


## FORM OF ORDER SHEET

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

Restoration Application No. 791/2023

S.No.	Date of order / Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.10.2023	<p>The application for restoration of Appeal no. 1107/2019 submitted today by Mr. Noor Muhammad Khattak 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>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Restoration NO. 791 /2023

Muhammad Zada

VS

GOVT OF KPK

**APPLICATION FOR FIXATION OF THE ABOVE TITLED Restoration AT**  
**PRINCIPAL SEAT, PESHAWAR**

Respectfully Sheweth:

1. That the above mentioned Restoration is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

**It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.**

Appellant/Applicant

Dated: 19/10/23

Through

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

CM. NO. 791 /2023  
IN  
APPEAL No. 1107/2019

**MR. MUHAMMAD ZADA VS GOVT: OF KP & OTHERS**

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<b>S. NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of Application with Affidavit	.....	<b>1</b>
2.	Copy of application for adjournment	<b>"A"</b>	<b>2</b>
3.	Copy of Order Sheet dated 03/10/2023	<b>"B"</b>	<b>3-45</b>
4.	Vakalatnama	.....	<b>5</b>

**APPLICANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

*Restoration Application No. 791/2023*

**CM. NO. 791 /2023**

**IN**

**APPEAL No. 1107/2019**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 8420

Dated 19-10-2023

Mr. Muhammad Zada, Junior Clerk (BPS-11),  
Government Degree College, Barkhalozai, District Bajaur at Khar.

..... **APPLICANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Higher Education Department, Civil Secretariat, Peshawar.
- 2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur at Khar.
- 5- Mr. Gauhar Ali, Assistant (BPS-16), Government Girls Degree College, Ekka Ghund, District Mohmand.

..... **RESPONDENTS**

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

**R/SHEWETH:**

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 03/10/2023.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar and in this respect an application for adjournment was also filed. Copy of application is attached as annexure.....**A**
- 3- That the mentioned service appeal was dismissed in default vide order dated 03/10/2023. Copy of the order sheet dated 03/10/2023 is attached as annexure.....**B**.

- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

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

**Dated: 19/10/2023**

**PETITIONER/APPLICANT**

**Through:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

**AFFIDAVIT**

I, Muhammad Zada, Junior Clerk (BPS-11), Government Degree College, Barkhalozai, District Bajaur at Khar, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

**DEPONENT**



"A" - 3-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

APPEAL NO. 1107/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7971

Dated 28/9/23

Muhammad Zada **Versus** GOVT OF KPK & OTHERS

**APPLICATION FOR ADJOURNMENT**

***Respectfully Sheweth:-***

3. That the above tiled appeal is pending adjudication before this Hon`ble tribunal and is fixed for 03.10.2023 at **Camp Court, Swat.**
4. That counsel for the applicant/appellant is busy in the Hon`ble Peshawar High Court, Peshawar and would not be able to assist and appear before this Hon`ble tribunal on the date fixed.

It is, therefore, humbly prayed that on acceptance of this application the case may kindly be adjourned to some other date convenient to this Hon`ble Tribunal.

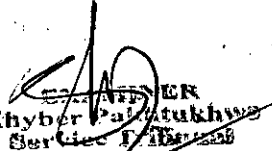
Dated: - 28.09.2023

Applicant/Appellant

Through:-

**NOOR MOHAMMAD KHATTAK**  
ADVOCATE, SUPREME COURT.

**ATTESTED**

  
OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
03/10/23

A+B  
-4-



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

APPEAL NO. 1107 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1207

Dated 27-8-2019

Mr. Muhammad Zada, Junior Clerk (BPS-11),  
Government Degree College, Barkhalozai, District Bajaur at Khar.

..... APPELLANT

**VERSUS**

- ✓ 1- The Government of Khyber Pakhtunkhwa through Secretary Higher Education Department, Civil Secretariat, Peshawar.
- ✓ 2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur at Khar.
- 5- Mr. Gauhar Ali, Assistant (BPS-16), Government Girls Degree College, Ekka Ghund, District Mohmand.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.3.2016 COMMUNICATED TO THE APPELLANT ON 9.5.2019 AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF SENIOR CLERK (BPS-14) & SUBSEQUENT PROMOTION TO THE POST OF ASSISTANT (BPS-16) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 14.3.2016 communicated to the appellant on 9.5.2019 may very kindly be set aside to the extent of private respondent No.5 and the respondents may be directed to consider the appellant for promotion to the posts of Senior Clerk (BPS-14) and Assistant (BPS-16) from the date when respondent No.5 was promoted to the posts of Senior Clerk and Assistant with all monetary benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

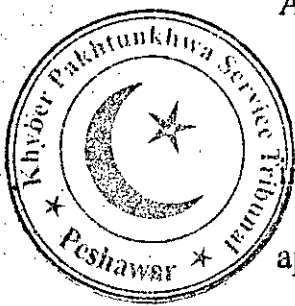
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
13/10/19

**Brief facts giving rise to the present appeal are as under:-**

Filed to-day  
Registrar  
27/8/19  
Re-submitted to-day  
and filed.

**ORDER**  
03.10.2023

Nemo for the appellant. Mr. Inayatullah Khan, Assistant Advocate General for the respondents present.



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.

**ANNOUNCED**

03.10.2023

(Rashida Bano)  
Member (Judicial)  
Camp Court Swat

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

\*Naeem Amin\*

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	05/10/23
Number of Pages	Page 2
Copying Fee	10/-
Urgent	
Total	10/-
Name of Copyist	Shahzad
Date of Completion of Copy	13/10/23
Date of Delivery of Copy	18/10/23



**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Restoration No        /2023

Muhammad Zaeh

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

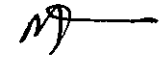
Education Dept

(RESPONDENT)  
(DEFENDANT)

I/We Appellant


Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.        /        /202



**CLIENT**

**ACCEPTED**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

  
**UMAR FAROOQ MOHMAND**

  
**MUHAMMAD AYUB**

&

  
**MAHMOOD JAN  
ADVOCATES**