

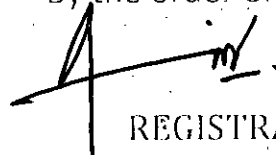
Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. - 889/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.11.2023	<p>The application for restoration of Execution Petition no. 284/2015 submitted today Mr. Arbab Kaleern Ullah Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>12-12-23</u>. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p>

By the order of Chairman


REGISTRAR

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration appli. no. 889/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9529

Dated 28-11-2023

Azmat Ullah Khan
Ex-Chief of Section (BPS-19) P&D Department
R/o House No.37, Sector G-4, Phase-II,
Hayatabad, Peshawar.....Petitioner

Versus

- 1) Chief Secretary Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Secretary P&D Department Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Chief Minister Khyber Pakhtunkhwa, C.M. House, Peshawar.
..... Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE NOTED PETITION
DISMISSED IN DEFAULT ON 13.11.2023.

Respectfully Sheweth;

- 1) That the above titled petition was fixed on 13.11.2023 and dismissed in default.
- 2) That the undersigned/ counsel for petitioner marked his attendance and informed the Reader of the Court, but in meanwhile the counsel for petitioner went to Peshawar High Court, Peshawar to attend some urgent nature cases.
- 3) That after some time the undersigned/ counsel for petitioner came back to the court room, where he was informed that case has been dismissed in default.
- 4) That the non-appearance of the counsel was neither intentional nor deliberate but due to the reason mentioned above.
- 5) That the application is well within time.

- 6) That superior courts of the country always favour adjudication of the cases on merits rather than on technicalities and there is no legal impediment in the way of restoration of the case.

It is, therefore, requested that the above noted case may kindly be restored in the interest of justice and be decided on merits.

Petitioner

Through

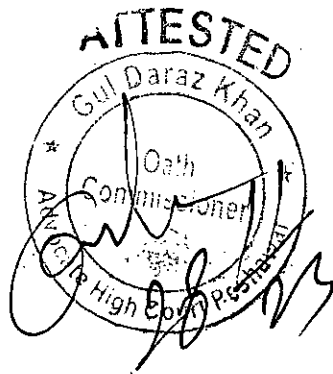
Arbab Karam Ullah

&

Khursheed Khan
Advocate High Court.

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of application are true and correct and nothing has been concealed from this Hon'ble Court.





IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

106/6/1
AAG
E.P. No. 755/2022

Azmat Ullah Khan
Ex-Chief of Section (BPS-19) P&D Department
R/o House No.37, Sector G-4, Phase-II,
Hayatabad, Peshawar.....Petitioner


Versus

- 1) Chief Secretary Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Secretary P&D Department Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Chief Minister Khyber Pakhtunkhwa, C.M. House, Peshawar.
.... Respondents

PETITION FOR EXECUTION/
IMPLEMENTATION OF ORDER DATED
08.10.2021 PASSED BY THIS HON'BLE
TRIBUNAL IN S.A.NO.284/2016.

Respectfully Sheweth;

- 1) That the applicant/ appellant has been removed from service vide notification dated 12th October, 2015 issued by the worthy Chief Secretary Khyber Pakhtunkhwa.
- 2) That the applicant filed an appeal before this hon'ble Tribunal, which was accepted vide judgment dated 08.10.2021. (Copy of judgment is attached).

ATTACHED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11.04.2023

Clerk of learned counsel for the petitioner present.

Mr. Asad Ullah Khan, Section Officer (Litigation)

Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents stated at the bar that implementation of the judgment under execution is in progress. Respondents shall positively produce implementation report on the next date, failing which coercive measures shall be taken against them under the law. To come up for implementation report on 25.05.2023 before the S.B. Parcha Peshi given to the parties.




(Salah-Ud-Din)
Member (J)

25th May, 2023

1. Junior to counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. Implementation report not submitted. Learned Additional Advocate General seeks further time for submission of implementation report. Adjourned. To come up for implementation report on 22.06.2023 before S.B. P.P given to the parties.

ATTESTED



(Kalim Arshad Khan)
Chairman

Kaleem Ullah

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
PESHAWAR

22nd June, 2023

01. Junior to counsel for the petitioner and Mr. Fazal Shah Mohmand, Addl. Advocate General for the respondents present.

02. Miss Farzha Paul, learned Member (Executive) is on leave, therefore, case to come up for the same as before on 07.08.2023 before the S.B. PP given to the parties.

SCANNED
K-T
Peshawar



Reader

Fazle Subhan, P.S


7th August, 2023

1. Junior to counsel for the petitioner present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Implementation report not submitted. Learned AAG at the bar that in compliance of order of this Tribunal order is prepared and is lying on table of Secretary concerned and will be signed within a couple of days therefore, he seeks time for submission of implementation report. Absolute last chance is given, failing which coercive measures shall be initiated. To come up for implementation report on 12.09.2023 before S.B. P.P given to parties.


(Rashida Bano)
Member (J)

Kaleem Ullah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

12.09.2023

1. Petitioner alongwith his counsel present. Mr. Asad Ali Khan learned Assistant Advocate General alongwith Khalid Mehmood, Computer Operator for the respondents present.

2. Representative of the respondents submitted copy of notification dated 19.07.2023 wherein the petitioner has been retired from service w.e.f 14.08.2015 on attaining the age of superannuation. Respondents are directed process the pension case of the petitioner. To come up for further proceedings on 13.10.2023 before S.B.


SCANNED
K 5T
Peshawar


(Rashida Bano)
Member (J)

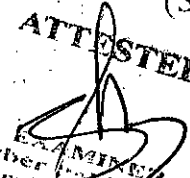
Kaleem Ullah

13.10.2023

Learned counsel for the petitioner present. Mr. Asad Ullah Khan, Section Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and stated that pension case of the petitioner is under process. Adjourned. To come up for progress report in this respect on 13.11.2023 before the S.B. Parcha Peshi given to the parties.


(Salah-Ud-Din)
Member (J)

Naeem Amin

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar



Azmatullah vs Govt

EPI No. 755/2022

ORDER

13th Nov. 2023

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

2. Clerk of counsel for the petitioner had put appearance in the early hours of the Court, but thereafter, nobody turned up 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.

(Kalim Arshad Khan)
Chairman

Certified to be true copy
Muhammad Shafiq

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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