

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT AT D.I.KHAN.

CMA No- 2023.

Khashif Rehman VERSUS Govt; Of KPK and others

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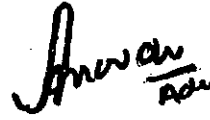
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Your Humble Petitioner



Through Counsel

Dated; 02-10-2023.



Muhammad Anwar Awan
Advocate Supreme Court

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT AT D.I.KHAN.

CMA No- 2023. 177

Appeal No, 894 of 2014

Kashif Rehman DPE B-16 GHSS Lar D.I.Khan.

VERSUS

1. Director Elementary and Secondary Education Deptt: Peshawar.
2. District Education Officer Elementary and Secondary Education Deptt: D I khan
3. District Account Officer Kachery Road Dera Ismail Khan.
4. Government of KPK through secretary Elementary and Secondary Education Deptt: Peshawar.

APPLICATION FOR RESTORATION OF APPEAL AS PER JUDGMENT


DATED 05-05-2023 OF HON,BLE SUPREME COURT.

Respected Sir,

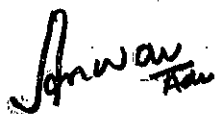
1. That Hon,ble service tribunal decided the appeal No- 894 of 2014 vide judgment dated 25-03-2019.
2. The impugned judgment was assailed in appeal before Hon'ble Supreme court of Pakistan who vide judgment dated 05-05-2023, allowed the petitioner and remanded the to KPK service Tribunal to examine the questions raised by the petitioner.

It is therefore requested that may kindly restored the appeal and decided as per judgment dated 05-05-2023 of Hon'ble Supreme court.

Your Humble Petitioner

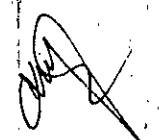

Through Counsel

Dated; 02-10-2023.


Muhammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Kashif Rehman do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



Deponent.

Anwar
Adv

impugned judgment dated 25.03.2019. Submits that the service appeal of the petitioner has been disposed of on wrong premises."

2. In view of the afore-noted contention of the learned counsel for the petitioner, we asked for the response of the learned Addl. Advocate General, KPK, who acknowledges that the merits of the case have not been dealt with by the impugned order dated 25.03.2019 passed by KPK Service Tribunal ("Tribunal"). In the circumstances, we consider that to be fair and appropriate, the matter be remanded to the learned Tribunal to examine the questions raised by the petitioner. The parties shall be at liberty to file further documents in aid of their respect pleas.

3. Accordingly by consent, this petition is allowed and converted into appeal and the matter is remanded to the Tribunal.

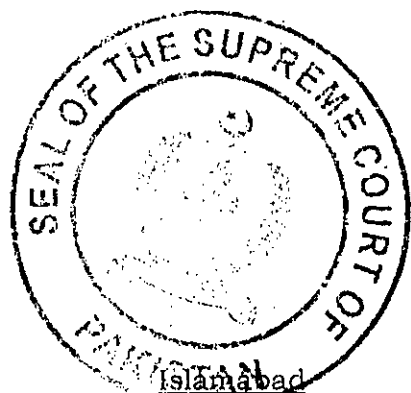
Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



Islamabad
05.05.2023
Rashid/*

Not approved for reporting

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.
Service Appeal NO.894/14

Kashif Rehman

VS

Govt; of KPK and others

APPEAL

Re- Joinder on behalf of Appellant.

Respectfully Sheweth,

Reply on Preliminary Objection.

1. That the objection no 1 is incorrect.
2. That the objection no 2 is incorrect .Appeal is within time.
3. That objection no 3 is incorrect.
4. That Para no 4 is incorrect.
5. That Para no 5 is incorrect.
6. That Para no 6 is incorrect.
7. That Para no 7 is incorrect.
8. That Para no 8 is incorrect.
9. That Para no 9 is incorrect.
10. That Para no 10 is incorrect.
11. That Para no 11 is incorrect.
12. That Para no 12 is incorrect.
13. That Para no 13 is incorrect.
14. That Para no 14 is incorrect.

Para Wise Reply;

- 1- That Para no 1 of reply is incorrect and Para of appeal is correct.
- 2- That Para no 2 of reply not admitted and para of appeal is correct.
- 3- That Para no 3 is incorrect and para no 3 of appeal is correct. The promotion of appellant was deferred without any fault in his part , such civil servant can be given promotion from ante date when his juniors were promoted. The preparation ACR is duty of department and appellant has no fault in this respect while no action would be taken against the concerned officer.

- 4- That Para no 4 is incorrect and para of appeal is correct. *The fact is also important that post of DPE was up-graded in B-17 on 13-11-2007. Copies attached.*

- 5- That Para no 5 is incorrect and para of appeal is correct.
- 6- That Para no 6 is incorrect and para of appeal is correct.
- 7- That Para no 7 is incorrect and para of appeal is correct.
- 8- That Para no 8 is incorrect and para of appeal is correct.

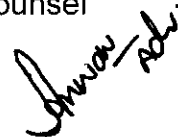
Reply on Grounds;

- 1- That Para no 1 is incorrect.
- 2- That Para no 2 is incorrect.
- 3- That Para no 3 is incorrect.
- 4- That para no 4 is incorrect.

It is there fore requested that appeal may kindly be accepted.

YOUR HUMBLE APPELLANT

Through Counsel



**Muhammad Anwar Awan
Advocate, D.I.Khan**