


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 11/2024

| S.No. | Date of order<br>Proceedings | Order or other proceedings with signature of judge   |
|-------|------------------------------|--|
| 1     | 2                            | 3  |
| 1     | 03.01.2024                   | <p>The application for restoration of service appeal no. 1629/2020 received today by registered post through Muhammad Liaqat Advocate. It is fixed for hearing before touring Single Bench at A.Abad on _____. Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p> |

The application for restoration of appeal no. 1629/2020 received to-day by registered post on 13.12.2023 is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- ① Application is not on proper format.
- 2- Memo of application be supported with by an affidavit duly attested by the Oath Commissioner.
- 3- Chamber, Email address and B.C number of the counsel engaged is not mentioned on the index of the application.

No. 3872 /S.T.


Dt. 14-12 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Liqat Adv.  
High Court A.Abad.

Respected Sir application after removing the objection<sup>u</sup> Re-Subbited Please.

  
Muhammad Liqat  
Adv. ATD

# PESHAWAR HIGH COURT, ABBOTTABAD BENCH

## Advocate Detail

---

Full Name: MUHAMMAD LIAQAT

Father's Name: KHAN BAHADAR

Date of Birth: 01.06.1977 CNIC # 13101-0958780-1

Permanent Address: Mohallah Ochar Salhad, Tehsil and District Abbottabad

Present Address: Ayub Tanoli Lawyer Plaza Office No.44 District Court Abbottabad

Email: \_\_\_\_\_ District: ABBOTTABAD

Mobile # 0332-8900935

License No. DC: L.No.2860 Issue Date: 19.08.2014

License No. HC: L.No. 2860 Issue Date: 28.07.2017

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL**  
**PESHAWAR.**

RANo 11  
CM. No 2023

IN  
Appeal No.1629/20

Mujeeb ur Rehman

Appellant

VERSUS

Govt of KPK etc.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR RESTORATION

INDEX

| Sr.# | Description                            | Annexure | Page         |
|------|--|----------|--------------|
| 1.   | Application <i>Alongwith Affidavit</i> |          | <i>1-1-A</i> |
| 2.   | Copy of appeal                         | "A"      | <i>2-6</i>   |
| 3.   | Copy of order                          | "B"      | <i>7</i>     |
| 4.   | copy of extract of diary               | "C"      | <i>8</i>     |
| 5.   | Wakalatnama                            | --       | <i>9</i>     |

... PETITIONER

Through:

*(Muhammad Liaqat)*  
Advocate High Court, Abbottabad  
*(0332-8900935)*

①

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL**  
**PESHAWAR.**

RA No  
CM. No 11 2023

IN  
Appeal No.1629/20

Mujeeb ur Rehman

Appellant

VERSUS

Govt of KPK etc.

...RESPONDENTS

**SERVICE APPEAL**

**APPLICATION FOR RESTORATION OF APPEAL No**  
**1629/2020 WHICH IS DISMISS IN DEFAULT.**

Khyber Pakhtunkhwa  
Service Tribunal

9884

Dated: 13-12-2023

*Respectfully Sheweth;*

1. That the instant appeal was pending. Disposal in this tribunal and was fixed for 20.07.2022. (Copy of appeal in attached as annexure "A")
2. That Honorable tribunal dismiss the appeal of the appellant on 20.07.2022 in non prosecution. (Copy of order is attached as annexure "B")
3. That no date i.e. 20.07.2022 and that date was not in the knowledge of the appellant nor noted his counsel diary (copy of extract of diary is attached as annexure "C")
4. That on 28-11-2023 appellant inquire about the instant appeal through his council and the reader of the court inform after inquiry. That instant appeal is dismiss in default on 20.07.2022.
5. That peruse right of the appellant are involve, that when came in the knowledge of the appellant application being file well with in time.
6. That it is the basic principal of law that case must be decided on merit not on technical ground.
7. Other point will be agitated at the time of argument.

**PRAYER:** It is humbly prayed that on acceptance of instant application appeal may please be restored and decide the same on merit.

... PETITIONER

Through:

(Muhammad Liaqat)

Advocate High Court, Abbottabad

(1-A)

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL**  
**PESHAWAR .**

CM. No 2023

IN

Appeal No.1629/20

Mujeeb ur Rehman

Appellant

VERSUS

Govt of KPK etc.

...RESPONDENTS

**SERVICE APPEAL**

**APPLICATION FOR RESTORATION OF APPEAL**

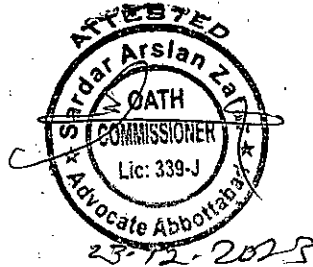
**AFFIDAVIT**

I, Mujeeb Ur Rehman S/o Muhammad Sabir Khan, PST GPS, Goreeni Tehsil Havelian District Abbottabad, *Petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *Application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 23/12 / 2023

*Mujeeb*

...Deponent



(2)  
7/

Annexure "A"



BEFORE THE HON

KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

1629  
Appeal No. 1629/2020

Mujeeb ur Rehman son of Muhammad Sabir Khan, PST GPS, Goreeni  
Tehsil Havelian, District Abbottabad.

.....APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 620

20/01/2020

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO.13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS DISMISSED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

Filed to-day  
Registrar  
20/01/2020

ATTACHED

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 MAY

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
05/1/2020

4/3

GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PROMOTE THE APPELLANT FROM PST BPS-12 TO SPST BPS-14 AND PSHT BPS-15 WITH ALL BACK BENEFITS AS PER NOTIFICATION NO. SO(PE)SSRC/MEETING/2012/TEACHING CADRE DATED 13-11-2012. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS PROPER IN THE CIRCUMSTANCES OF THE CASE BE GRANTED.

---

Respectfully Sheweth:-

1. That the appellant was appointed as PTC/PST on 08-11-1989 having prescribed qualification and presently working as PST BPS-13 at GPS Goreni Lora, Tehsil Havelian, District Abbottabad. (Copy of appointment order and pay slip are annexed herewith as Annexure "A" & "B" respectively).
2. That the appellant passed HSSC in the year of 2015. (Copy of HSSC certificate is annexed as Annexure "C").
3. That after passing the HSSC petitioner move an application to respondent No. 3 for promotion according to notification dated 13/11/2012 but respondent NO. 3 did no promote the petitioner one way or other pretext. All the relevant documents are lying in the office of respondent No. 2.
4. That appellant being aggrieved filed writ petition before the August High Court, Abbottabad Bench in which High Court Abbottabad Bench treated the writ petition of the appellant as departmental representation and same was sent to

ATTESTED  
Khair/PAKISTAN  
Service Tribunal  
Peshawar



respondent for decision. Copy of writ petition and order is attached as Annexure "D" & "E".

5. That the request/ departmental representation of the appellant was rejected by the respondent No. 3 vide Endst: No. 13052 dated 18-12-2019 with the remarks that as per Notification dated 30-01-2018 appellant do not fulfill the requisite eligibility criteria for promotion. (Copy of the Policy dated 13/11/2012, 30/01/2018 and impugned order dated 18-12-2019 is annexed herewith as annexure "F" "G" & "H").

Now appellant seeks indulgence of this Honourable Tribunal for setting aside the impugned order dated 18-12-2019 inter-alia on the following amongst many others:-

**GROUND:-**

- a) That the impugned order dated 18-12-2019 against the law, facts and circumstances.
- b) That the impugned order is illegal passed in highly capricious manner which is void abinitio and without legal authority.
- c) That the respondents had illegally not consider the appellant for promotion and deprived the appellant for his legal right.
- d) That the identical issue was decided by the Honourable Peshawar High Court Abbottabad Bench in WP No. 207-A/2018 dated 07-11-2018 wherein, Honourable Court held that *"there is no mention in Notification dated 30-01-2018 that the same would have retrospective effect."* (Attested


ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

5

copy of the Judgment dated 07-11-2018 is annexed here with as Annexure "I").

- e) That the impugned order dated 18-12-2019 is against the Policy as a meeting was held on 08-05-2018 at committee room of E&SE KP under the chairmanship of respondent No. 2 wherein, issue of promotion was discussed at Serial No. 10 and respondent No. 2 directed all the DEOs including respondent No. 3 "that the promotion cases of PSTs to SPSTs/PSHTs must be entertained according to the previous Policy of promotion while new Rules are to be applied for new induction/recruitment." (Copy of minutes of the meeting dated 08-05-2018 is annexed herewith as Annexure "J").
- f) That the Notification dated 30-01-2018 is not applicable in the case of appellant as at the time of appointment no such terms and conditions was incorporated in the appointment order of the appellant. Hence, Notification dated 30-01-2018 has no legal value in the case of appellant as appellant is eligible for promotion in view of Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012.
- g) That the Notification dated 30-01-2018 is silent whether the same would have retrospective or prospective effect. Hence, impugned order dated 18-12-2019 is liable to be set aside on this score alone.
- h) That the valuable rights of the appellant are involved.

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

- 
- i) That the appellant seeks leave of this Honourable Tribunal to raise additional grounds during the course of arguments with the permission of Honourable Tribunal.
  - j) That the instant service appeal is well within time.
  - k) That the other points shall be urged at the time of arguments.

It is, therefore, very humbly prayed that on acceptance of instant appeal impugned order issued vide Endst: No. 13052/ADEO(Lit) dated 18-12-2019 issued by respondent No.3 may graciously be set-aside and respondents may graciously be directed to promote the appellant from PST BPS-12 to SPST BPS-14 and PSHT BPS-15 alongwith all back benefits as per Notification No. SO(PE)SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012. Any other relief which this Honourable Tribunal deems proper in the circumstances of the case be granted.

Dated: 13/01/2020

Through

*Abbas*  
....APPELLANT

*Muhammad Liaqat*  
(Advocate High Court, Abbottabad)

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

ATTESTED  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Abbas*  
....APPELLANT

copy of  
order

7

(7)

Annexure "B"

No. 1528/2020  
eeb ur Rahman



SCANNED  
KPST  
Peshawar

20<sup>th</sup> July 2022

1. None for the appellant present.
2. Since the inception of this appeal, the matter was fixed for more than once and notices were issued to the appellant and his counsel but since, 26.01.2020 nobody has turned up on behalf of the appellant, therefore, this appeal is dismissed for non-prosecution. Consign.
3. Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 20<sup>th</sup> day of July, 2022.



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 04-12-2023  
 Number of Page = 6-7  
 Copying Fee 30/-  
 Urgent 5/-  
 Total 35/-  
 Name of Copyist - Sharif  
 Date of Completion 04-12-23  
 Date of Delivery 04-12-23

(8)

Annexure "C"

JULY

|     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|
| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| 3   | 4   | 5   | 6   | 7   | 8   | 9   |
| 10  | 11  | 12  | 13  | 14  | 15  | 16  |
| 17  | 18  | 19  | 20  | 21  | 22  | 23  |
| 24  | 25  | 26  | 27  | 28  | 29  | 30  |
| 31  |     |     |     |     |     |     |



20  
1443  
غروب آفتاب 7:25  
طلوع آفتاب 5:15

والدین اپنے بچوں کی حق تلفی کر کے اپنی جائیداد بھتیجے یا کسی اور رشتہ دار کو ہب (گفت) نہیں کر سکتے۔ (2017-SCMR-402)

| گزشتہ تاریخ | عنوان مقدمہ    | کارروائی         | عدالت    | آئندہ تاریخ  |
|-------------|----------------|------------------|----------|--------------|
| 14/06       | عقیدہ طارق     | طاہرہ شاہدہ      | CJ VI    | 08/9         |
| 18/06       | نورید الرحمن   | گولہ علیہ        | CJ I     | 12/09        |
| 22/6        | طارق خان       | لقمان حکیم       | Adj VI   | Disposed off |
| 25/6        | گل مکا         | دجلت شاہ         | CJ II    | 13/09        |
| 29/6        | محمد یونس      | یونس و غیرہ      | Adj VI   | 08/09        |
| 29/6        | علی اصغر شاہ   | عامر شاہ         | CJ II    | 08/09        |
| 29/6        | صابر شاہ       | علی اصغر شاہ     | CJ II    | 08/09        |
| 30/06       | شازبہ عرفان    | عبید الرحمن      | CJ XI    | 15/9         |
| 07/7        | سنگھان         | میر جان وغیرہ    | ADC      | 21/07        |
| 14/7        | نعمتہ رشید     | غاطف حسین        | CJ VIII  | 12/9         |
| 14/7        | عالمزید وغیرہ  | ذری جان وغیرہ    | AACT III | 28/7         |
| 18/7        | سعیدہ جان      | فریدون خان وغیرہ | CJ V     | 26/7         |
|             | گل تمراز البرک | گورگنٹ           | S.T      | 21/9         |
|             | عقیدہ احمد     | گورگنٹ           | S.T EIP  | Disposed off |
| 22/6        | سمیع الحق      | صہب خان          | CJ IV    | 24/9         |
|             | راشد محمود     | سہیل             | Jm III   | 21/7         |
|             | راشد محمود     | سہیل             | Jm I     | 21/7         |

Handwritten notes and marks on the left margin, including '+' signs and some illegible text.

کورٹ فیس

9

# وکالت نامہ

بعدالت جناب شعیب پختونخوا سروسز بیورو پشاور

عنوان: مجسٹریٹ (الرجن) بنام گولڈ ٹینڈر K.P.K. و پٹیرہ

منجانب: اساتذہ / پٹیشنر

نوعیت مقدمہ: دعوت سرسبز مقدمہ

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آل مقام

مٹریڈ لیاقت ایڈووکیٹ پاٹریڈ گولڈ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 11-12-2023

بمقام: Attested

Accepted.

العبید

العبید