

06.02.2023

Appellant alongwith his counsel present. Mr. Muhammad Riaz

Khan Paindakhel, Assistant Advocate General for the respondents
present.

Arguments heard. To come up for order on 09.02.2023 before
the D.B.



(Muhammad Akbar Khan)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

06.12.2022

Tour is hereby cancelled, therefore, the case is adjourned to 03.01.2023 for the same as before.


Reader


03.01.2023


Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for respondents present.

Former made a request for adjournment on the ground that senior counsel is busy in Hon'ble Peshawar High Court, Peshawar. The appeal pertains to the year 2014 therefore, last chance is given. To come up for arguments on 06.02/2023 before D.B at camp court Swat.

**SCANNED
KPST
Peshawar**

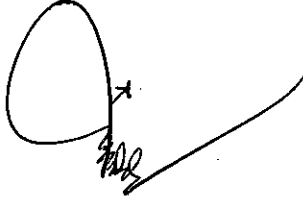

(Farreha Paul)
Member (E)
(Camp Court Swat)


(Rozina Rehman)
Member (J)
(Camp Court Swat)

05.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Due to paucity of court time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 13.10.2022.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13th Oct, 2022

Learned counsel for the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Arguments could not be heard due to paucity of time.

To come up for arguments on 23.11.2022 before D.B.

SCANNED
AT
Peshawar



(Fareeha Paul)
Member (Executive)



(Kalim Arshad Khan)
Chairman

23rd Nov. 2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Former seeks adjournment due to no-availability of learned counsel for the appellant. The appeal pertains to Swat, therefore, it be fixed for arguments on 03.01.2023 before the DB at Camp Court, Swat.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)

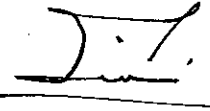


(Kalim Arshad Khan)
Chairman

06.12.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Former seeks adjournment due to engagement of learned senior counsel before the Hon'ble High Court today. Request is accepted. To come up for arguments before the D.B on 02.02.2022.



(Salah-ud-Din)
Member(J)



Chairman

02.02.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.


Learned counsel for the appellant requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 28.03.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 5-7-2022

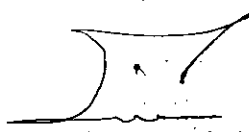

Reader

22.06.2021

Mr. Said Khan, Advocate, junior of learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 01.09.2021.

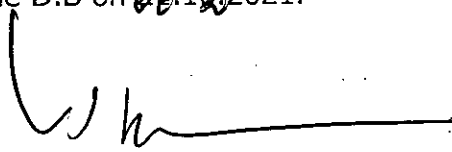

(Rozina Rehman)
Member(Judicial)

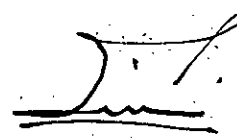

(Salah-ud-Din)
Member(Judicial)

01.09.2021

Mr. Adam Khan, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

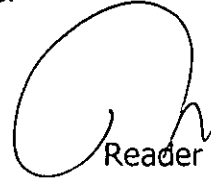
Learned counsel for the appellant requested for adjournment on the ground that he is not met preparation for arguments. Adjourned. To come up for arguments before the D.B on ~~01.10~~ 01.10.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.12.2020

Due to summer vacation, case is adjourned to 30.03.2021 for the same as before.


Reader


30.03.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as he has not prepared the brief.

Adjourned to 22/06/2021 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

13.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.04.2020 before D.B.


Member


Member

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.


Reader

06.08.2020


Due to summer vacation case to come up for the same on 26.10.2020 before D.B.


Reader

26.10.2020

Appellant in person and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.12.2020 for hearing before the D.B.

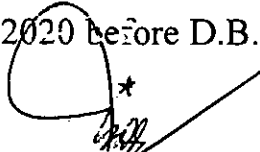

(Atiq-ur-Rehman Wazir)
Member



Chairman

13.02.2020

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Being an old case of the year 2014, last opportunity is granted, Otherwise heavy cost shall be imposed upon the appellant. Adjourned To come up for arguments on

26.02.2020 before D.B.



Member


Member

26.02.2020

Appellant absent. Learned counsel for the appellant absent. Junior to counsel for the appellant present and seeks adjournment. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Ghulam Murtaza SDFO present. Being an old case of the year 2014, last opportunity is granted. To come up for arguments on 28.02.2020 before D.B.


Member


Member

28.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Shah Muhammad Forester for the respondent present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Adjourn. To come up for arguments on 13.03.2020 before D.B.


Member


Member

11.10.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned DDA stated that the matter in issue has already been decided vide judgment dated 26.12.2017 in Service Appeal bearing No.508/Nccm/1998 of this Tribunal. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for arguments on 19.12.2019 before D.B.


Member


Member

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 13.02.2020 before D.B.


Member


Member

~~Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned DDA stated that the matter in issue has already been decided vide judgment dated 26.12.2017 in Service Appeal bearing No.508/Nccm/1998 of this Tribunal. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for arguments on 19.12.2019 before D.B.~~

~~Member~~

~~Member~~

28.06.2019 Mr. Mir Zaman Safi, junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Shah Muhammad, Forester for the respondents present. Junior counsel for the appellant submitted application for placing on record additional documents. The same is placed on record. Junior counsel for the appellant also requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 01.08.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

01.08.2019 Junior to counsel for the appellant and Asst: AG alongwith Mr. Shah Muhammad, Forester for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 11.10.2019 before D.B.


Member


Member

Service Appeal No. 599/2014

14.02.2019

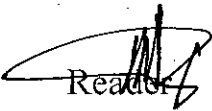
Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 25.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2019


Due to non available of D.B the case is adjourned for the same on 16.05.2019.


Reader

16.05.2019

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Shah Muhammad, Forester for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available today. Adjourned to 28.06.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

04.10.2018

Mr. Muhammad Maaz Madni, Advocate counsel for the appellant present. Mr. Wasif Khan, SDFO and Mr. Muhammad Irshad, SO alongwith Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant requested for adjournment. Granted but as a last chance. Being an old case of 2014 is adjourned to 06.12.2018 for arguments before D.B at camp court Swat. In the meanwhile the appellant is also directed to furnish spare copy of appeal for the worthy Member of this Tribunal within three days.


Member


Chairman
Camp Court Swat

06.12.2018


Appellant in person and Mr. Usman Ghani learned District Attorney for the respondents present. Appellant submitted spare/ member copy. Learned counsel for the appellant not available. Again last opportunity is granted. Adjourn. To come for arguments on 07.01.2019 before D.B at Camp Court Swat.



Member


Member
Camp Court Swat

07.01.2019

Appellant in person present. Mr. Mian Amir Qadir, District Attorney for respondents present. Appellant stated at the bar that his counsel namely Mr. Noor Muhammad Khattak, Advocate belongs to Peshawar, therefore, he requested that the appeal may be fixed at principal seat^{at} Peshawar. Request allowed. Case to come up for arguments on 14.02.2019 for arguments before D.B at principal seat Peshawar.


(Ahmad Hassan)
Member





(M. Amin Khar Kundi)
Member
Camp Court Swat

Form-A

FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 232/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.07.2018 18-7-2018	<p>The application for restoration of appeal no. 592/2012 submitted by Mr. Naseer Hassan through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20.08.2018	<p>This restoration application is entrusted to S. Bench to be put up there on <u>20-8-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Arguments on restoration of appeal heard. Record revealed that service appeal of the petitioner was dismissed in default on 04.07.2018 at Camp Court Swat. Learned counsel for the petitioner submitted application on 16.07.2018 for restoration. The application is well within time therefore, restoration application is accepted and the appeal is restored. To come up for arguments on <u>04/10/18</u> before D.B at Camp Court Swat. Notice be issued to the respondents accordingly.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Restoration

PESHAWAR
App^l No *232/18*
C.M NO. _____/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *786*

Dated *16/7/2018*

IN
SERVICE APPEAL NO. 599/2014

NASEER HASSAN

-VS-

FOREST DEPTT:

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL**

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 03.07.2018 date was fixed for hearing.
- 2- That due to non appearance of the Counsel for appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order/ judgment dated 03.07.2018. **Copy of the order is attached.**
- 3- That on the same date Counsel for the appellant was ill and due that reason he couldn't appear before this august Tribunal.
- 4- That the non appearance of the Counsel for petitioner was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 13.07.2018.

APPLICANT

Naseer
NASEER HASSAN

THROUGH:

N
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M NO. _____/2018

IN

SERVICE APPEAL NO. 599/2014

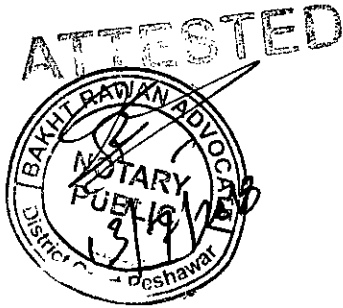
NASEER HASSAN

VS

FOREST DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak Advocate on the instructions and on behalf of the petitioner do hereby solemnly affirm that the contents of this restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

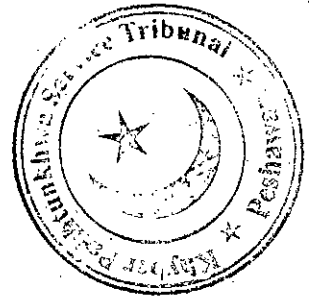



NOOR MOHAMMAD KHATTTAK
ADVOCATE

IN THE PESHAWAR HIGH COURT PESHAWAR

Appeal no 599/2014

WRIT PETITION No. 4123/2010



Naseer Hassan Mian S/o Said Akbar Mian
Forest Guard, Malakand Forest Division,
Batkhela, Malakand Agency.....Petitioner.

Versus

1. The Govt. of Khyber Pakhtoonkhwa through Secretary, Forest Department, Peshawar.
2. The Conservator of Forest, Khyber Pakhtoonkhwa, Peshawar.
3. The Divisional Forest Officer, Batkhela, Malakand Agency.
4. The Govt. of Khyber Pakhtoonkhwa through Secretary Finance, Peshawar.....Respondents.

WRIT PETITION UNDER ARTICLE, 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC
OF PAKISTAN, 1973.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:

1. That petitioner was initially appointed as Forest Guard vide order dated 09.05.1990 (Annex:-A) and posted against a vacancy in Malakand Social Forestry Project but subsequently vide order dated 28.01.1998 (Annex:-B) his services were terminated alongwith his other colleagues.

Certified to be true copy
Khyber Pakhtoonkhwa
Service Tribunal,
Peshawar

13 NOV 2010

(4)

A. No. 599/2018
Naseer Hussain vs Govt



04.07.2018

Neither the appellant nor his counsel present. Mr. Bakht Rehman, Litigation Officer on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney for the respondents present.

The case was adjourned from yesterday with the hope that the appellant or someone on his behalf would put appearance but today none appeared on behalf of the appellant. This conduct of the appellant would clearly manifests that he is not interested in pursuing his appeal. Now it is 4.00 P.M and the court time is about to over. So this Tribunal has no other option but to dismiss the appeal in hand in default. File be consigned to the record room.

Announced
04.07.2018

Self
Member

Self
Chairman
Court Govt

Certified to be true copy
JUDGE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 10-7-18
 Number of Words 800
 Copying Fee 6
 Urgent —
 Total 6
 Name of Copyist [Signature]
 Date of Copying 13-7-18
 Date of Delivery 13-7-18