


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 519/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.07.2023	<p>The application for restoration of Appeal no 7716/2021 submitted today Mr. Baseer Ahmad Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>27-07-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

C.M.No. _____/2023 *Restoration Appli. No 519/23*

In service Appeal No. 7716/2021

Sham Ul Zaman.....Appellant

VERSUS

Govt & others.....Respondents

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1.	Application for Restoration with Affidavit		1-3
2.	Order dated 03-07-2023		4

Dated: 14-07-2023

Sham
Appellant

Through

Baseer Ahmed Shah *Baseer*

&

Ibad Ur Rehman *Ibad*
Advocate Peshawar.

Office:- Cantomant plaza Flat No. 3/B Khyber Bazar Peshawar

Cell: 0315-0195187

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

C. M. No Restoration APPLI. NO. 519/23
/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6685

Service Appeal No 7716/2021

Dated 24/07/23

Sham Ul Zaman, Patwarhalqa Kharsha Tehsil & District Hangu.
.....Appellant

VERSUS

1. Commisioner Kohat Division Kohat.
2. Deputy Commissioner District Hangu.
3. Senior Member Board of Revenue KPK Peshawar.
4. Ubaid Ullah Khan, Patwari, Patwarhalqa Thal District Hangu.
5. Abdul Jamal Nasir, Patwari, Patwarhalqa Darsmand District Hangu.

.....Respondents

**APPLICATION FOR THE RESTORATION OF TITLED
APPEAL**

Respectfully Submitted:-

1. That the above titled Appeal was pending before this honorable Tribunal which has been dismissed in default on 03-07-2023.
2. That actually the appellant was of the view that date is fixed on 04-07-2023 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default and the same day he filed application for attested copy of the order of this honorable Tribunal.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.

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5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

Prayer:

It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.

Dated:-14-07-2023

Appellant

Through

Baseer Ahmad Shah

&

Ibad Ur Rehman
Advocate Peshawar.

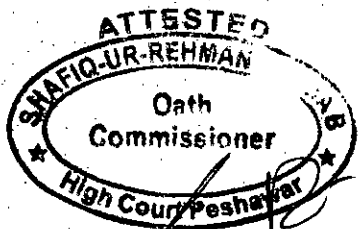
AFFIDAVIT:-

I, Sham Ul Zaman, Patwarhalqa Kharsha Tehsil & District Hangu, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has be concealed from this honorable Tribunal.

Identified by

Sham
DEPONENT

Baseer Ahmad Shah
Advocate Peshawar



19/07/23

- 1 -

②

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 7716/2021

Khyber Pakhtunkhwa
Service Tribunal

Shams UlZaman, Patwari, PatwarHalqa,.....Tehsil and District Hangu.

Diary No. 7730

Dated 13/10/2021

Appellant

V E R S U S

1. Commissioner, Kohat Division, Kohat.
 2. Deputy Commissioner, District Hangu.
 3. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
 4. ObaidUllah Khan, Patwari, PatwarHalqa,.....District Hangu.
↓ Kharsha
 5. Abdul JamalNasir, Patwari, PatwarHalqa,.....District Hangu.
↓ Darsmand
-Respondents



APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 07-09-2021 OF RESPONDENT NO 1 WHEREBY DEPARTMENTAL APPEAL OF RESPONDENTS NO 4 & 5 WAS ACCEPTED AND THE FINAL SENIORITY LIST OF PATWARI,S (BPS-09) DATED 26-08-2020 HAS BEEN SET ASIDE.

PRAYER:-

On acceptance of this appeal the impugned order dated 07-09-2021 of respondent No 1, passed in departmental appeal No 15/2021, may kindly be set aside and the Final Seniority List of Patwari,s of District Hangu dated 26-08-2020 may kindly be ordered to be restored with consequential service benefits.

Respectfully Submitted:-

1. That the appellant belongs to District Hangu, has qualified his Intermediate in Science whose date of birth is 08-08-1986 and his name was included in the Patwar Candidates Register on 13-08-2009 and who passed Patwar School Examination in the year 2009 securing 338 marks, respondents No 4 also passed Patwar School Examination along with the appellant in the same session securing 312 marks while respondent No 5 had passed his Patwar School Examination in the year 2008. (Copy of Patwar Candidates Register & Patwar School Examination Result is enclosed as Annexure A & B).

ATTESTED

2. That the appellant along with respondents No 4 and 5 were appointed as Patwari,s on 01-09-2009 and since appointment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. It is pertinent to mention that

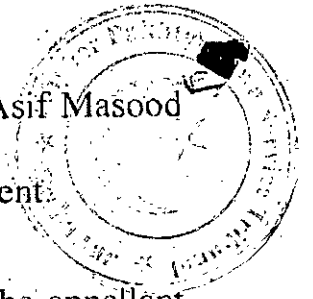
Filed to-day

Registrar

13/10/21

A: NO: 7716 (2021) (4)

Shams uz Zaman



3rd July, 2023

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.
2. The case was called time and again but neither the appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3rd day of July, 2023.

(Rashida Bano)
Member(J)

(Kalim Arshad Khan)
Chairman

Adnan Shah

are copy

 17/7/23
 Keyed
 Service Tribunal
 Peshawar

10/7/23
 5/17
 81 - - Shafiqul
 17/7/23
 17/7/23
 Date of Delivery

VAKALATNAMA

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Shams ul ZamanPetitioner/Appellant.

VERSUS

Govt & Others Respondents/Defendants.

We the undersigned, do hereby appoint and constitute,

BASEER AHMED SHAH Advocate To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND we hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received

by me on 24/7/2023

Shams
Client (s)

Baseer Ahmed Shah
BASEER AHMED SHAH

&

IBAD UR REHMAN KHAN
IBAD UR REHMAN KHAN
Advocates
Peshawar