


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 831/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.11.2023	<p>The application for restoration of execution petition no. 489/2023 submitted today Mr. Mir Zaman Safi Advocate. It is fixed for hearing before Single 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  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application no 831/2023

C.M. No. _____/2023

IN

EXECUTION PETITION ON. 489/2023

MAQSAD HAYAT

V/S

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of application	1.
2.	Affidavit	2.
3.	Order/judgment	A	3- 4.

APPELLANT

THROUGH:

Mir Zaman Safi
MIR ZAMAN SAFI

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application no 831/2022

C.M. No. /2023

Khyber Pakhtunkhwa
Service Tribunal

IN

Diary No. 9250

EXECUTION PETITION ON. 489/2023

Dated 20-11-2023

Mr. Maqсад Hayat, SST (General)(BPS-16),

GMS Khur Khuri, District Peshawar.....**PETITIONER**

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (M), District Peshawar.

.....**RESPONDENTS**

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED EXECUTION PETITION**

R/SHEWETH:

- 1- That, the above mentioned execution petition was pending adjudication before this Honorable Tribunal in which 13-11-2023 date was fixed for hearing.
- 2- That petitioner filed the above mentioned appeal for implementation of the judgment dated 26.05.2009.
- 3- That the above mentioned execution petition was fixed for hearing on 13.11.2023 before this august Tribunal but Counsel for the petitioner was busy at the Peshawar High Court, Peshawar and due to that reason he could not appeared on the date mentioned above.
- 4- That due to non appearance of the Counsel for petitioner the above mentioned execution petition has been dismissed in default vide order dated 13.11.2023. **Copy of the order sheet is attached.**
- 5- That non-appearance of the petitioner and Counsel for the petitioner was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title appeal may kindly be restored.

Dated: 17.11.2023.

PETITIONER

THROUGH:

Mir Zaman Safi
MIR ZAMAN SAFI

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2023

IN

EXECUTION PETITION ON. 489/2023

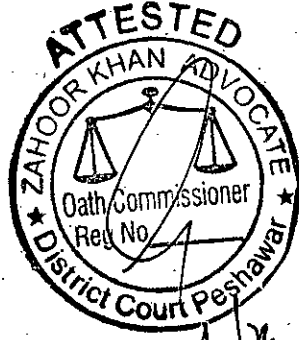
MAQSAD HAYAT

VS

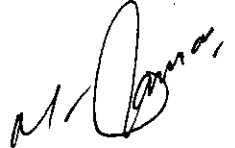
EDUCATION DEPTT:

AFFIDAVIT

I **Mir Zaman Safi, Advocate** on behalf of the petitioner, 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 Tribunal.



20/11/23


MIR ZAMAN SAFI
ADVOCATE

A-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Implementation Petition No. 489 /2023
In

Khyber Pakhtunkhwa
Service Tribunal

Appeal No.1539/2008

Diary No. 6468

Dated 13/07/23

Mr. Maqсад Hayat, SST (Gen) (BPS-16),
GMS Khur Khuri, District Peshwar.

.....APPELLANT

VERSUS


- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (M), District Peshawar.

.....RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING
THE RESPONDENTS TO OBEY THE JUDGMENT
OF THIS AUGUST TRIBUNAL DATED 26.05.2009 IN
LETTER AND SPIRIT

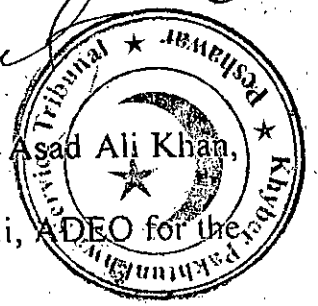
R/SHEWETH:

- 1- That the petitioner filed Service appeal bearing No. 1539/2008 before this august Service Tribunal for the grant of 4 advance increments on the basis of acquiring higher qualification in terms of Notification dated 11.08.1991.
- 2- That appeal of petitioner alongwith other connected appeals were finally heard by this august Tribunal and decided the same in favor of petitioner vide judgment dated 26.05.2009 followed by similar appeal No.1532/2008 titled Mst. Aisha Bibi vs Education Department. Copies of the judgments are attached as annexure.....A.
- 3- That after obtaining attested copy of the judgment dated 26.05.2009 the petitioner submitted the same before the respondents for implementation and in this regard Notification dated 28.07.2009 was issued by the Secretary Elementary and Secondary Education Department for the grant of 4 advance increments but the same has been partially implemented to the extent of one advance increment in favor of the present petitioner/applicant while the remaining three (3) advance increments are still awaited. Copies of the Notification and service book are attached as annexure.....B & C.

ATTESTED

15-11-23
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

E.P. No. 489/2023
Marsad Hayat vs Govt

4



3rd Nov. 2023

1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Arshad Ali, ADEO for the respondents present.

2. The order sought to be executed, was passed on 26.05.2009. The learned counsel for the petitioner when confronted with the situation as to how the judgment/order/decree passed much more than three years earlier, could be executed? He sought some time to assist the Tribunal.

3. Adjourned to 13.11.2023 for further proceedings before S.B.P.P given to the parties.

(Kalim Arshad Khan)
Chairman

SCANNED
PESHAWAR

Mutazem Shah

E.P No.489/2023

ORDER

13th Nov. 2023

1. Nobody is present on behalf of petitioner. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. This matter was called time and again but nobody put appearance on behalf of the petitioner before the Tribunal till its rising, therefore, the petition in hand is dismissed in default. Consign.

3. Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 13th day of November, 2023.

Certified to be true
15-11-23

Khy. Ser. Peshawar
MINER
Shunkh
Jurnal.

Date of Presentation of Application 15-11-23

Number of Words Page = 2

Copying Fee 10/-

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Total 15/-

Name of Copyiest Shahzad

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(Kalim Arshad Khan)
Chairman

Mutazem Shah