


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 579/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.08.2023	<p>The application for restoration of Appeal no. 184/2017 submitted today by Mr. Zahir Shah Marwat Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Restoration Application # 579/2023

C.M. No. _____/2023

In

Service Appeal No. 184/2017

Muhammad Yaqoob.....(Petitioner)

VERSUS

Government of KP and others.....(Respondents)


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application		1-2
2.	Affidavit		3
3.	Copy of order sheet dated 31/07/2023	A	4-5
4.	Copy of Cause List	B	6

Petitioner

Through

Dated: 19/08/2023


Zahir Shah Marwat
Advocate, High Court,
Peshawar
0313-9851385

⑦

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Restoration Application # 579/2023

C.M. No. _____/2023

In

Service Appeal No. 184/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 70/0

Dated 15/8/2023

Muhammad Yaqoob S/o Maaz Ullah R/o Village Isak Khel, District
Lakki Marwat.....(Petitioner)

VERSUS

1. Government of KP through Chief Secretary, Peshawar.
2. Senior Member Board of Revenue, KP, Peshawar.
3. Commissioner Bannu Division, Bannu.
4. Deputy Commissioner, District Lakki Marwat.
5. District Account Officer, Lakki Marwat.
6. Naik Nawaz presently DRA Revenue, District Lakki Marwat.

.....(Respondents)

APPLICATION FOR RESTORATION OF
ABOVE MENTIONED SERVICE APPEAL
WHICH WAS DISMISSED IN DEFAULT VIDE
ORDER DATED 31/07/2023 OF THIS
HON'BLE COURT.

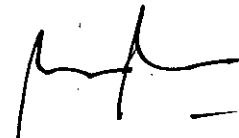
Respectfully Sheweth:

1. That the above mentioned service appeal was fixed before this Hon'ble Court for hearing on 31/07/2023 and same was dismissed for non-prosecution on the same day vide order dated 31/07/2023. (Copy of petition and order dated 31/07/2023 is attached as annexure "A").

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2. That on 31/07/2023 counsel for appellant marked his attendance with the reader of the court at morning and thereafter, was busy in cases fixed before Hon'ble Peshawar High Court, Peshawar, on same day. When the counsel for petitioner returned back in late hours he was informed that the case has been dismissed for non prosecution(Copy of Cause List is attached as annexure "B").
3. That the non appearance of counsel for appellant before the Hon'ble Court at the time of call was neither deliberate nor intentional but was due to above mentioned facts.
4. That the valuable rights of the appellant are involved, if the above title appeal has not been restored then the appellant will be suffered from irreparable loss.

It is, therefore, most humbly prayed that on acceptance of this application the above titled Service Appeal may please be restored in the best interest of justice.



Petitioner

Through



Zahir Shah Marwat
Advocate, High Court,
Peshawar.

Dated: 09/08/2023

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BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

C.M. No. _____/2023

In

Service Appeal No. 184/2017

Muhammad Yaqoob.....(Petitioner)

VERSUS

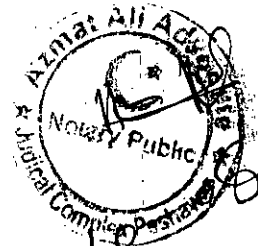
Government of KP and others.....(Respondents)

AFFIDAVIT

I, **Muhammad Yaqoob** S/o Maaz Ullah R/o Village Isak Khel, District Lakki Marwat, do hereby Solemnly affirm and declare on oath, that all the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

ATTESTED



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



(Service Appeal No. 184 /2017.

Diary No.

Dated 2-02-2017

Muhammad Yaqoob son of Maaz Ullah Khan village Isk Khel, Tehsil and District Lakki Marwat Presently TRA Revenue Department District Lakki Marwat.....**Appellant**

Vs

1. Govt: of KhyberPakhtunkhwa through Chief Secretary, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
3. Commissioner Bannu Division Bannu.
4. Deputy Commissioner, LakkiMarwat.
5. District Accounts Officer, LakkiMarwat.
6. Naik Nawaz presently DRA Revenue, District Lakki Marwat.

.....**Respondents**

SERVICE APPEAL U/S 4 SERVICE TRIBUNAL ACT 1974 AGAINST ORDER OF COMMISSIONER BANNU DATED: 17-01-2017 VIS-A-VIS TO THE IMPUGNED PROMOTION ORDER OF NAIK NAWAZ AND ABOUT SENIORITY LISTOF TRA TO DRA.

Respectfully sheweth:

1. That, the Appellant is presently serving Revenue Department as TRA.
2. That, the Appellant was made TRA on dated 06-07-2004 and, till date, he is on the same position.
3. That, a person namely Nek Nawaz who was appointed on dated 07-12-2005 as TRA and is junior to the Appellant upto one year and five months and three days, as apparent from record.
4. That, being junior and on low position, the said Nek Nawaz has been drawing his salaries on BPS-05, while the Appellant has been drawing his salary in PBS-7, hence the Appellant stands more senior to Nek Nawaz.
5. That, it is noteworthy that Nek Nawaz has left his previous job where he was appointed on 25/10/1986, and presently he has been appointed

File no. day
Register

2/2/17

Certified true copy

Khyber Pakhtunkhwa Service Tribunal Peshawar
14/2/17

16/1/17

M. Yaqoob vs Govt

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31.07.2023

1. Nobody present on behalf of the appellant. Mr. Fazal Shah Mohmand learned Additional Advocate General for official respondents present. Private respondent No. 6 alongwith his counsel present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant service appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 31st day of July, 2023.



[Handwritten Signature]

(Muhammad Akbar Khan)
Member (E)

[Handwritten Signature]

(Rashida Bano)
Member (J)

*Kaleem Ullah

Certified to be true copy
EX-101/2023
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 10/8/23
Number of Words Page 2
Copying Fee 10/-
Urgent 8/1
Total 15/-
Name of Copyies Shahzad
Date of Completion of Copy 10/8/23
Date of Delivery of Copy 10/8/23

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BEFORE:-

MR. JUSTICE SAHIBZADA ASADULLAH

Court No: 8

NOTICE CASES

20. Cr.M/Q 42-
P/2023(Criminal
Miscellaneous-
Quashment-
Orders)
(209899)
- Imran
V/s
The State and another
- Ahmad Saleem Khan
Cr Appeal Branch AG Office,
Subhan Ullah.
21. CM Corr 190-
P/2023(In Cr.M/BA
1987/2023
(Decided by HJ-
VII))(-)
(211849)
- Abbas
V/s
The State
- Shoukat Khan Safi, AG KPK
AG KPK
22. COC 252-
P/2023(In C.R
606/2020 (Against
order of HJ EX))(-
)
(210423)
- Mst. Dorra Jan and others
V/s
Shahbaz Khan and another
- Syed Rifaqat Shah
23. W.P 2463-
P/2023(Rent-Final
Judgement)
(211324)
- Muhammad Riaz
V/s (Date By Court)
Yaseen khan
- Nouman Muhib Kakakhel.
Mumtaz Khan, Writ Petition
Branch AG Office
24. FAO 13-P/2023
with CM
60/2023(First
Appeal Against
Order(FAO)-Land
Acquisition)
(204990)
- Malak Younas Khan and others
V/s (Date By Court)
Malik Noor Zada and others
- Sikandar Rashid
Gul Rehman, Civil Appeal Branch
AG Office
- i FAO 14/2023 With CM Malak Younas Khan and others
61/2023
V/s
Malik Noor Zada and others
- Sikandar Rashid
Gul Rehman, Civil Appeal Branch
AG Office

PRE-ADMISSION NOTICE
