

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

Restoration Application No.219/2023

IN

Execution Petition No.12/2023

IN

Service Appeal No. 300/2016


Muhammad Aqib Zaman, CT, District Kurram .....Appellant

VERSUS

Chief Secretary Govt: of Khyber Pakhtunkhwa & others.....Respondents

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District Education Officer  
(Male) Kurram  
(Respondent No.3)

28/8/2023

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

Restoration Application No.219/2023

IN

Execution Petition No.12/2023

IN

Service Appeal No. 300/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No.

7089

Dated

18/8/2023

Muhammad Aqib Zaman, CT, District Kurram .....Appellant

**VERSUS**


Chief Secretary Govt: of Khyber Pakhtunkhwa & others.....Respondents

**REPLY OF RESTORATION APPLICATION NO. 219/2023 IN EXECUTION  
PETITION NO. 12/2023 OUT OF APPEAL NO 300/2016 FOR THE PURPOSE  
OF THE IMPLEMENTATION OF THE JUDGMENT PASSED IN APPEAL  
NO.300/2016.**

**R/SHEWETH:**

1. That the above titled execution petition was pending before this Honorable Bench for implementation of the judgment dated 31/05/2018.
2. That the Respondent Department has implemented ibid in true letter & spirit and on submission of implementation report before the Hon'ble Court, the Hon'ble bench was kind enough to consign the titled case, being implemented vide order dated 28/02/2023 with the remarks that "*the grievance of the petitioner has been redressed. Since the order of the tribunal has been complied with, therefore, the instant execution petition is filed. Consign*". (Copy of order dated 28.02.2023 is attached as annexure "A").
3. That now the appellant filed an application under CPC-151 for restoration of the execution petition No. 12/2023 out of Service Appeal No. 300/2016 on malafide base.
4. That valuable right of the respondents are involved with the instant case and if the titled application is allowed and the E.P ibid is restored, It would cause irreparable loss for the Respondent Department.
5. That the titled E.P. has already been consigned by this Hon'ble Tribunal dated 28.2.2023, which was just and right decision and is liable to be maintained by rejecting/dismissing the titled Restoration Application of the appellant.

*In view of above may be submissions this Honorable Tribunal may graciously be pleased to reject the application for Restoration of the titled Execution Petition with costs in interest of justice please.*

  
District Education Officer  
✓ (Male)Kurram  
(Respondent No.3)

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**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

**Restoration Application No.219/2023**

IN

Execution Petition No.12/2023

IN

Service Appeal No. 300/2016

**Muhammad Aqib Zaman, CT, District Kurram .....Appellant**

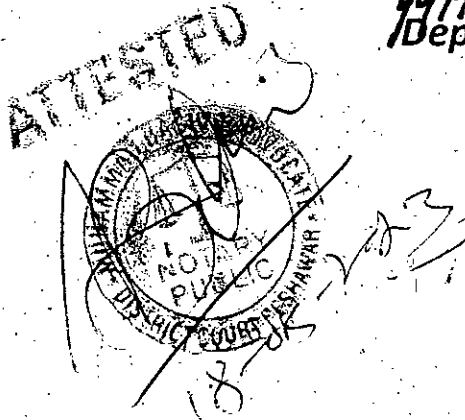
**VERSUS**

**Chief Secretary Govt: of Khyber Pakhtunkhwa & others.....Respondents**

**AFFIDAVIT**

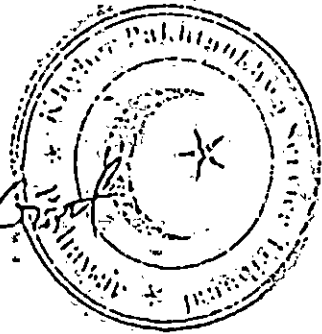
**I Sayed Mir Hussain, Deputy District Education Officer**  
**(Male) Kurram, the above respondent No.2 do hereby declare**  
**and affirm that the above comments are true and correct to the**  
**best of my knowledge and thereof noting has been concealed**  
**from this Honorable Tribunal. It is further stated that in this**  
**appeal, the answering respondents have neither been placed**  
**ex-parte nor their defense has been struck off nor cost**  
**remains/applied.**

*Sayed Mir Hussain*  
Deponent



Annexure — "A"

E.P. No. 300/2016  
Arif Zaman vs Govt

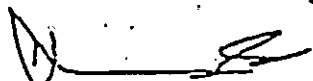


28<sup>th</sup> Feb, 2023

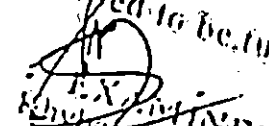
1. Learned counsel for the petitioner present. Mr. Umair Azam, Addl: AG alongwith Mr. Muhammad Shah, SET for the respondents present.

02. This execution petition is misconceived as the respondents had already issued a notification No. 6626-30/Edu dated 22.11.2018 in compliance of the judgment of this Tribunal, whereby the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed. Consign.

03. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 28<sup>th</sup> day of Februarys, 2023.

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application — 30/3/23  
Number of Pages — Page 3  
Court Fee — 15/-  
Stamp Fee — 5/-  
Date of Filing at Court — 30/3/23  
Date of Delivery of Copy — 30/3/23

Certified to be true copy  
  
Chairman  
Peshawar Service Tribunal  
Peshawar

Attested  
