


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 949/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.12.2023	<p>The application for restoration of service appeal no. 7845/2021 submitted today by Mr. Afrasiab Khan wazir 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 SERVICES TRIBUNAL, PESHAWAR

Restoration Appli no. 919/23
C.M No. _____/2023

In
Appeal's No. 7845/2023

Said Wali Khan

VERSUS

POLICE DEPTT

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Restoration application	1
2.	Affidavit	2
3.	Order sheet	A	3
4.	Vakalatnama	4

APPELLANT

Through:

Afrasiab Khan Wazir
Advocate High Court

Office Address:-

Room No:B-16 Nimra Plaza, Government College Chowk,
Faqirabad, Peshawar.

☎ 0312-9888752.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Restoration Appli. no. 949/2023

C.M No _____/2023

IN

Appeal No.7845/2021

Mr. Said Wali Khan, Senior Clerk (BPS-14),
Audit cell central police officer, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9724

Dated 06-12-2023

V E R S U S

- 1- The inspector general of police, Khyber Pakhtunkhwa, Peshawar.
- 2- The assistant inspector general establishment, for inspector general of police, Khyber Pakhtunkhwa, Peshawar.
- 3- The registrar central police office, Peshawar.
- 4- The deputy director audit central police office, Peshawar.
- 5- The accountant general Khyber pakhtunkhwa, Peshawar.

APPLICATION FOR RESTORATION OF THE AFOREMENTIONED APPEAL
DIMISSED IN DEFAULT

R/SHEWETH:

- 1- That the aforementioned appeal was dismissed in default on dated 21.11.2023 by this August Tribunal. Copy of order sheet attached.....A.
- 2- That on dated 21.11.2023 the appeal of the appellant was fixed for argument and the counsel for the appellant was in Dikhan and the Counsel clerk Azaam Khalil along with Jawad clerk approached the reader three times for adjournment.
- 3- That the reader assured the Clerk that I will give you a date or either confirm the next date tomorrow as the case is still pending before the tribunal.
- 4- That on the next day the counsel came to know that the appeal of the appellant is dismissed in default as no request is communicated to the honorable judge for adjournment even after assurance by the reader on the very day.
- 5- That the valuable rights of the appellant are attached to this appeal which if not restored will cause irreparable loss to the appellant.

It is therefore it is humbly prayed that on acceptance of this restoration application the aforementioned appeal may very kindly be restored for the sake of justice.

Through:

APPLICANT

Afrasiab Khan Wazir

Junaid Mehsood

Nazurrehman Advocates

AFFIDAVIT

I, Afrasiab Khan Wazir Advocate, do hereby solemnly affirm and declare that the contents of this restoration application is true and correct to the best of my knowledge and nothing has been concealed from this honorable tribunal.

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 7845 /2021

Diary No. 7962

Dated 06/12/2021

Mr. Said Wali Khan, Senior Clerk (BPS-14),
Audit Cell Central Police Office, Peshawar.....**APPELLANT.**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Assistant Inspector General Establishment, for Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Registrar, Central Police Office, Peshawar.
- 4- The Deputy Director, Audit, Central Police Office, Peshawar.
- 5- The Accountant General Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 07.11.2019 WHEREBY THE APPELLANT HAS BEEN GRANTED PROMOTION TO THE POST OF SENIOR CLERK (BPS-14) WITH IMMEDIATE EFFECT NOT w.e.f 2013 WHEREIN COLLEAGUES & JUNIORS TO THE APPELLANT WERE PROMOTED TO THE POST OF SENIOR CLERKS (BPS-14) IGNORED APPELLANT UNLAWFULLY AND UNJUSTIFIABLY AND THE AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

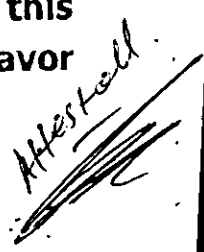
That on acceptance of this appeal the impugned order dated 07.11.2019 may very kindly be modified/rectified to the extent of appellant by directing the respondents to promote the appellant to the post of Senior Clerk (BPS-14) w.e.f 2013 whereby colleagues & juniors to the appellant were promoted to the post of Senior Clerk (BPS-14) with all back benefits including seniority. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts raising the present appeal are as under:-

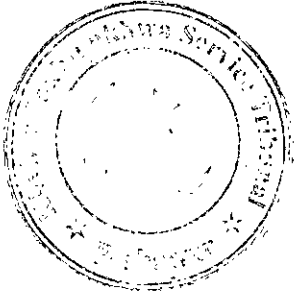
Filed to day
Registrar
6/12/2021

Attest


Said Wali Khan vs Govt (3)

ORDER
21.11.2023

Nemo for the appellant. Mr. Muhammad Wisal, Head Constable alongwith Mr. Muhammad Jan, District Attorney 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

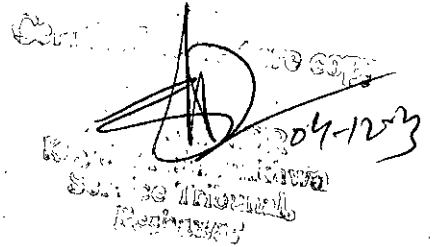
21.11.2023


(Fareeha Paal)
Member (Executive)


(Sarah-ud-Din)
Member (Judicial)

Naeem Amin

Date of Presentation of 04-12-23
Number of Page = 2
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Total 15/-
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Date of Copy 04-12-23
Date of 04-12-23


Registrar

POWER OF ATTORNEY/VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES PESHAWAR

C.M NO. _____ 2023-12-04

IN

APPEAL NO. 7845/2021

SAID WALI KHAN

VERSUS

POLICE DEPTT:-

On behalf of Petitioner/Appellant No.

I/ we the petitioners/appellant hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.
- d. That no other counsel/advocate shall be engaged in this case until NOC is granted by my counsel/advocate.
- e. That the counsel/advocate shall not be responsible if the case is dismissed in default due to none payment of complete fee to the advocate/counsel due in time.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me us and fully understood by me/ us.

Terms Accepted

Signatures *Said*

Accepted & Attested

Afrasiab Khan Wazir
Advocate Peshawar High Court, Peshawar.

Junaid Mehsood

Nazurrehman Advocates