


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 866 /2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.11.2023	<p>The application for restoration of Appeal no. 1671/2022 submitted today Mr. Noor Muhammad Khattak 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 APPL. NO. 866 /2023

Sarwar Khan

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: 22/11/23

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Restoration appli. no. 866/2023

CM. NO. _____/2023

IN

APPEAL No. 1671/2022

MR. SARWAR KHAN VS

THE SECRETARY LG&RD & OTHERS

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APPLICANT

THROUGH:


**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli - No. 866/23
CM. NO. _____/2023

Khyber Pakhtunkhwa
Service Tribunal

IN
APPEAL No. 1671/2022

Diary No. 9371

Dated 23-11-2023

Mr. Sarwar Khan, Naib Qasid BPS-04
Village Council, Ghundo, District Malakand

..... **APPLICANT**

VERSUS

- 1- The Secretary LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director LG&RDD, District Malakand
- 4- Mr. Shahab Hussain, Junior Village Secretary (BPS-09) VC Bala Batkhela, District Malakand.

..... **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 06/11/2023.
- 2- That the mentioned service appeal was dismissed in non-prosecution vide order dated 06/11/2023. Copy of the order sheet dated 06/11/2023 is attached as annexure.....**A.**
- 3- 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.
- 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: 22/11/2023

Sarwar
PETITIONER/APPLICANT

Through:

NM
**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Sarwar Khan, Naib Qasid BPS-04, Village Council, Ghundo, District Malakand, 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.



Sarwar
DEPONENT

"A" -3- -1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1671 /2022

Mr. Sarwar Khan, Naib Qasid BPS-04
Village Council Ghundo, District Malakand.

..... **APPELLANT**

VERSUS

- 1- The Secretary LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General LG&RDD Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director LG&RDD, District Malakand.
- 4- Mr. Shahab Hussain, Junior Village Secretary (BPS-09), VC Bala Batkhela, District Malakand.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 07.08.2018 WHEREBY JUNIOR TO THE APPELLANT HAS BEEN PROMOTED TO THE POST OF JUNIOR VILLAGE SECRETARY (BPS-09) WHILE THE APPELLANT WAS IGNORED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 07.08.2018 of the respondents may very kindly be set aside to the extent of private respondent No.4 and the respondents may kindly be directed to consider the appellant for promotion to the post of Junior village Secretary BPS-09 w.e.f. 7.8.2018 with all back benefits including seniority. Any other remedy which this august Court deems fit may also be awarded in favor of appellant.

R/SHEWETH:

ON FACTS:

1- That appellant was initially appointed as Naib Qasid at u/c Sakhakot, District Malakand in the respondents department vide order 12.04.2005 and start performing his duties quite efficiently up to the entire satisfaction of his superior. Copy of the service book is attached as annexure **A.**

2- That since the appointment, the appellant has served the respondents department for more than 16 years quite efficiently, with zeal and zest and honored an unblemished service record. Copies of employment profile card and salary slip are attached as annexure..... **B.**

SA 1671/22

06th Nov. 2023

4-
Sarwar Khan vs Govt



- 01. Nemo for the appellant.
- 02. The appeal was restored on 04.10.2023. To-day again despite repeated calls, no one is present on behalf of the appellant, which shows that he is not interested in pursuing the case. The appeal is dismissed for non-prosecution. Consign.
- 03. *Pronounced in open Court at camp court, Swat and given under my hand and the seal of the Tribunal on this 06th day of November, , 2023.*

Certified true copy
 Khy. P. Kh. S. Tribunal
 Peshawar

(Signature)
 (Fareeha Paul)
 Member (E)
 Camp Court, Swat.

Date of Presentation of Application 14-11-2023
 Number of ~~Words~~ Page 2
 Copying Fee 10/-
 Urgent —
 Total 10/-
 Name of Copyist Shahzad
 Date of Completion 14-11-2023
 Date of Delivery 21-11-2023

-5-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration No /2023

Saywar Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Z. Gout

(RESPONDENT)
(DEFENDANT)

I/We Saywar Khan.

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

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)