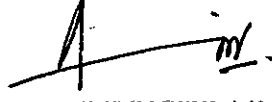


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 513/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.07.2023	<p>The application for restoration of appeal No. 238/2015 submitted today by Mr. Naveed Akhtar Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

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

C.M. No. _____/2023

RA 513/23

In

S.A No. 238/2015

Iftekhhar Uz Zaman.....**Petitioner/Appellant**

VERSUS

Secretary Environment & Wild Life Khyber Pakhtunkhwa
Peshawar & Others

.....**Respondents**

I N D E X

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

Dated 19.07.2023

Naveed Akhtar
Naveed Akhtar

Advocate Supreme Court

&

Munir Ud Din Ghouri
Munir Ud Din Ghouri

Advocate, High Court

Peshawar

Cell#0300-9596181

1

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

C.M. No. _____/2023

In

S.A No. 938/2015

Iftekhar Uz Zaman Deputy Conservator Wildlife Division,
Peshawar

.....**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.

- 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. 238/2015

Iftekhar Uz Zaman.....**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.


DEPONENT

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IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR



Service Appeal No. 238 /2015

Iftikhar-uz-Zaman
Deputy Conservator,
Wildlife Division, Peshawar. Appellant

Versus

1. Secretary Environment & Wildlife,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary,
Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Chief Minister, Khyber Pakhtunkhwa,
Through Principal Secretary, Peshawar.
4. Chief Conservator Wildlife,
Khyber Pakhtunkhwa, Peshawar. Respondents

APPEAL U/S 4 OF THE SERVICES
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 28.01.2014, WHEREBY
THE APPELLANT WAS AWARDED
PUNISHMENT OF WITHHOLDING THREE
INCREMENTS FOR THREE YEARS AND
AGAINST THE NON-DISPOSAL OF HIS
DEPARTMENTAL APPEAL DATED

21.04.2014. Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4/12/14

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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

[Signature]
(Ferozha Paul)

Member (Executive)

[Signature]

(Salah-ud-Din)

Member (Judicial)

Nascent Amin

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 21/7/23
Number of Words Page 2
Copying Fee _____
Urgent _____
Total 15/-
Name of Copyist Shahzad
Date of Completion of Copy 21/7/23
Date of Delivery of Copy 21/7/23

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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-
P/2023(602 gm
Ice)(Criminal
Miscellaneous-Ba
Application-
Narcotics)
(210924

Shahr Ahmad
V/s
The State

Jawad Khan

Cr Appeal Branch AG Office

17. Cr.M(BA) 1992-
P/2023(500 gm
heroin, 539 gm
Ice)(Criminal
Miscellaneous-Ba
Application-
Narcotics)
(210938

Sharafat Ullah
V/s
The State

(Date By Court)

~~Naveed Akhtar~~

Cr Appeal Branch AG Office

18. Cr.M(BA) 2042-
P/2023(1041 gm
Ice)(Criminal
Miscellaneous-Ba
Application-
Narcotics)
(211145

Amjad Khan
V/s
The State

(Date By Court)

Muhammad Adnan

Cr Appeal Branch AG Office

Cr.M(BA) 2068/2023
1041 gm Ice

Rizwan Khan
V/s
The State

Amjad Noor Khan

Cr Appeal Branch AG Office

19. Cr.M(BA) 2098-
P/2023(1010 gm
heroin)(Criminal
Miscellaneous-Ba
Application-
Narcotics)
(211350

Mirwais
V/s
The State

Imran Khan (Pawaka)

Cr Appeal Branch AG Office

20. Cr.M(BA) 2114-
P/2023(2.40 kg
heroin)(Criminal
Miscellaneous-Ba
Application-ATA)
(211413

Saif Ullah alias Saifay
V/s
The State
(Date By Court)

Muhammad Farooq Qasim

Cr Appeal Branch AG Office

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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 504-
P/2020(model
court (civil) Stay
on
04.08.2020)(Order
s-Injunction)
(164712)
Muhammad Fatch Khan
V/s
Habibullah
Muhammad Sami ur rehman
Muhammad Farooq Afridi, Dauli
Khan Mahmānd
4. C.R 720-P/2021
With CM
1069/2021(Orders
Remand Order)
(180948)
Ghulam Sarwar
V/s
Sahib shah
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))
(230898)
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,
(173844)
Saadat ulah Khan
V/s
State
~~NECESSARY~~
Cr Appeal Branch AG Office

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BEFORE

MR. JUSTICE IJAZ ANWAR

Court No: 5

NOTICE CASES

(GENERAL ADI of Waseem ud Din Khattak Adv)

- 42. RFA 21-
P/2019(Regular
First
Appeal(RFA)-Land
Acquisition)
(138287)
RFA 22/2019
Managing Director KPK Small Industries Dov
V/s
Muhammad Asim Jamshed
Waseem ud Din Khattak
Abdul Rasheed Pirzada, Civil Appeal Branch AG Office
- I RFA 23/2019
Managing Director KPK Small Inc
Nawabzada Muhamamd Aurangzeb
Waseem ud Din Khattak
Zar Badshah Khan (Mardan), Civil Appeal Branch AG Office, Abdur Rashid Pirzada
- II RFA 24/2019
Managing Director KPK Small Inc
Muhammad Usman Khan
Waseem ud Din Khattak
Abdul Rasheed Pirzada, Civil Appeal Branch AG Office
- III RFA 25/2019
Managing Director KPK Small Inc
Mst. Roshan Begum
Waseem ud Din Khattak
Amir Hussain, Civil Appeal Branch AG Office
- IV RFA 26/2019 with cm 224/2023
Muhammad Aurangzeb Khan
V/s
Managing Director SIDB/KPK Peshawar
Haji Sardar Ali Khan, Gul Siyar Khan Safi Advocate
- V RFA 39/2019
Muhammad Usman Khan
V/s
The Presiding Officer Revenue Appellate Court
Civil Appeal Branch AG Office
Jehanzeb Khan Toru, Gul Siyar Khan Safi Advocate
- VI RFA 41/2019
Mst. Roshan Ara Begum
V/s
Government of KPK
Civil Appeal Branch AG Office
Jehanzeb Khan Toru, Sikandar Rashid
- VII RFA 58/2019
Muhammad Asim Jamshed
V/s
Land Acquisition Collector
Waseem ud Din Khattak, Civil Appeal Branch AG Office
Abdur Rashid Pirzada
- VIII CM Rest 184/2021 in RFA No. 18/19
Mst. Naveen begum
V/s
Govt of KP & others
Waseem ud Din Khattak, Civil Appeal Branch AG Office
~~Waseem ud Din Khattak~~
Civil Appeal Branch AG Office
- IX