# Form-A FORM OF ORDER SHEET

Court of	· · · · · ·
· ·	
Restoration Application No.	931/ <b>2023</b>

	•	Restoration Application No. 331/2023	
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge	
1.	2	3	
i.	29.11.2023	The application for restoration of Execution	
		Petition no. 694/2023 submitted today Mr. Amjad Ali	
		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.	
5.		By the order of Chairman  REGISTRAR	

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM No	/2023
· IN	
Execution Petition	No 694/2023
. IN	· ·
Service Appeal No	1833/2023
	S/O Muhammad Jahangir R/O Shadman Colony, Miryali t Dera Ismail Khan
	Appellant/Applicant
	VERSUS
Govt of KP throu	gh Secretary Health at Civil Secretariat Peshawar and
others	Respondents

### Application for hearing of the above referred execution/application at Principal seat at Peshawar

#### Respected Sir,

#### Appellant/Applicant humbly submits as under:

- 1. That the above referred service appeal along with execution petition was dismissed in default on 21.11.2023 and 22.11.2023 respectively.
- 2. That the above referred service appeal is restored by this Honorable Tribunal vide order dated 29.11.2023.
- 3. That the matter involves urgency as appellant has not received salaries for the last 09 months and is running from pillar to the post in this era of high inflation. This Honorable Tribunal has already passed order dated 13.09.2023 wherein respondents are directed to release the salaries of the appellant.
- 4. That despite the order dated 13.09.2023, the respondents are not releasing salaries of the appellant.
- 5. That since the matter is of urgent nature, therefore, the appellant requests that the application may please be heard at the Principal seat instead of hearing at D.I Khan.

It is therefore humbly requested that the above referred service application/execution petition may please be heard at the Principal seat at Peshawar.

Through

Applicant/Appellant

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Dated: 30/11/2023

SUPREME CO: ...

#### **BEFORE THE KHYBER PAKHTUNKHWA SERVICE** TRIBUNAL, PESHAWAR CAMP COURT, D.I.KHAN

R.A 931/2023

C.M No	/2023	•
· IN	) - Hitiam Na 604/222	
	Petition No.694/223	,
in Service App	peal No.1833/2023	
Ameer Abdulla	ah	Appellant
	VERSUS	
	er Pakhtunkhwa through	s Respondents

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1.	Application for restoration		1-3
2.	Copy of order dated 22.11.2023 passed in execution petition/ implementation	A	4-5

Dated: 29.11.2023

Appellan

through

Amjad Ali (Mardan) Advocate

Supreme Court of Pakistan Cell: 0321-9882434



## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR CAMP COURT, D.I.KHAN

R-A-NO.931/2023

Service Tribunal
Diary No. 98%
David 29-11-2023

C.M No.\_\_\_\_\_/2023

In Execution Petition No.694/223 In Service Appeal No.1833/2023

Ameer Abdullah S/o Muhammad Jahangir R/o Shadman Colony Muryali, D.I.Khan.

..... Appellant

#### **VERSUS**

- Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2. Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
- 4. Regional Director General Health Services South at Directorate of Health Services, Warsak Road, Peshawar.
- 5. District Health Officer (DHQ), D.I.Khan at DHQ Office D.I.Khan.
- 6. District Accounts Officer, D.I.Khan.
- 7. Head Clerk DHQ, D.I.Khan.
- 8. Accounts Clerk DHQ Hospital, D.I.Khan.

.....Respondents

APPLICATION FOR RESTORATION OF THE EXECUTION PETITION NO.694/2023 IN APPEAL NO.1833/2023 WHICH WAS DISMISSED IN DEFAULT ON 22.11.2023.

#### Respectfully Submitted:



- 1. That the appellant preferred a Execution Petition/
  Implmentation Application No.694/2023 before this
  hon'ble Tribunal seeking implementation of the order
  dated 13.09.2023 passed in SA No.1833/2023
- 2. That appellant was given 22.11.2023 in implementation as well as in main Appeal on one date in D.I.Khan, but when appellant appeared in Tribunal, in D.I.Khan on 22.11.2023, the Tribunal informed that main appeal of the appellant has been dismissed in default on 21.11.2023, therefore, the Execution Petition No.694/2023 has become infructuous.
- That thereafter, the appellant approved this hon'ble Court and filed application for restoration of his main S.A. No.1833/2023, which was allowed vide order dated 29.11.2023.
- 4. That as the main appeal of the appellant has been restored, therefore, in the interest of justice, the appellant now request that his Execution Petition No.694/2023 may also be restored for its decision on merit.
- 5. That valuable rights of appellant are involved in the case in hand, which requires decision on merit.
- 6. That this hon'ble Tribunal has got vast powers to accept the instant application.

It is, therefore, prayed that on acceptance of this application the titled implementation/ Execution Petition No 694/2023 may kindly be restored to meet with the ends of justice.

Dated: 29.11.2023

Appellant

Through

Amjid Ali (Mardan) Advocate, Supreme Court

#### **AFFIDAVIT**

I, Ameer Abdullah S/o Muhammad Jahangir R/o Shadman Colony Muryali, D.I.Khan. do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble

Court.

Deponent

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Execution fetition No. 694/2023

Restaurar + Biary No. 7943

In Re:

Service Appeal No. 1833/2023

Ameer Abdullah S/o Muhammad Jahangir R/o Shadman Colony Miryali, tehsil & District Dera Ismail Khan.

Appellant

#### VERSUS

- 1) Govt of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
- 2) Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Director General, Health Services Khyber Pakhtunkhwa at Directorate of Health Services, Warsak road, Peshawar.
- 4) Regional Director General Health Services South at Directorate of Health Services, Warsak road, Peshawar.
- 5) District Health Officer (DHO) Dera Ismail Khan at DHO Office D.I.Khan.
- 6) District Account Officer, Dera Ismail Khan at DAO Office D.I.Khan.
- 7) Head Clerk, DHO Office D.I.Khan
- 8) Accounts Clerk, DHO Office D.I.Khan

Certified to be ture copy

Service Tribunal, Peshaway 22<sup>nd</sup> Nov, 2023

Athunkhwa Se

1. Petitioner in person present. Mr. Habib Anwar, learned Additional Advocate General alongwith Dr. Muhammad Rizwan, Focal Person for the respondents present.

Since the main service appeal No. 1833/2023 of the petitioner has been dismissed in default on 21.11.2023 while the instant execution petition is inconsequence of interim order of the main service appeal of the appellant, therefore, the execution petition become infructuous. The petitioner is at liberty to approach the court after restoration of his main service appeal, if so advised.

- 3. In view of the above the instant execution petition dismissed being infructuous. Consign.
- 4. Pronounced in open court at camp court D.I.Khan and given under my hand and seal of the Tribunal on this 22<sup>nd</sup> of November, 2023.

Certified fo be ture cops

Kharan Kabupat Kabupat Peshawa

(Muham/mád|Akbar Kha Member (E) Camp Court D.I.Khan

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Date of Presentation of Application

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