


FORM A  
FORM OF ORDER SHEET

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

Restoration Application No. 598/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.08.2023	<p>The application for restoration of Appeal no. 923/2020 submitted today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for hearing before Division Bench at Abbottabad on _____ . Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL KPK**  
**PESHAWAR**

R. O. A # 598/2023

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

In

Service Appeal No. 923/2020

Saib Zia Asghar Junior Clerk, District Judiciary, Abbottabad.

...APPELLANT

**VERSUS**


The Learned District & Sessions Judge, Abbottabad and others.

...RESPONDENTS

**APPLICATION**


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1.	Application alongwith affidavit	1 to 3	Appel
2.	Copy of dismissal order dated 26/07/2023	4	"A"
3.	Copy of service appeal No. 923/2020	5	"B"
4.	Wakalatnama	6	Wakalatnama

  
...APPELLANT

Through;

Dated; 16-3-2023

  
(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

&  
  
(Muhammad Ibrahim Khan)  
Advocate High Court

**BEFORE THE SERVICE TRIBUNAL KPK**  
**PESHAWAR**

R o A # 598/2023

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

In

Service Appeal No. 923/2020

Saqib Zia Asghar Junior Clerk, District Judiciary, Abbottabad.

**...APPELLANT**

**VERSUS**

1. The Learned District & Sessions Judge, Abbottabad.
2. The Learned Civil Judge-IV, Abbottabad.
3. The Superintendent to District & Session Judge, Abbottabad.

**...RESPONDENTS**

**APPLICATION FOR RESTORATION OF SERVICE  
APPEAL NO. 923/2020 WHICH WAS DISMISSED IN  
DEFAULT VIDE ORDER DATED 26/07/2023.**

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Respectfully Sheweth;-

1. That the service appeal No. 923/2020 titled "Saqib Zia Asghar V/s District & Sessions Judge, Abbottabad and others" was pending for adjudication before this Honourable Tribunal and next date of hearing was fixed on 26/07/2023.
2. That the petitioner/appellant was unaware about fixation of date of service appeal No.923/2020 on 26/07/2023, therefore, the appellant could not appear inadvertently before the Honourable

Tribunal at Camp Court Abbottabad. Therefore, the service appeal of the appellant was dismissed in default vide order dated 26/07/2023. Copy of dismissal order dated 26/07/2023 is attached as Annexure "A" and the service appeal No. 923/2020 is attached as Annexure "B".

3. That the petition of the appellant is well within time because appellant filed another appeal on different issues titled "Saqib Zia Asghar V/s District and Sessions Judge, Abbottabad". (Appeal No. 1939/2023) before this Honourable Tribunal on 10/08/2023. The appellant came to know at Peshawar on 10/08/2023 that his previous service appeal No. 923/2020 has been dismissed in default on 26/07/2023.

4. That valuable rights of the appellant are involved.

In view of the above it is prayed that the service appeal No. 923/2020 of the appellant may be ordered to be restored.

  
...APPELLANT

Through;

Dated; 16-8/2023

  
(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

  
&  
(Muhammad Ibrahim Khan)  
Advocate High Court

**BEFORE THE SERVICE TRIBUNAL KPK**  
**PESHAWAR**

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

In

Service Appeal No. 923/2020

Saqib Zia Asghar Junior Clerk, District Judiciary, Abbottabad.

...APPELLANT

**VERSUS**

The Learned District & Sessions Judge, Abbottabad and others.

...RESPONDENTS

**APPLICATION**

**AFFIDAVIT**

I, *Saqib Zia Asghar Junior Clerk, District Judiciary, Abbottabad*, do, hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.





**DEPONENT**

*Qazi Masood Ali Shah vs Govt*

ORDER  
26.07.2023

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy

District Attorney for the respondents present. *Annex-A*

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

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ANNOUNCED  
26.07.2023

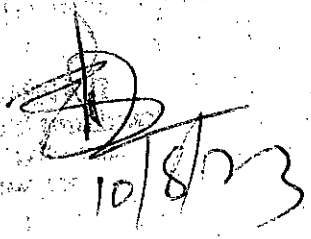


(Rashida Bano)  
Member (J)  
Camp Court Abbottabad



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

\*Nazeem Amin\*



*10/8/2023*

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*181-5/-  
Shahzad  
10/8/2023  
10/8/2023*

Annex - B

1

**BEFORE THE KHBK PUKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.  
(CAMP AT ABBOTTABAD)**

SERVICE APPEAL # 923/2020

Saqib Zia Asghar Junior Clerk, District Judiciary, Abbottabad.

Versus

Appellant  
Khyber Pakhtunkhwa  
Service Tribunal

1. The Learned District & Sessions Judge, Abbottabad.
2. The Learned Civil Judge-IV, Abbottabad.
3. The Superintendent to District & Sessions Judge, Abbottabad.

Case No. 1103

Dated 11-02-2020

Respondents

SERVICE APPEAL U/S 4 OF THE KP SERVICE TRIBUNAL ACT, 1974 AGAINST THE CONSOLIDATED ORDER-IN-DEPARTMENTAL APPEAL AND REPRESENTATION/MERCY PETITION DATED 09-01-2020; WHEREBY THE LEARNED DISTRICT AND SESSIONS JUDGE, ABBOTTABAD/RESPONDENT NO. 1 DISMISSED THE REPRESENTATION DATED 23.11.2019 AND DEPARTMENTAL APPEAL DATED 22-05-2019 HAVE BEEN DISMISSED.

Respectfully Sheweth!

The brief facts necessitated the instant service appeal are:-

1. That the Appellant being civil servant is performing his duties up-to-inark with full devotion an honestly in District judiciary, Abbottabad under the kind control of learned Respondents; and currently holding the charge of Incharge Record Room (Criminal) (senior Civil Judge, Abbottabad).
2. That the Respondent No.2 assumed the charge as Civil Judge-IV, Abbottabad on 08-01-2018; while appellant performed his duties as Reader with her for period of 76 days.
3. That, the appellant moved an application dated 16-03-2019 for his transfer from the court of Respondent No.2 against any other charge/post. Whereby, the comments were called from Respondent No.2 and raised certain baseless allegations against the appellant in comments, which are against the facts and based upon mal-fide and ulterior motive. However, on acceptance of said transfer application, the Respondent No.1 transferred the appellant against the current post. (Copies of application and Comments are attached as annexure "A' & "B").

Filed to-day  
Registrar  
11/2/2020

*[Handwritten signature]*  
10/8/23

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کورٹ فیس

# وکالت نامہ

Service Tribunal (P) Peshawar بعدالت

Saqib Zia Asghar نام The learned District Judge عنوان

Appellant منجانب:

Appellation نوعیت مقدمہ:  
Restoration

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

M. Arshad Khan Panoli Asc of Panik

کو وکیل مقرر کر کے اقرار کرنا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

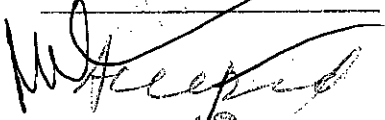
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراہ

استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔


لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم:



M. Ibrahim Khan  
وکیل (پشاور)

بمقام:



M. Arshad Khan  
Panoli Asc of Panik