


FORM OF ORDER SHEET

Court of _____

Restoration Application No: 792/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.10.2023	<p>The application for restoration of Appeal no. 382/2016 received today by registered post through Muhammad Anwar Awan Advocate. It is fixed for hearing before touring Division Bench at D.I.Khan on _____. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE KP SERVICE TRIBUNAL CAMP AT D.I. KHAN

R-
Misc; application No. 792 of 2023

In Service Appeal No-382/2016.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8570

Dated 23-10-2023

Dr. Naqeeb-ur-Rehman Medical Superintendent Agency Headquarter, Hospital
Wanna, South Waziristan Agency.

VERSUS

1. Government of Pakistan through Chief Secretary KPK Secretariat, Peshawar.
2. Government of KPK through secretary Health Deptt: Peshawar.
3. Additional Chief Secretary FATA, Peshawar.
4. Director Health Services FATA, Peshawar.
5. Political Agent, South Waziristan Agency.
6. Agency Account Officer, South Waziristan Agency.
7. Dr Muhammad Arif, Agency Headquarters Hospital Wanna , South Waziristan Agency.

SERVICEAPPEAL No- 382 of 2016

APPLICATION FOR RESTORATION OF APPEAL No- 382 of 2016

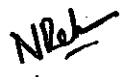
2-

Respectfully Sheweth,

1. That appeal is pending adjudication before this honorable court on 04-05-2023 which was dismissed due non appearance of appellant. Copy of Application and Order are Annexed.
2. That appellant appeal was transferred to Camp Court D.I.Khan to Peshawar but during its pendency it was informed the appellant that appeal is transferred to Camp Court D.I.Khan so petitioner is waiting for the date at Camp court D.I.Khan. After lapse of time, the appellant inquired about the appeal and has got knowledge on 09-10-2023 that appeal is dismissed due to non-appearance of appellant at Principal seat Peshawar. Appellant regularly attended the court since 2016 to 2023 but due to wrong information, the appeal was dismissed.
3. That this honorable court has vast power to accept the instant application.

It is therefore prayed that the application may kindly be accepted.

YOUR HUMBLE APPLICANT


Dr Naqeeb Ur Rehman


Mohammad Anwar Awan

Advocate Supreme Court.

3-

BEFORE KP SERVICE TRIBUNAL CAMP AT D.I.KHAN

Misc; application of 2023

In Service Appeal No-382/2016.

Dr Naqeeb Ur Rehman

Vs

Govt Of KP & Others

Restoration Of Appeal

AFFIDAVIT

Dr. Naqeeb-ur-Rehman Medical Superintendent Agency Headquarter, Hospital Wanna, South Waziristan Agency, that contents of application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

NR
DEPONENT

Dated; 20-10-2023.

MEHMOOD ABA
B.C. -16-6288
R.D 30/10/2023
To 30.10.2023
OATH COMMISSIONER
HAB



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP AT D.I.KHAN.

Appeal no. 382 of 2016.

K.W.F. Province
Service Tribunal
Diary No. 353
Dated 08-4-2016

Dr Naqeeb ur Rehmanan Medical Superintendent Agency Head Quarter Hospital WANNA
South Waziristan Agency.

VERSUS

1. Government of KPK through Chief secretary KPK Secretariat Peshawar.
2. Secretary Health KPK Peshawar.
3. Director General Health Services KPK Peshawar.
4. Director Health Services FATA Peshawar.
5. Agency account officer South Waziristan agency.

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT AGAINST ACTION OF RESPONDENT REGARDING
NON PROMOTION OF APPELLANT.

Anwar
That the brief facts of the case are as under:

1. That the petitioner is citizen of Islamic Republic of Pakistan and is appointed as a medical officer (BPS-17) on 08.10.1987 while his service was regularizing on 23.01.1998. The petitioner is serving in the health department in FATA since 28 years and has posted in various places in FATA. Copy of appointment order is annexure A.
2. That appellant was promoted from BPS-17 to BPS-18 in April 2003 according to rules. Copy of promotion is Annexure B.

ATTESTED

10/10/16
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- 5-
3. That petitioner according to the rules was entitled to be promoted in BPS-19 in October 2013 but was not promoted and his other colleagues i.e lady doctor Shamim Ara and lady doctor Mueen Begum was promoted in BPS-19 on October 2013. The appellant has completed all the codal formalities regarding his promotion in BPS-19 and nothing was hurdle to promote the appellant but erroneously the appellant was neglected.
 4. That feeling aggrieved of the above action in violation of law and principal of natural justice, the appellant filed departmental appeal dated 14.12.2015. After the lapse of requisite period, the appellant is constrained to file this appeal. Copies of departmental appeal and receipts are Annexure C.
 5. That feeling aggrieved from above said action appellants are constrained to approaches this honorable court on the following amongst other:-

Anwar

GROUNDS

1. That the action of respondents is against law, facts, record and natural justice.
2. That the action of respondents is against facts and law, ultra virus and without any Jurisdiction.
3. That the appellant is appointed in the year 1987 in BPS-17 while promoted in BPS-18 on 2008 and is entitled to be promoted since 2013 but was ignored by the respondent without assigning any reason to appellant for the said act. It is also pertinent to mention here that the appellant colleagues were promoted according to their turn in 2013 but appellant is not promoted according to the rules.

~~Attest~~
~~M. Sajid Baloch~~
M. Sajid Baloch
Advocate High Court
Distt. Bar & Khan

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the appellant may kindly promoted in BPS-19 since 2013 with all back benefits.

YOUR HUMBLE APPELLANT

NRc by
Dr Naqeeb ur rehmanan
Through Counsel

Dated:06-04-2016.

Anwar
Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Dr Naqeeb ur rehmanan do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

NRc by
Deponent.

Attested
~~*MS*~~ *APR*
Mr. Sajid Baloch
Advocate High Court
Distt. East D. Khan

APPEAL No. 382/2016 - 7 -
Dr. Naveeb-ur-Rahman vs Govt

4th May, 2023



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

2. The case was called time and again but neither appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 4th day of May, 2023.

(Salah Ud Din)
Member(J)

Adnan Shah, P.A.

(Kalim Arshad Khan)
Chairman

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
10-10-23

Date of Presentation of Application 10-10-2023
Number of Words Page = 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyiest Shahjad
Date of Completion of Copy 10-10-2023
Date of Delivery of Copy 10-10-2023

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VAKALATNAMA

BEFORE THE PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN

Dr. Nageeb-ur-Rehman **VERSUS** Govt of Pakistan

TITLE Restoration of Appeal

I/WE Applicant

The Above Named Applicant hereby appoint

MUHAMMAD ANWAR AWAN ADVOCATE SUPREME COURT,

in the above Captioned Cases to all or any of the following Acts Deeds & Things.

- ✓ To Appear, Act & Plead for Me/Us in the above mentioned cases in this Court/Tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
- ✓ To Sign, Verify, File OR Withdraw all proceedings, Petitions, Appeals, Affidavits, Applications for Compromise OR Withdrawals OR for the Submission of Arbitration of the said case OR any other Documents may be Deemed Necessary OR Advisable by them by the Conduct, Prosecution OR Defense of the above case at all its stages.
- ✓ To Receive Payments, Issue receipts for all moneys that may be OR become Due & Payable to us during the course on Conclusion of the Proceedings.
- ✓ To do all other Acts & Things, Which may be Deemed Necessary OR Advisable during the course of Proceedings.

AND HEREBY AGREE:

- To Ratify Whatever Advocates may do the Proceedings.
- Not to Hold the Advantages Responsibilities if the said case be proceed Ex-parte OR Dismissed in Default in Consequence of their Absence from the Court when it is called for Hearing.
- That the Advocates shall be entitled to withdraw from the Prosecution of the said case if the Whole or any part of the Agreed Fee Remain Un-Paid.
- That Advocates may be Permitted to argue any other point at the time of Arguments.

In Witness Whereof I/We have signed this Vakalatnama here under the Contents of which have been Read/Explained to Me/Us which is fully understood by Me/Us.

Dated: _____

Accepted By:

Anwar, Adv

**MUHAMMAD ANWAR AWAN
ADVOCATE SUPREME COURT
03339962231**

NReh
SIGNATURE OF EXECUTANT (S)

Dr. Nageeb ur Rehman
Applicant