


## FORM OF ORDER SHEET

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

Restoration Application No. 531/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.07.2023	<p>The application for restoration of Appeal no. 963/2015 submitted today by Mr. Naveed Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>31-07-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

The restoration application of Mr. Said Kamal received today i.e. 19.7.2023 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

Memo of application is not on proper format.

No. 2001 /S.T,

Dt. 21/7 /2023.



REGISTRAR  
KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL  
PESHAWAR

Mr. Naveed Akhtar Adv.  
High Court Peshawar.

D/Siv

Resubmit

After 15

days

Completion.

@Naveed Akhtar

25/7/23

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

*Restoration Appli. no. 531/2023*  
C.M. No. \_\_\_\_\_/2023

In:  
S.A. No. 963/2015

Said Kamal.....**Petitioner/Appellant**

**VERSUS**

Secretary Environment & Wild Life Khyber Pakhtunkhwa  
Peshawar & Others

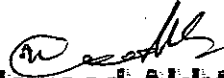

.....**Respondents**

**I N D E X**

<b>S.N</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
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

Through: Petitioner/Appellant

Dated: 19.07.2023

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

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

C.M. No. Restoration Appls. no. 531/2023  
/2023

In  
S.A No.963/2015

Said Kamal 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:-

**GROUNDS:-**

- 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

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

Khyber Pakhtunkhwa  
Service Tribunal

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

Diary No. 6605

In

S.A No.963/2015

Dated 19/07/23

Said Kamal.....**Petitioner/Appellant**

**VERSUS**

Secretary Environment & Wild Life Khyber Pakhtunkhwa  
Peshawar & Others

.....**Respondents**

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

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not appear before this Hon'ble Tribunal. **(Copy of the Cause list is annexed as Annexure "B")**.

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Petitioner/Appellant:

Through



**Naveed Akhtar**

Advocate Supreme Court

&



**Munir Ud Din Ghouri**

Advocate, High Court

Peshawar

Cell#0300-9596181

Dated 19.07.2023

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

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

In:

S.A No.963/2015

Said Kamal:.....**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**



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**IN THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**



Service Appeal No. 963 /2015

Said Kamal Deputy Conservator Wild Life Division Peshawar  
.....Appellant

**VERSUS**

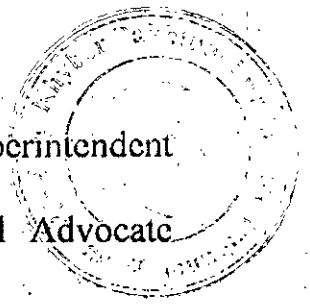
1. Secretary Environment & Wild Life Khyber Pakhtunkhwa Peshawar
2. Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Principal Secretary Peshawar
4. Chief Conservator Wild Life Khyber Pakhtunkhwa Peshawar

.....Respondents

APPEAL U/S 4 OF THE SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE  
ORDER DATED 24-10-2013 BY THE  
FORESTRY, ENVIRONMENT AND WILD  
LIFE DEPARTMENT KHYBER  
PAKHTUNKHWA WHEREBY A RECOVERY  
OF RS. 112,700/- HAS BEEN ORDERED  
FROM THE APPELLANT AND AGAINST  
THE NON DISPOSAL OF DEPARTMENTAL  
REPRESENTATION DATED 26-03-2015  
AGAINST THE SAME ORDER

Certified to be true copy  
*[Signature]*  
Secretary  
Services Tribunal  
Peshawar

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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

(Farzana Paul)  
Member (Executive)

\*Naeem Amin\*

(Salah-ud-Din)  
Member (Judicial)

  
17/7/23  
Secretary  
Peshawar

Date of presentation of petition 17/7/23  
Number of pages 2  
Copies 5  
15/- charges  
17/7/23  
Date of disposal 17/7/23

PESHAWAR HIGH COURT, PESHAWARDAILY 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)
- Shabir Ahmad  
V/s  
The State
- Jawad Khan  
Cr Appeal Branch AG Office
17. Cr.M(BA) 1992-  
P/2023(600 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)  
(211146)
- Amjad Khan  
V/s  
The State
- (Date By Court)
- Muhammad Adnan  
Cr Appeal Branch AG Office
19. Cr.M(BA) 2066/2023  
1041 gm Ice
- Rizwan Khan  
V/s  
The State
- Amjad Noor Khan  
Cr Appeal Branch AG Office
20. 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
21. Cr.M(BA) 2114-  
P/2023(2.40 kg  
heroin)(Criminal  
Miscellaneous-Ba  
Application-ATA)  
(211613)
- 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  
04.09.2020)(Order  
s-Injunction)  
1164712  
Muhammad Fatch Khan  
V/s  
Habibullah  
Muhammad Sami ur rehman  
Muhammad Farooq Afridi, Daul  
Khan Mahmand
4. C.R 720-P/2021  
With CM  
1069/2021(Orders  
Remand Order)  
1120948  
Ghulam Sarwar  
V/s  
Sahib shah  
Zahir Muhammad (Swabi)
5. C.R 889-P/2022  
With CM  
1437/2022(Civil  
Revision-Orders)  
200023  
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 Aryani (Mardan)
7. Cr.A 248-  
P/2021(Acquittal  
Appeal- Illegal  
dispossession Act)  
1173844  
Saadat ulah Khan  
V/s  
State  
Naveed Akhtar  
Cr Appeal Branch AG Office

BEFORE-

MR. JUSTICE IJAZ ANWAR

Court No. 5

NOTICE CASES

(GENERAL ADJ of Waseem ud Din Khattak Adv)

42. RFA 21- P/2019(Regular First Appeal(RFA)-Land Acquisition) (138287)	Managing Director KPK Small Industries Dev V/s Muhammad Asim Jamshed	Waseem ud Din Khattak Abdul Rasheed Pirzada, Civil Appeal Branch AG Office
I RFA 22/2019	Managing Director KPK Small Int V/s Nawabzada Muhammad Aurangzeb	Waseem ud Din Khattak Gul Siyar Khan Safi Advocate, Civil Appeal Branch AG Office
II RFA 23/2019	Managing Director KPK Small Inc V/s Mst Naveen Begum	Waseem ud Din Khattak Zar Badshah Khan (Mardan), Civil Appeal Branch AG Office, Abdur Rashid Pirzada
III RFA 24/2019	Managing Director KPK Small Inc V/s Muhammad Usman Khan	Waseem ud Din Khattak Abdul Rasheed Pirzada, Civil Appeal Branch AG Office
IV RFA 25/2019	Managing Director KPK Small Int V/s Mst. Roshan Begum	Waseem ud Din Khattak Amir Hussain, Civil Appeal Bran AG Office
V 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 Civil Appeal Branch AG Office
VI RFA 39/2019	Muhammad Usman Khan V/s The Presiding Officer Revenue Appellate Court	Jehanzeb Khan Toru, Gul Siyar Khan Safi Advocate Civil Appeal Branch AG Office
VII RFA 41/2019	Mst. Roshan Ara Begum V/s Government of KPK	Jehanzeb Khan Toru, Sikandar Rashid Civil Appeal Branch AG Office
VIII RFA 58/2019	Muhammad Asim Jamshed V/s Land Acquisition Collector	Waseem ud Din Khattak, Civil Appeal Branch AG Office Abdur Rashid Pirzada
IX CM Rest 164/2021 in RFA No. 18/19	Mst. Naveen begum V/s Govt of KP & others	Waseem ud Din Khattak, Civil Appeal Branch AG Office <del>NAWABZADA</del> Civil Appeal Branch AG Office