


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 768/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2023	<p>The application for restoration of Appeal no. 1093/2022 submitted today by Syed Asif Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 334

Dated 17/10/23

**BEFORE THE KPK
SERVICE TRIBUNAL PESHAWAR**

Restoration Application No. 768/2023

Hameedullah.....Appellant

VERSUS

Chairman Environmental etc...respondents

RESTORATION APPLICATION**INDEX**

S#	Description of documents	Annexure	Page#
1.	Memo of petition along with affidavit	1 to 4
2.	Attested copy of the order dated 04.10.2023	A	5 to 7
3.	Attested copy of cause list.	B	8, 9
4.	Wakalat Nama.	

Dated: 13.10.2023


 Hameedullah
 Petitioner

Through


SYED ASIF SHAH
ADVOCATE HIGH COURT
MANSEHRA

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**BEFORE THE KPK
SERVICE TRIBUNAL PESHAWAR**

Restoration Application No. 768/2023

CM No _____ A of 2023

IN

Service Appeal No. 1093 of 2022

Hameedullah son of Muhammad Ishaq,
resident of Mohallah Rahat Abad,
Mangora, Tehsil Babuzai, District Swati,
Ex-Naib Qasid (BPS-03)

..... **Appellant**

VERSUS

- (1) Chairman Environmental Protection Tribunal, KPK Peshawar.
- (2) Acting Registrar, Environmental Protection Tribunal, KPK Peshawar.

..... **Respondents**

**APPLICATION FOR RESTORATION OF THE
TITLED SERVICE APPEAL**

Respectfully shewith!

- 1). That, instant service appeal was pending before this Honourable tribunal and was fixed for 04.10.2023 and on the same

very date the instant service appeal was dismissed for non prosecution.

(attested copy of the order dated 04.10.2023 is annexed as annexure "A").

- 2). That, same very date the counsel for the appellant at that time busy in the Hon'ble Peshawar High Court Bench Abbottabad in Writ petition No. 1515/2021 caste Titled Munir Ahmed Versus Syed Ahmed Shah and others and his non appearance was not intentionally.

(Attested copy of cause list is annexed as annexure "B").

- 3). That, in service appeal cannot be dismissed for non prosecution rather it will be decide on merit.
- 4). That, non appearance was not intentionally.
- 5). That, law leans in favor of disposal of the cases on merits and technicalities be avoided and that the purpose of fair trial would be accomplish.
- 6). That, valuable rights of the appellant is involved in the titled service appeal .
- 7). That, if the above mentioned appeal is not restored than the appellant would be suffer an irreparable loss.

8). That instant application is within time.

PRAYER

IT IS THEREFORE MOST HUMBLY PRAYED
that on acceptance of the instant application,
the said Service appeal may please be restore
and same be decided on merit.

Dated: 13.10.2023

Hameedullah
..... Appellant



Through



SYED ASIF SHAH
ADVOCATE HIGH COURT
MANSEHRA

**BEFORE THE KPK
SERVICE TRIBUNAL PESHAWAR**

Hameedullah.....Appellant

VERSUS

Chairman Environmental Protection
Tribunal, KPK and others.....respondents

**RESTORATION APPLICATION
AFFIDAVIT**

I, Hameedullah son of Muhammad Ishaq, resident of Mohallah Rahat Abad, Mangora, Tehsil Babuzai, District Swati, Ex-Naib Qasid (BPS-03), do hereby solemnly affirm and declare on oath the contents of the foregoing restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable court.

Dated: 13.10.2023

(H)

**Hameedullah
DEPONENT**



①

⑤

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR**



Service Appeal No. 1093 of 2022

Hameedullah son of Muhammad Ishaq,
resident of Mohallah Rahat Abad
Mangora Tehsil Babuzai District Swat,
Ex-Naib Qasib (BPS-3).....**Appellant**

Versus

- 1) Chairman Environmental Protection
Tribunal, KPK Peshawar
 - 2) Acting Registrar, Environmental
Protection Tribunal, KPK Peshawar
- ..Respondents**

**SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA ACT
1974 TO THE EFFECT THAT
APPELLANT BEING DULY APPOINTED
IN BPS-3 AS NAIB QASID IN
ENVOIRNMENTAL DEPARTMENT AND
THE SO-CALLED INQUIRY DATED
31.01.2022 IS BASED ON MALAFIDE
AND MAJOR PENALTY IMPOSED UPON
THE APPELLANT AND DISMISSED
FROM SERVICE AND THE
DEPARTMENTAL PRESENTATION
FILED ON 10.02.2022 AND NO REPLY
HAS BEEN GIVEN SO FAR. SO CALLED
INQUIRY AND ORDER OF THE
DISMISSAL DATED 31.01.2022 ARE
WRONG, ILLEGAL, AGAINST THE LAW**

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

14/10/23

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AND FACTS, ARBITRARY, FANCIFUL,
PERVERSE, WITHOUT LAWFUL
AUTHORITY, AGAINST THE CANON OF
JUSTICE, BASED ON MALAFIDE,
AGAINST THE FUNDAMENTAL RIGHTS
AND AGAINST THE SERVICES LAWS/
RULES OF THE APPELLANT HENCE
LIABLE TO BE SET ASIDE.

PRAYER: -

On acceptance of the instant appeal the impugned order dated 31.01.2022 alongwith order on the departmental representation which has not been received so far, passed/issued by the respondents may pleas be set aside and the appellant may please be re-instated in service with all back benefits or any other relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case may also be issued/passed.

Respectfully Sheweth!

- 1) That, the appellant is bonafide resident of District Swat.

(Copy of the ID card and domicile certificate is annexed as Annexure "A").

Certified to be true copy
E. A. SIDER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

S.A #.1093/2022

ORDER

4th Oct. 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 25.07.2023, 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 Peshawar and given under our hands and seal of the Tribunal on this 4th day of October 2023.*

(Signature)
 (Muhammad Akbar Khan)
 Member (E)

(Signature)
 (Kalim Arshad Khan)
 Chairman

Mutazem Shah

Certified to be true copy
(Signature)
 EXAMINER 10/10/23
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 10/10/23
 Number of Words Page 3
 Copying Fee _____
 Urgent _____
 Total 20/5/
 Name of Copyist Shahzad
 Date of Completion of Copy 10/10/23
 Date of Delivery of Copy 10/10/23

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
DIVISIONAL BENCH DB CAUSE LIST FOR WEDNESDAY, THE 4th OCTOBER, 2023

BEFORE MR. JUSTICE KAMRAN HAYAT MIANKHEL

MR. JUSTICE MUHAMMAD IJAZ KHAN

FOR ORDER

- | | | | | | |
|----|---|--|----|--|-----------------|
| 1. | Cr.A (Life) No. 316-A/2019
Life Imprisonment/Murder Case / PPC
{u/s
302/203/311/109/201/419/468/4
71 PPC} | Saboor etc
(Ghulam Mustafa Khan Swati)
(Atif Ali Jadoon) | Vs | The State
(AAG) | (Date By Court) |
| 2. | CrR No 63-A/2019
{Enhancement-PPC} | The State
(AAG) | Vs | Saboor
(Ghulam Mustafa Khan Swati)
(Atif Ali Jadoon) | |

MOTION CASES

- | | | | | | |
|----|---|--|----|---------------------------|--|
| 1. | COC No. 101-A/2023 in WP | Khalid Mehmood
(Syed Haseeb Haider) | Vs | Govt of KPK etc | |
| 2. | COC No. 118-A/2023 in WP
{Writ} | Kashif Zahoor
(Ghulam Younas Khan Tanoli) | Vs | Dr.Amir Israr etc | |
| 3. | Cr.A (Life) No. 290-A/2023
Life Imprisonment/Murder Case / PPC
{u/s 302 P.P.C} | Abdul Riyan
(Malik Amjad Ali Awan) | Vs | The State etc | |
| 4. | Cr.A (SS) No. 291-A/2023
Short Sentence/PPC | Abdul Riyan
(Malik Amjad Ali Awan) | Vs | The State etc | |
| 5. | Cr.A (SS) No. 298-A/2023 with CrM
205/23(U/S 426 Cr.PC)
Short Sentence/Narcotics
{u/s 9D CNSA} | Muhammad Qadeer Khan
(Muhammad Riaz) | Vs | The State | |
| 6. | WP No. 46-A/2023(S)
Service/Other | Waleed Abdullah
(Mussadaq Khan Jadoon) | Vs | AR, PHC, Atd etc
(AAG) | |
| 7. | Cr.A (Acq) No. 182-A/2023
Acquittal Appeal/Narcotics
{u/s 9D-CNSA} | State
(AAG) | Vs | Kashif | |

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true copy*

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10/3/23, 12:46 PM

Final Causelist for Dated: 04-10-2023

12. COC No. 93-A/2023 in WP . Raja Adeel Zaman Vs Govt of KPK etc
(Masood ur Rehman Khan) (AAG)
(Date By Court)
13. WP No. 622-A/2018 (Q) Shaukat Ali Vs The State etc
Criminal/Quashment-FIR (ZULFIQAR ALI) (AAG)
(Muhammad Asif Qazi)
14. WP No. 964-A/2020 (other)with Masood ur Rehman Vs Govt of Khyber Pakhtunkhwa
CM 750/20 (other) & IR (Syed Amjad Ali-Shah) through Secretary Home etc.
(Others) (AAG)
15. WP No. 1096-A/2020 (S) with I.R Junaid Vs Govt of Khyber Pakhtunkhwa etc.
(N) (Masood ur Rehman Khan) (AAG)
Service/Other
16. WP No. 973-A/2021(S) with IR Noman Khan Vs Govt of Khyber Pakhtunkhwa etc.
Service/Other (Syed Haseeb Haider) (AAG)
17. WP No. 1300-A/2021 (Other)with Dr. Laiba Khan Vs Govt. of Khyber Pakhtunkhwa etc
I.R (Azeemullah Khan Tahirkheli) (Barrister Syed Saad Ali Shah)
(Others) (AAG)
18. WP No. 1515-A/2021(Other) Munir Ahmed Vs Syed Ahmed Hussain Shah etc
Land/Acquisition (Haji Sabir Hussain Tanoli) (Yasir Zahoor Abbasi)
(Syed Asif Shah) (AAG)
19. WP No. 752-A/2022 (Other) Tauseef Sultan etc Vs The State etc
(Others) (Shad Muhammad Khan) (AAG)
20. WP No. 931-A/2022 (Other) with Nazir Muhammad etc Vs Govt of KPK etc
IR (Sardar Aman Khan) (AAG)
(Others)
21. WP No. 1318-A/2022 (S) Mehboob Vs SMBR etc
Service/Other (Muhammad Arshad Khan Tanoli) (AAG)
22. WP No. 1473-A/2022 (mines) with Syed Hanif Shah Vs Govt of KPK etc
IR (Mehdi Zaman Khan) (AAG)
Mining Concession/Others
23. WP No. 1597-A/2022(S) with IR Izhar ul Haq Abbasi Vs DEO etc
Service/Other (Saad Abbasi) (AAG)

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