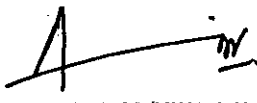


## FORM OF ORDER SHEET

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

Restoration Application No. 512/2023

| S.No. | Date of order<br>Proceedings | Order or other proceedings with signature of judge  |
|-------|------------------------------|---|
| 1     | 2                            | 3   |
| 1     | 21.07.2023                   | <p>The application for restoration of appeal No. 185/2015 submitted today by Mr. Naveed Akbar Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file is requisitioned.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

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

C.M. No. \_\_\_\_\_/2023

*R.A. No. 512/23*

In

S.A No. *187*/2015

Muhammad Faiq Khan.....**Petitioner/Appellant**

VERSUS

Secretary Environment & Wild Life Khyber Pakhtunkhwa  
Peshawar & Others

.....**Respondents**

**INDEX**

| S.N | Description of Documents                        | Annex | Pages |
|-----|---|-------|-------|
| 1.  | Application for Restoration alongwith Affidavit |       | 1-3   |
| 2.  | Copy of order dated 23.06.2023                  | A     | 4-5   |
| 3.  | Copy of Cause list                              | B     | 6-8   |

Petitioner/Appellant

Through

*Naveed Akhtar*  
**Naveed Akhtar**

Advocate Supreme Court

&

*Munir Ud Din Ghouri*  
**Munir Ud Din Ghouri**

Advocate, High Court

Peshawar

Cell#0300-9596181

Dated 19.07.2023

22      1

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

C.M. No. \_\_\_\_\_/2023

In

S.A No. 185/2015

Muhammad Faiq Khan.....**Petitioner/Appellant**

VERSUS

1. Secretary Environment & Wild Life Khyber Pakhtunkhwa Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Principal Secretary Peshawar.
4. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.....**Respondents**

**APPLICATION FOR RESTORATION OF THE  
TITLED CASE DISMISSED ON  
23.06.2023.**

**Respectfully Sheweth:-**

The applicant submits as under:-

1. That the above-cited case was pending adjudication before this Hon'ble Court and fixed for 23.06.2023, which was dismissed for non-prosecution. **(Copy of the order is attached herewith).**
2. That the above titled appeal has been dismissed for non prosecution and the appellant request for restoration of the above titled appeal and its decision on merits inter alia on the following grounds:-

**GROUND:-**

- A. That absence of the appellant or his counsel was not intentional the appellant being Government Servant could not get leave to appear before this Hon'ble Tribunal.

2



2

- B.** That 23.06.2023 was a Friday and counsel for the appellant was busy before the Hon'ble Peshawar High Court, Peshawar in number of cases and therefore could not appear before this Hon'ble Tribunal. **(Copy of the Cause list is annexed as Annexure "B")**.
- C.** That the case was earlier argued on merit and was fixed for order but the judgment could not be announced and was re-fixed for arguments. It is thus a ripe case for decision on merits.
- D.** That the law favours decision on merits rather than technicalities.
- E.** That valuable rights are involved in the case and it shall be lawful in accordance with justice if the appeal in hand along with connected appeals is decided on merits.

**It is, therefore most humbly prayed that on acceptance of this application the above titled case/appeal may kindly be restored and announced on merits in the best interest of justice.**

Petitioner/Appellant  
Through

Dated 19.07.2023

  
**Naveed Akhtar**  
Advocate Supreme Court  
&  
  
**Munir Ud Din Ghouri**  
Advocate, High Court  
Peshawar  
Cell#0300-9596181

3

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

C.M. No. \_\_\_\_\_/2023

In

S.A No. 185/2015

Muhammad Faiq Khan.....**Petitioner/Appellant**

**VERSUS**

Secretary Environment & Wild Life Khyber Pakhtunkhwa  
Peshawar & Others

.....**Respondents**

**AFFIDAVIT**

I, Naveed Akhtar Advocate Supreme Court of Pakistan as per information of my client, do hereby solemnly affirm and declare on oath 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.

*Naveed Akhtar*  
**DEPONENT**

8 (4)

**IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR**

Service Appeal No. 185/2015

Muhammad Faique Khan.....Appellant

Versus

Secretary Environment & Wildlife & others....Respondents

**I N D E X**

| S.No | DESCRIPTION OF DOCUMENTS                            | ANNEX | PAGES |
|------|---|-------|-------|
| 1.   | Service Appeal                                      |       |       |
| 2.   | Affidavit   |       | 1-7   |
| 3.   | Application for Condonation of Delay with Affidavit |       | 8     |
| 4.   | Addresses of the parties                            |       | 9-11  |
| 5.   | Copy of charge sheet                                |       | 12    |
| 6.   | Copy of statement of allegations                    | "A"   | 13-14 |
| 7.   | Copy of reply                                       | "B"   | 15-16 |
| 8.   | Copy of questionnaire                               | "C"   | 17-24 |
| 9.   | Copy of reply                                       | "D"   | 25-26 |
| 10.  | Copy of inquiry report                              | "E"   | 27-31 |
| 11.  | Copy of show cause notice                           | "F"   | 32-42 |
| 12.  | Copy of reply                                       | "G"   | 43    |
| 13.  | Copy of impugned order dated 28.01.2014             | "H"   | 44-48 |
| 14.  | Copy of the corrigendum                             | "I"   | 49    |
| 15.  | Copy of the departmental appeal                     | "J"   | 50    |
| 16.  | Copy of letter dated 08.07.2014                     | "K"   | 51-55 |
| 17.  | Copy of the order of Peshawar High Court, Peshawar  | "L"   | 56    |
| 18.  | Copy of letter dated 06.12.2013                     | "M"   | 57-69 |
| 19.  | Wakalatnama   | "N"   | 70    |
|      |   |       | 71    |

Through

Appellant

Dated: 13.02.2015

*(Signature)*  
**NAVEED AKHTAR**  
Advocate Supreme Court

Certified to be true

*(Signature)*

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

15

23.06.2023



Nemo for the appellant. Syed Jamal Shah, Superintendent  
alongwith Mr. Fazal Shah Mohmand, Additional Advocate  
General for the respondents present.

On previous date, learned counsel for the appellant had  
made request for adjournment for preparation of arguments. Today  
neither appellant nor his counsel appeared despite making repeated  
calls at different intervals till closing hours, therefore, the appeal  
in hand stand dismissed in default. File be consigned to the record  
room.

ANNOUNCED  
23.06.2023

(Fareeha Paul)  
Member (Executive)

(Salab-ud-Din)  
Member (Judicial)

\*Nasim Amin\*

Certified to be true copy

EX-100  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21/7/23

Date of Presentation of Appeal: 21/7/23  
Number of Pages: page 2  
Copying fee: 10/-  
Urgent: 5/-  
Name of Applicant: 810821  
Date of Decision: 21/7/23  
Date of Disposal: 21/7/23

6

PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR FRIDAY, 23 JUNE, 2023

BEFORE

MR. JUSTICE ISHTIAQ IBRAHIM

Court No: 3

NOTICE CASES

|   |   |                 |   |
|---|---|-----------------|---|
| 16. Cr.M(BA) 1990-<br>P/2023(602 gm<br>Ice)(Criminal<br>Miscellaneous-Ba<br>Application-<br>Narcotics)<br>(210924                   | Shabir Ahmad<br>V/s<br>The State            | Jawad Khan      | Cr Appeal Branch AG Office                          |
| 17. Cr.M(BA) 1992-<br>P/2023(500 gm<br>heroin, 639 gm<br>Ice)(Criminal<br>Miscellaneous-Ba<br>Application-<br>Narcotics)<br>(210938 | Sharafat Ullah<br>V/s<br>The State          | (Date By Court) | <del>Naveed Akhtar</del>                            |
| 18. Cr.M(BA) 2042-<br>P/2023(1041 gm<br>Ice)(Criminal<br>Miscellaneous-Ba<br>Application-<br>Narcotics)<br>(211145                  | Amjad Khan<br>V/s<br>The State              | (Date By Court) | Muhammad Adnan                                      |
| Cr.M(BA) 2066/2023<br>1041 gm Ice   | Rizwan Khan<br>V/s<br>The State             |                 | Cr Appeal Branch AG Office                          |
| 19. Cr.M(BA) 2098-<br>P/2023(1010 gm<br>heroin)(Criminal<br>Miscellaneous-Ba<br>Application-<br>Narcotics)<br>(211398               | Mirwais<br>V/s<br>The State                 |                 | Amjad Noor Khan<br>Cr Appeal Branch AG Office       |
| 20. Cr.M(BA) 2114-<br>P/2023(2.40 kg<br>heroin)(Criminal<br>Miscellaneous-Ba<br>Application-ATA)<br>(211413                         | Saif Ullah alias Saifay<br>V/s<br>The State | (Date By Court) | Imran Khan (Pawaka)<br>Cr Appeal Branch AG Office   |
|   |   |                 | Muhammad Farooq Qasim<br>Cr Appeal Branch AG Office |



7

- 51 -  
**PESHAWAR HIGH COURT, PESHAWAR**  
**DAILY LIST FOR FRIDAY, 23 JUNE, 2023.**

before:

**MR. JUSTICE ABDUL SHAKOOR**

Court No: 4

**PRE-ADMISSION NOTICE**

3. C.R 604-  
P/2020 (model  
court (civil) Stay  
on  
04.09.2020) (Order  
s-Injunction)  
114712

Muhammad Fateh Khan  
V/s  
Habibullah

Muhammad Sami ur rehman

4. C.R 720-P/2021  
With CM  
1089/2021 (Orders  
Remand Order)  
110940

Ghulam Sarwar  
V/s  
Sahib shah

Muhammad Farooq Afridi, Daulat  
Khan Mahmood

Zahir Muhammad (Swabi)

5. C.R 889-P/2022  
With CM  
1437/2022 (Civil  
Revision-Orders)  
(200021

Inayatullah Abdali  
V/s  
Muhammad Ali

Hamid Ali (Peshawar)

6. FAO 62-  
P/2023 (CIVIL  
Appeal-First  
Appeal Against  
Order (FAO))  
1236698

Abdul Ghafar & Other  
V/s  
(Date By Court)  
Chief Executive PESCO

Muslim Shah Anyani (Mardan)

7. Cr.A 248-  
P/2021 (Acquittal  
Appeal-Illegal  
dispossession Act  
1173844

Saadat ulfah Khan  
V/s  
State

**NAZIM AKHTAR**

Cr Appeal Branch AG Office

8

BEFORE

MR. JUSTICE IJAZ ANWAR

Court No: 5

**NOTICE CASES**

(GENERAL ADJ of Waseem ud Din Khattak Adv)

|  |   |   |
|--|---|---|
| 42. RFA 21-<br>P/2019(Regular<br>First<br>Appeal(RFA)-Land<br>Acquisition)<br>(138207) | Managing Director KPK Small<br>Industries Dev<br>V/s<br>Muhammad Asim Jamshed | Waseem ud Din Khattak<br>Abdul Rasheed Pirzada, Civil<br>Appeal Branch AG Office                              |
| RFA 22/2019  | Managing Director KPK Small Int<br>v/s<br>Nawabzada Muhammad<br>Aurangzeb     | Waseem ud Din Khattak<br>Gul Siyar Khan Safi Advocate,<br>Civil Appeal Branch AG Office                       |
| RFA 23/2019  | Managing Director KPK Small Int<br>v/s<br>Mst Naveen Begum                    | Waseem ud Din Khattak<br>Zar Badshah Khan (Mardan),<br>Civil Appeal Branch AG Office,<br>Abdur Rashid Pirzada |
| RFA 24/2019  | Managing Director KPK Small Int<br>v/s<br>Muhammad Usman Khan                 | Waseem ud Din Khattak<br>Abdul Rasheed Pirzada, Civil<br>Appeal Branch AG Office                              |
| RFA 25/2019  | Managing Director KPK Small Int<br>v/s<br>Mst. Roshan Begum                   | Waseem ud Din Khattak<br>Amir Hussain, Civil Appeal Bran<br>AG Office   |
| v RFA 26/2019 with cm<br>224/2023  | Muhammad Aurangzeb Khan<br>Managing Director SIDB/KPK<br>Peshawar             | Haji Sardar Ali Khan, Gul Siyar<br>Khan Safi Advocate<br>Civil Appeal Branch AG Office                        |
| vi RFA 30/2019   | Muhammad Usman Khan<br>The Presiding Officer Revenue<br>Appellate Court       | Jehanzeb Khan Toru, Gul Siyar<br>Khan Safi Advocate<br>Civil Appeal Branch AG Office                          |
| vii RFA 41/2019  | Mst. Roshan Ara Begum<br>Government of KPK                                    | Jehanzeb Khan Toru, Sikandar<br>Rashid<br>Waseem ud Din Khattak, Civil<br>Appeal Branch AG Office             |
| viii RFA 50/2019   | Muhammad Asim Jamshed<br>Land Acquisition Collector                           | Abdur Rashid Pirzada<br>Waseem ud Din Khattak, Civil<br>Appeal Branch AG Office                               |
| ix CM Rest 164/2021 in<br>RFA No. 18/19  | Mst. Naveen begum<br>Govt of KP & others                                      | Waseem ud Din Khattak, Civil<br>Appeal Branch AG Office<br><del>NOTICE</del><br>Civil Appeal Branch AG Office |