


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 85/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.01.2024	<p>The application for restoration of Service Appeal no. 1539/2023 submitted today by Mr. Waqar Orakzai Advocate. It is fixed for hearing before Single Bench at A.Abad on _____ .Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

In Service Appeal. No. 1539/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10635

Dated 18-1-2024

Bakht Nawaz S/o Muhammad Afzal, R/o Village & P.O Tehsil  
& District Battagram. posted as Barakandaz Office of EDO  
C and W Battagram.....(APPELLANT/PETITIONER)

\*\*\*\*\*V E R S U S\*\*\*\*\*

1. Govt. of KP through Secretary C&W Department, Peshawar.
2. Chief Engineer (Centre), Communication & Works  
Department, KPK, Peshawar.
3. Superintending Engineer, C&W Department, Battagram  
Division.
4. XEN, C&W Department, Battagram Division  
.....(RESPONDENTS)

**APPLICATION FOR RESTORATION OF THE  
ABOVE TITLE APPEAL, WHICH WAS  
DISMISSED FOR WANT OF PROSECUTION  
VIDE ORDER IN DATE 28/11/2023**

**Respectfully Sheweth:**

1. That the above title Appeal was pending before this  
Hon,ble court and was fixed for dated 28/11/2023.

(2)

2. That the appeal was dismissed for want of prosecution on 28/11/2023. (*Attested copy of the order is annexed*)

3. That the petitioner pray for restoration of appeal on following grounds.

**GROUND:**

- A. That absence was not willful rather inadvertent, counsel for petitioner / appellant was busy in another case and clerk did not notice the call of the court. Whereas petitioner / appellant was not available personally.
- B. That valuable rights of the petitioner / appellant are attached with the appeal.
- C. That the spirit of law is to decide the dispute on merit after affording an opportunity of hearing to the parties.
- D. That it is in the interest of justice to restore the appeal and decide the same on merit.
- E. That application is within time, however, if this Hon'ble Tribunal consider it out of limitation, the delay if any may be condoned in the interest of justice.
- F. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

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*It is, therefore, humbly prayed that on acceptance of this application, subject appeal may kindly be restored and decide on merit.*

Dated: 18/01/2024

**PETITIONER / APPELLANT**

Through

  
**WAQAR ORAKZAI**

Advocate High Court Peshawar

Mob. 0333 5050 245

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

In Service Appeal. No. 1539/2023

Bakht Nawaz S/o Muhammad Afzal, R/o Village & P.O Tehsil  
& District Battagram.

.....(APPELLANT / PETITIONER)

\*\*\*\*\*V E R S U S\*\*\*\*\*

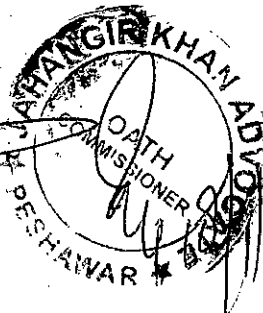
1. Govt. of KP through Secretary C&W Department, Peshawar.
2. Chief Engineer (Centre), Communication & Works Department, KPK, Peshawar.
3. Superintending Engineer, C&W Department, Battagram Division.
4. XEN, C&W Department, Battagram Division

.....(RESPONDENTS)

**AFFIDAVIT**

I, *Bakht Nawaz S/o Muhammad Afzal, R/o Village & P.O Tehsil & District Battagram*, do hereby solemnly affirm and declare that the contents of the above **application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by  
Waqar Orakzai  
Advocate High Court  
Peshawar



*Bakht Nawaz*  
**DEPONENT**

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**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE  
TRIBUNAL, PESHAWAR**



Appeal No. 1539 / 2023

Mr, Bakht Nawaz, S/O Muhammad Afzal, Village, P/O,  
Tehsil and District Battagram.

...Appellant

*Versus*

1. Government of Khyber Pakhtunkhwa (KPK), through Secretary, C & W Department, Peshawar.
2. Chief Engineer (Centre), Communication & Works Department, KPK, Peshawar.
3. Superintending Engineer, C & W Department Battagram Division.
4. XEN, C & W Department Battagram Division.

...Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974**

Respectfully *Sheweth*,

**FACTS**

1. That the appellant was appointed as Barkandaz (BPS-01) vide Executive District officer Works & Services Department Battagram Office Order No: 191/6 E Dated 20/02/2008 in the office of defunct Deputy Director (B&R)

**Certified to be true copy**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

3/1/24

Service Appeal No. 1539/2023

<sup>(6)</sup>  
Bakht Nawaz vs Govt



ORDER  
28.11.2023

Nemo for the appellant.

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  
28.11.2023

(Salah-ud-Din)  
Member (Judicial)  
Camp Court Abbottabad

**Certified to be true copy**

\*Naeem Amin\*

**Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**  
15/11/23

Date of Presentation of Application 15-01-24  
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بعدالت (7)

Before the Khyber Pakhtunkhwa  
Service Tribunal Peshawar

Appellant/Petitioner

مقدمہ  
شاہد محمد آصف

For Restoration  
In Service  
Appeal No

مقدمہ  
دعویٰ 1538/2023

Wazir Ull Khan  
Advocate High  
Court  
0333505025

جرم  
BC-225801

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی مکمل کارروائی متعلقہ  
آج کے مقام پر  
کیلئے مہار اور زنی اس کے لئے  
مقدمہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختتام ہوگا۔  
وکیل صاحب کو راضی نامہ کرنے کے لئے تقرر ثالث و فیصلہ پر جاننا دینے جواب دہی اور اقرار دعویٰ  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اراضی دعویٰ اور درخواست ہر قسم کے اختتام  
زر اس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایمل پر  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور ذکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں۔  
اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ میں  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

ماہ صوفی 25

المرقوم 18

العبد داہ العبد

کے لئے

مقام

Baluch Nawaz J. Muhammad Asaf

13202-2100555-9