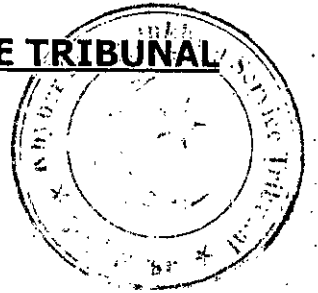
I, Mr. Mushtaq Ex Sepoy No. 1905 Dir Levies, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*[Signature]*  
**DEPONENT**



4 A" (2)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



**APPEAL NO. 15293/2020**

Mr. Mushtaq Ex: Sepoy No.1905 Dir Levies  
R/O Village Tango Kandaw Toormang-1, Tehsil khali Dir Lower.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- 2- The Commandant Dir Lower Levies At Timergara Dir Lower.
- 3- The Subedar Major Dir Lower Levies At Timergara Dir Lower.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25/02/2012 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE W.E.F 31/10/2020, AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 25/02/2012 may kindly be set aside and the respondents may kindly be directed to reinstate appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That appellant was initially appointed as sepoy in dir lower levies vide order dated 07/01/2010. Copy of appointment order is attached as annexure.....**A.**

- 2- That later on the appellant was removed from service vide impugned order dated 25/02/2012 w.e.f 31/10/2012 on the ground of absentia. Copy of impugned order is attached as annexure .....**B.**

- 3- That it is pertinent to mention here that appellant remained absent from duty for few days and he approached the

Certificate  
Signature  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Service Appeal No. 15293/2020

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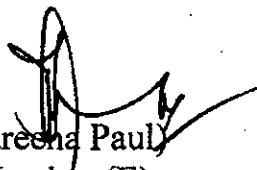



**ORDER**  
03.07.2023

Nemo for the appellant. Mr. Muhammad Jan, District  
Attorney for the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
03.07.2023

  
(Faresha Paul)  
Member (E)  
Camp Court Swat

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

\*Naeem Amin\*

**Certified to be true copy**  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 07/07/23  
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# بعدالت سندھ سروسز لمیٹڈ



سٹاف  
2022ء منجانب

بنام لیونز

سٹاف

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

کیلئے کامران خان + ولید بن محمد  
البرکات

سکور

آن مقام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

البرکات

سید

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Attested & Accepted

ماہ

المرقوم