


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 737/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.10.2023	<p>The application for restoration of Appeal no. 1150/2012 submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>11-10-2023</u>. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

Restoration Appli. No. 737/2023

Mr. Abdul Rahim.


VERSUS

Govt. of KPK, and others

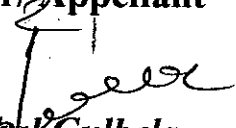
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S #	Description of Documents	Annexure	Pages
1.	Application		1-2
2.	Affidavit		3
3.	Copy of Impuged Order dated: 26.09.2023.	'A'	4-6

Dated: 09/10/2023


Petitioner/ Appellant

Through


Javed Iqbal Gulbela
(ASC)

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA

SERVICES TRIBUNAL PESHAWAR

Restoration Application NO. 737/2023

Mr. Abdul Rahim Executive Engineer (Acting Charge)
PHE Division Haripur.

Petitioner/ Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 8203

- Dated 09/10/23
1. Govt. of KPK, through Secretary Public Health Engineering Department Peshawar.
 2. Chief Engineer, Public Health Engineering Department Peshawar.
 3. Aimal Muhammad XEN (Acting Charge) PHE Division Kohat.
 4. Shehzada Behram XEN (Acting Charge) PHE Division Tor Ghar.
 5. Kifayat Ullah (Acting Charge) XEN (Acting Charge) PHE Division Buner.

Respondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED APPEAL NO.
1150/2012.**

Respectfully Sheweth;

1. That the above mention appeal was pending adjudication before this Hon'ble Tribunal and has been dismissed for non-prosecution vide impugned order dated: 26.09.2023.
2. That the Petitioner/Appellant on each and every date appear and attended this Hon'ble Tribunal in the instant Appeal regularly by himself or through counsel, the instant appeal was fixed for final arguments dated: 09.10.2023 but for the purpose of acceleration of old cases the case as per order sheet dated 22.09.2023 was fixed for 26.09.2023 instead

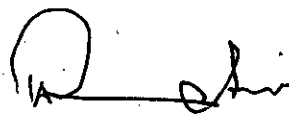
2

of 09.10.2023 but the appelland and his counsel were no knowledge of the date fixed for 22.09.2023, the notice for the same date was also not served on the appelland or his counsel due to this the above captioned case was dismissed in default vide order dated: 26.09.2023 but on Petitioner/Appelland counsel did not appear before this Hon'ble Tribunal.

3. That as the counsel for the Petitioner/ Appelland did not appeared due to the aforementioned reason, therefore, he was totally unaware of fact that the case was dismissed in default on 26.09.2023. **(Copy of Order dated 26.09.2023 is attached)**
4. That the counsel for the Petitioner came to know regarding the said order on 09.10.2023.
5. That on the fateful day the non attendance of the counsel for the Petitioner/Appelland was not intentional nor deliberate but due to the above mentioned facts, which is beyond control of the counsel.

It is, therefore, humbly prayed that on acceptance of the instant petition, the captioned appeal may graciously be restored and be decided on merits.

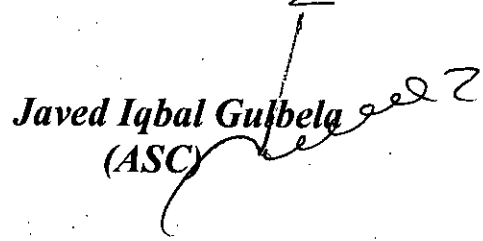
Dated: 09/10/2023



Petitioner/ Appellant

Through

Javed Iqbal Gulbela
(ASC)



(3)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Mr. Abdul Rahim.

VERSUS

Govt. of KPK, and others

AFFIDAVIT

I, Mr. Abdul Rahim Khan S/o Ghaffar Khan R/o Bangi Khan Mughal Khel, P.O Ghauri Wala Tehsil & District Bannu, do hereby solemnly affirm and declare on oath that all contents of the instant restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this August Court.



DEPONENT

CNIC# 11101-4795603-5

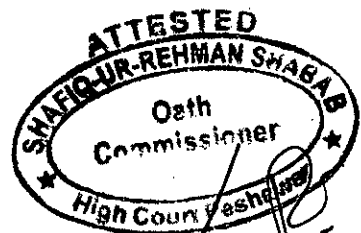
Dated: 09/10/2023

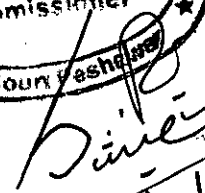


Petitioner/Appellant

Through


Javed Iqbal Gulbela
(ASC)




09/10/23.

(4)

Ann - A

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S. Appeal No. 1150 /2012

Abdul Rahim

Executive Engineer (Acting Charge)

PHE Division Haripur..... **Appellant**

Versus

1. Govt. of KPK, through Secretary Public Health Engineering
Department, Peshawar

2. Chief Engineer, Public Health Engineering Department
KPK, Peshawar

3. Amil Muhammad XEN (Acting Charge) PHE Division Kohat

4. Shahzada Behram XEN (Acting Charge) PHE Division Tor Ghar

5. Kifayat Ullah XEN (Acting Charge) PHE Division Buner

..... **Respondents**

APPEAL U/S 4 OF THE KPK SERVICE
TRIBUNAL ACT, 1974 FOR MAKING
CORRECTION IN THE NOTIFICATION/
FINAL SENIORITY LIST OF SUB
DIVISIONAL OFFICERS (BPS-17) DATED
31.05.2011 AND PLACING NAME OF THE
APPELLANT AT CORRECT A PROPER
PLACE.

Respectfully submitted;

Grounds of Appeal:-

1. That the appellant was initially inducted as Sub-Engineer in BPS-11 in the respondent-department vide order dated 16.09.1993. (Annex "A")

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1150/2012, Abdur Rahim vs Govt

11th July, 2023

1. Appellant in person present. Mr. Muhammad Jan,
District Attorney for the respondents present.

5

2. Appellant requested for adjournment as his counsel is not
available today. Adjourned. To come up for arguments on
02.08.2023 before D.B. P.P given to the parties.

SCANNED
KUST
Peshawar

Mutazem Shah

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman



2nd August, 2023 1. Junior to counsel for the appellant present. Mr. Asif Masood
Ali Shah, Deputy District Attorney for the respondents present.
Counsel for private respondent No. 5 present.

2. Junior to counsel for the appellant requested for
adjournment on the ground that senior counsel for the appellant
is busy before Hon'ble Peshawar High Court, Peshawar.
Absolute last chance is given, failing which case will be
decided on the basis of available record without the arguments.
To come up for arguments on 09.10.2023 before the D.B. PP
given to the parties.

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

*Kaleemullah

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EX-11111
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
23/07/23

2nd Sept. 2023

1. This case was fixed for 09.10.2023 but for the purpose of acceleration of the old cases, the same was requisitioned as the parties had already been informed for today.

2. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Notice be issued to the appellant as well as his counsel for the next date, To come up for arguments on ~~09.10.2023~~ ^{26.09.23} before D.B, ~~at~~ ^{at} ~~the parties.~~ ^{at Mustafabad, being an old}

Case.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah




ORDER

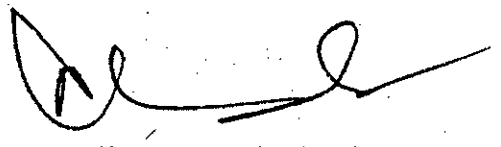
26th Sept. 2023

1. Nobody is present on behalf of appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant was contacted on telephone regarding the instant case on 22.09.2023, but today, nobody put appearance on behalf of the appellant, therefore, the appeal in hand is dismissed in default. Consign:

3. *Pronounced in open Court at Abbottabad given under our hands and seal of the Tribunal on this 26th day of September, 2023.*


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Mutazem Shah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
9/10/23