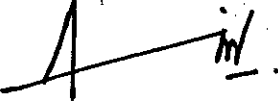


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 540/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.07.2023	<p>Counsel for the applicant initially filed joint application for restoration of 33 connected appeals. Office objection were raised thereon that the appeals were filed separately therefore, restoration application also be filed separately. Today i.e. on 26.07.2023 the learned counsel has resubmitted only one application for restoration of appeal no. 7409/2021. It is fixed for hearing before touring Single Bench at D.I.Khan on _____</p> <p>Original file be requisitioned.</p> <p> REGISTRAR</p>

The joint application for restoration of appeal Mr. Sohail Ahmad and others received today i.e. 02.6.2023 by registered post is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Title page of main appeal is not attached with the application.
- 2- Application is not in proper format.
- ③ Appeals were filed separately therefore, restoration applications shall also be filed separately.
- ④ Spare copies/sets of application along with annexures for respondents be provided/submitted with the application.

No. 1659 /S.T.

DL 29/06 /2023.



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Muhammad Anwar Awan Adv.
High Court D.I.Khan.

Respected Sir,

for the purpose of restoration petition, necessary documents are attached. Application is in proper format. Being the clubbed appeals, application is maintainable. Spare copies are already annexed. Anwar
nd

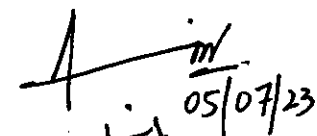
Sir,

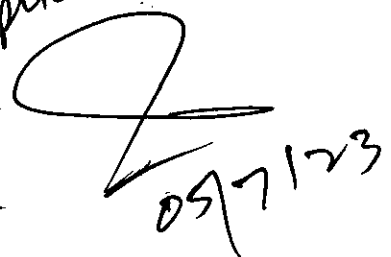
The objection no. 03 and 04 of this office still stands. The reply of learned counsel for appellant is submitted for appropriate order, please.

Hon'ble Chairman

objection sustains.
the applicants should
file separate applications

No 1864/S.T
DT 6/7/23


05/07/23


05/7/23

PTO

Respected Sir,

As per the direction of Hon'ble court, the appeal is separately been filed along with copies of the application. Anwar
Adv

بعدالت جناب سروس ٹریبونل جج صاحب پشاور
Restoration Application no. 540/2023

سہیل احمد شاہ گیلانی پی ایس ٹی، جی پی ایس نمبر 2 شور کوٹ ڈیرہ اسماعیل خان

بنام

- ۱- حکومت خیبر پختون خواہ بذریعہ چیف سیکرٹری، سول سیکرٹریٹ، پشاور۔
- ۲- سیکرٹری ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ، پشاور۔
- ۳- ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ، پشاور۔
- ۴- اسٹنٹ ڈائریکٹر (Estb) ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ، پشاور۔
- ۵- ڈسٹرکٹ ایجوکیشن آفیسر (DEO) میل، ڈیرہ اسماعیل خان۔
- ۶- سب ڈویژنل ایجوکیشن آفیسر (SDEO) میل، ڈیرہ اسماعیل خان۔
- ۷- سب ڈویژنل ایجوکیشن آفیسر (SDEO) میل، پہاڑ پور، ڈیرہ اسماعیل خان۔
- ۸- سب ڈویژنل ایجوکیشن آفیسر (SDEO) میل، کلاچی، ڈیرہ اسماعیل خان۔
- ۹- سب ڈویژنل ایجوکیشن آفیسر (SDEO) میل، پروا، ڈیرہ اسماعیل خان۔
- ۱۰- سب ڈویژنل ایجوکیشن آفیسر (SDEO) میل، درابن، ڈیرہ اسماعیل خان۔
- ۱۱- اقل خان جی پی ایس نمبر 1 رحمان خیل ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۲- نبیاء الرحمن جی پی ایس نمبر 1 رحمان خیل ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۳- حزب اللہ خان جی پی ایس نمبر 1 تکواڑہ ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۴- محبت حسین شاہ جی پی ایس نمبر 2 ڈھلہ، ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۵- اسد حسین شاہ جی پی ایس وانڈہ تلگی ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۶- عبدالرؤف خان جی پی ایس کوٹ مسودن، ڈسٹرکٹ، ڈیرہ اسماعیل خان۔
- ۱۷- محمد ظفر جی پی ایس مندرہال سیداں، ڈسٹرکٹ، ڈیرہ اسماعیل خان۔

Shawar

رہنمائی



اپیل

درخواست بمراد سرسبز فرمائے جانے اپیل

جناب عالی!

۱- یہ کہ اپیل مورخہ 18-01-2023 کو بوجہ غیر حاضری من سائل بعدم پیروی خارج فرماد دی گئی۔ نقل حکم لف ہے۔

۲- یہ کہ من سائل اپیل کی پیروی از ابتداء سے بذاتہی و بذریعہ وکیل باقاعدگی سے کرتا چلا آرہا ہے اور کبھی کوئی غیر حاضری نہ کی۔ جبکہ اکتوبر 2022 میں سروس ٹریبونل ڈیرہ اسماعیل خان تشریف نہ لاسکا اور من سائل کو یہ بتایا گیا کہ اپیل ہذا میں آپ کو باقاعدہ من آئے گا۔ جس وجہ سے مقدمہ ہذا میں من سائل بوجہ لاعلمی غیر حاضر ہوا۔ جو کہ اب موجودہ دورہ سروس ٹریبونل کے دوران یہ بتایا گیا کہ آپ پشاور جا کر اپیل کا پتہ کریں جو کہ مورخہ 24-5-2023 کو من سائل پشاور گیا اور آفس سے معلومات کرنے پر معلوم ہوا کہ اپیل مورخہ 18-01-2023 کو بعدم پیروی خارج ہو چکی ہے۔ جو کہ غیر حاضری ہرگز من سائل نے جان بوجھ کر نہیں کی بلکہ بوجہ لاعلمی ہوئی ہے۔

۳- یہ کہ درخواست منظور فرمانے کے عدالت حضور انور کو وسیع اختیارات ہیں۔

لہذا استدعا ہے کہ درخواست حسب ضابطہ

منظور فرمائی جائے۔

31/5/2023

سہیل احمد

Anwar

بدرسم وکیل خود

MEHREEN SABA
P-10-16-6288
RID 30/5/2023
TO 30/5/2023
OATH COMMISSIONER

بیان حلفی!

حلفاً بیان کیا ہے کہ درخواست کے تمام جملہ

مراتب صحیح و درست ہیں اور کوئی امر پوشدہ نہ ہے۔

31/5/2023

سہیل احمد

بدرسم وکیل خود

Anwar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 7509 /2021

SUHAIL AHMAD SHAH GILLANI PST GPS NO 2 SHORE KOT.

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 7289

Dated 15/7/2021

1. GOVERNMENT OF KHYBER PAKHTUNKHAWA THROUGH CHIEF SECRETARY, CIVIL SECRETARIAT, PESHAWAR
2. THE SECRETARY ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
4. ASSISTANT DIRECTOR (Estb:) ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
5. DISTRICT EDUCATION OFFICER (DEO) MALE, D.I.KHAN.
6. SUB-DIVISIONAL EDUCATION OFFICER (SDEO) MALE D.I.KHAN.
7. SUB-DIVISIONAL EDUCATION OFFICER (SDEO) MALE PaharPur, D.I.KHAN.
8. SUB-DIVISIONAL EDUCATION OFFICER (SDEO) MALE Kulachi, D.I.KHAN.
9. SUB-DIVISIONAL EDUCATION OFFICER (SDEO) MALE Parova, D.I.KHAN.
10. SUB-DIVISIONAL EDUCATION OFFICER (SDEO) MALE Daraban Kalan, D.I.KHAN.
11. AQAL KHAN GPS NO.1 REHMANIKHEL DISTT: D.I.KHAN
12. ZIA UR REHMAN GPS NO.1 REHMANIKHEL DISTT: D.I.KHAN
13. HIZBULLAH KHAN GPS NO.1 TAKWARA DISTT: D.I.KHAN
14. MUHIB HUSSAIN SHAH GPS NO. 2 DHALLAH DISTT: D.I.KHAN
15. ASSAD HUSSAIN SHAH GPS WANDA TALGI DISTT: D.I.KHAN
16. ABDUR RAUF KHAN GPS KOT MASOODAN DISTT: D.I.KHAN
17. MUHAMMAD ZAFFAR GPS MANDHRA SAIDAN DISTT: D.I.KHAN

Filed to-day

Registrar

Certified to be true copy of Respondents.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(B) 20

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 TO DIRECT THE RESPONDANTS TO REVISE/CORRECT THE SENIORITY LIST ISSUED BY THE OFFICIAL RESPONDENTS AS PER DATE OF INITIAL APPOINTMENT AND PROMOTE THE APPELLANT AS PER THEIR SENIORITY ALONGWITH BACK AND FUTURE BENEFITS.

Respectfully Sheweth,

1. That Appellant is appointed as Primary School teacher through NTS on 17-05-2014 while Respondent No 11 to 17 are appointed as PST vide order Dated; 05-12-2014 on contract basis. Copy of Appointment Orders are Annexure A.
2. That the Appellant is Qualified PST and after his appointment, has been serving the Department with due diligence, utmost care and devotion, always tried to his best and has spotless service record. The Appellant and other were regularized on 10-03-2018. Copy of Order Dated; 10-03-2018 is Annexure B.
3. That on 04-06-2020, the concern District Education Officer vide Letter No. 11728 has sought guidance for preparing of seniority List of PSTs, the mechanism was provided by the Assistant Director (Estab;) Elementary and secondary Education Department Khyber Pakhtunkhwa (Respondent No. 04) then a Seniority list was prepared by Respondents. Copies of Office order Dated; 04-06-2020 and Office order Dated; 24-06-2020 and seniority list are Annexure C, D & E.
4. That on attaining knowledge on 20-03-2021, the appellant along with others has preferred departmental Applications/ Appeal through proper channel and being senior employee sought his promotion on the basis of his seniority with effect from their initial appointment Dated; 17-05-2014. Copies of appellant Departmental application/Appeal is Annexure F.
8. That feeling aggrieved from above said action appellants are constrained to approaches this honorable court on the following amongst other:

GROUND:

1. That the action of respondents is against facts and law, ultra vires, without

Amway
Attested
Amway
M. Amway
AS.C

B. J. A. S.

Jurisdiction and against the Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regulation of Services) Act 2017 as well as Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989.

2. That as per rules framed by the government of KPK and also Regularization Act 2017, it is clearly mentioned that seniority of teachers would be reckoned from Section 4 of ibid Act but respondents without any lawful authority issued seniority list on its whims and wishes.
3. That as per appointment Order of petitioner issued on 17.05.2014, he was appointed in teaching cadre on terms and conditions mentioned in the Order from the date of their taking over charge but surprisingly the private respondents who were appointed on 05.12.2014, are placed senior to the petitioner on the basis of their marks which is totally against the policy and terms and conditions mentioned in the appointment order.
4. That while regularizing the petitioner and others Primary School Teachers vide Order dated: 10.03.2018 it was termed that their seniority shall be determined on the basis of their continuous service in cadre so appellant has took the charge of the post in May 2014 while private respondents took the charge in the month of December 2014 so appellant by efflux of time is senior to the private respondents.
5. That it is also evident from the regularization order dated: 10.03.2018, the PSTs appointed on 17.05.2014 are mentioned firstly and thereafter PSTs appointed on 05.12.2014 are mentioned in ibid Order which clearly reflect that the department has issued seniority of all PSTs appointed through the above-said orders.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the seniority list may please be set aside/modified being illegal, void and against the Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regulation of Services) Act 2017 as well as Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and appellant may graciously be promoted from BPS-12 to BPS- 14 with all back/ future benefit.

Attested
J. Anwar Ad

M. Anwar Adnan A.S.C.

If any other efficacious relief which this august Tribunal may deem proper/appropriate in the interest of justice may also be granted to the Appellant.

YOUR HUMBLE APPELLANT

DATED: /06/2021

Sohail Ahmad Shah
(Through Counsels)

SANA ULLAH SHAMIM GANDAPUR
Advocate supreme Court
of Pakistan D.I.Khan.

KANEEZ BATOOL
Advocate High Court D.I.Khan.

AFFIDAVITE

I, Sohail Ahmad Shah Gilani - PST. GPS No 2
Sheer Kat, TEHSIL & DIST: D I KHAN. . The Appellant,
do hereby solemnly affirm and declare on oath
that all the contents of the Appeal are true and
correct to the best of my knowledge and belief and
nothing has been deliberately concealed from this
Honorable Court.

Deponent

Identified by Counsel

SANA ULLAH SHAMIM GANDAPUR
Advocate supreme Court
of Pakistan D.I.Khan.



certificate
It is certified that no appeal on subject matter is filed
or pending before this Hon'ble court. Amwar

Attested

M. Amwar

A. No. 7509/2021
Subhail A. d vs Govt



18.01.2023

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel,

Assistant Advocate General for the respondents present.

02. Case called several times till last hours of the court but nobody turned up on behalf of the appellant, therefore, the appeal in hand is dismissed in default as well as for non-compliance of the court order.

Consign.

03. Pronounced in open court at camp court D.I Khan and given under my hand and seal of the Tribunal this 18th of January 2023.

(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan

Certified to be true copy
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


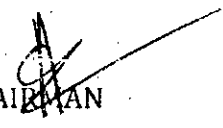
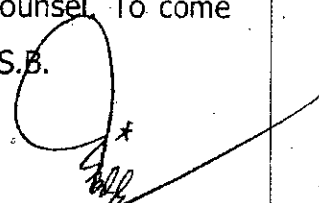

Date of Presentation of Application 24-5-2023
Number of Words page 2
Copying Fee 10/-
Urgent 15/-
Total 25/-
Name of _____
Date of Completion of Copy 24-5-2023
Date of Delivery of Copy 24-5-2023

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- 7509 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/10/2021	<p>The appeal resubmitted today by Mr. Muhammad Anwar Awan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>06/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	06.12.2021	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 14.01.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p> <p style="text-align: center;">ATTESTED  ATTORNEY Khyber Pakhtunkhwa Service Tribunal Peshawar</p>

9

29.03.2022

Due to retirement of the Hon'ble Chairman, the Tribunal is defunct. To come up for the same on 29.03.2022 before S.B.


Reader

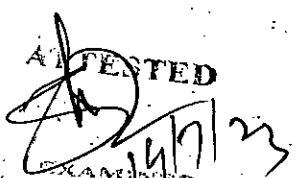
29.03.2022

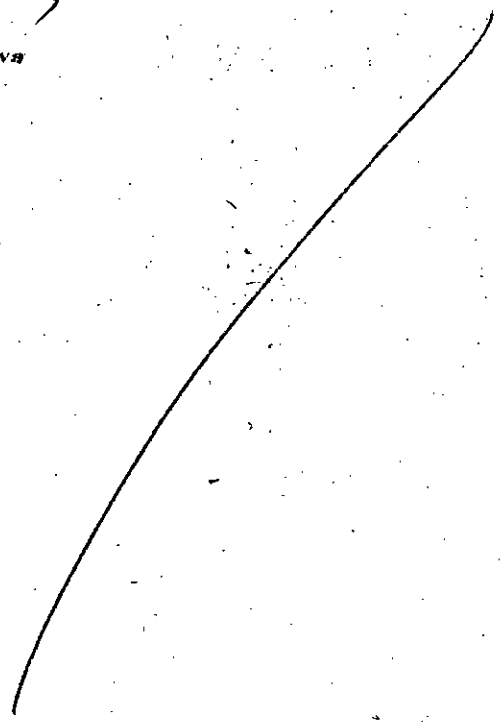
Counsel for the appellant present and heard.

The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 24.05.2022 before S.B at camp court, D.I.Khan.

9

Chairman
Camp Court, D.I.Khan.


EXAMINER
Ayub P. Khan
Service Tribunal
Peshawar




Service Appeal No. 7509/2021

24.05.2022

Learned counsel for the appellant present and requested for further extension of time to deposit security and process fee, which have not been deposited within the stipulated period.

Learned counsel for the appellant is directed to deposit security and process fee within 04 working days, thereafter, notices be issued to the respondents through registered post for submission of reply/comments on 28.07.2022 before the S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee


(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

28.07.2022

Due to summer vacations, the case is adjourned to 29.09.2022 for the same as before.


Reader

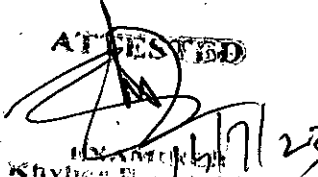
29.09.2022


Learned counsel for the appellant present. Mr. Muhammad Kamran, ADEO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present. None present on behalf of private respondents No.11 to 17.

Comments on behalf of official respondents submitted, copy of which handed over to learned counsel for the appellant.

Previous date was changed on Reader Note, therefore, notices be issued to private respondents No. 11 to 17 for submission of reply/comments through registered post. Adjourned. To come up for submission of reply/comments on behalf of private respondents No. 11 to 17 on 25.10.2022 before the S.B at Camp Court D.I.Khan.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

25.10.2022

Appellant present through counsel.

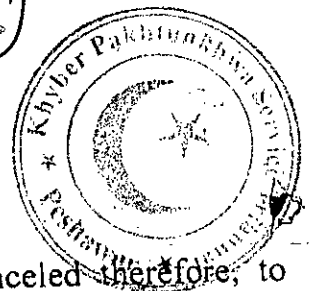
Kabir Ullah Khattak, learned Additional Advocate General alongwith Muhammad Kamran ADEO for official respondents present. None present on behalf of private respondents No.11 to 17.

On the preceding date, all the private respondents No.11 to 17 were ordered to be put on notice but no notice was issued due to non-availability of postal tickets. Therefore, learned counsel for appellant is directed to do the needful in respect of proper service upon private respondents No.11 to 17 and file to come up for reply/comments on behalf of private respondents on 22.11.2022 before S.B at Camp Court, D.I.Khan.

ATTESTED
EXAMINER
Syyed Fakhrukhwa
Service Tribunal
Peshawar

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

12



Appeal No. 7510/2021
Abu Nasir vs Grant

22.11.2022

Tour to camp court D.I.Khan has been canceled therefore, to come up for the same on 18.01.2023.

READER

18.01.2023

Nemo for the appellant. Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General for the respondents present.

02. Case called several times till last hours of the court but nobody turned up on behalf of the appellant, therefore, the appeal in hand is dismissed in default as well as for non-compliance of the court order. Consign.

03. Pronounced in open court at camp court D.I Khan and given under my hand and seal of the Tribunal this 18th of January 2023.

Certified to be true copy

Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
18/1/23

(Kalin Arshad Khan)
Chairman
Camp Court, D.I Khan

Attested
M. Anwar Awan
ASG

Date of Presentation of Application 07-07-23
Number of Words Page 4
Copying Fee 20/-
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Total 20/-
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Date of Completion 14-7-23
Date of Delivery of Copy 14-7-23