


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 138/2024

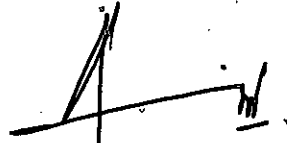
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.02.2024	<p>The application for restoration of 12(2) CPC Petition No. 337/2022 submitted today by Mr. Muhammad Maaz Madni Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ .Original file be requisitioned. Parcha Peshi is given to counsel for the petition.</p> <p>By the order of Chairman  REGISTRAR</p>

The application for restoration of 12(2) petition No. 337/2022 received to-day i.e on 23.01.2024, is incomplete on the following score, which is returned to the counsel for the applicant for completion and resubmission within 15 days.

1- Restoration application is not on proper format.

No. 179 /S.T.

Dt. 25/1 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

~~Muhammad Maaz Madni Adv.
High Court Peshawar.~~

- Received the objection slip
on 06.02.2024.

- Needful done. Re-submitted
please



13/02/2024.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

RANO
CM. NO. 138 /2024

IN

12 (2) CPC Petition No. 337/2022


AFTAB MUHAMMAD
V/S
GOVT. OF KHYBER PAKHTUNKHWA & OTHERS

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PETITIONER

THROUGH:


MUHAMMAD MAAZ MADNI
ADVOCATE HIGH COURT,
PESHAWAR
0333-9313113, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

CM. NO. 138 /2024

IN

12 (2) CPC Petition No. 337/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10736

Date 23-1-2024

AFTAB MUHAMMAD V/S GOVT. OF KP & OTHERS

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED SERVICE APPEAL

R/SHEWETH:

- 1- That the above title 12 (2) CPC Petition is pending adjudication before this august Tribunal which was fixed for hearing on 20-12-2023.
- 2- That the appellant filed the above title 12 (2) CPC Petition against the judgment dated 07-10-2021 passed in Service Appeal No. 953 to 958/2018.
- 3- That case of the appellant was fixed before the DB on 20-12-2023 and was in the stage of Pre-limnary arguments.
- 4- That due to non appearance of the appellant or his Counsel for the petitioner/appellant on the date fixed i.e. 20-12-2023 well in time in the above mentioned case of the appellant has been dismissed in default by this Honourable Tribunal vide judgment/Order Sheet dated 20-12-2023.
Copy of the order sheet dated 20-12-2023 is attached as AnnexureA
- 5- That counsel for the appellant/petitioner was busy in Peshawar High Court, Peshawar in a case title SHAHZAD HAMEED & ANOTHER VS GOVT. OF KP, writ petition No. 3175/2022 as the case was time and again placed in waiting for the appearance of respondents.
- 6- That when counsel for the appellant/petitioner approached this Tribunal after the Tea Brake the appellant/petitioner counsel was informed that order sheet has been scribed and the has been dismissed in default.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM. NO. _____/2024
IN
12(2) CPC Petition No. 337/2022

AFTAB MUHAMMAD s/o Taj Muhammad Khan, SUB ENGINEER (BPS-12)
Mega Projects Division-II, C&W Department Peshawar.

..... PETITIONER

VERSUS

- 1- **THE GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Through Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar
- 2- **THE SECRETARY,**
Communication & Works Department, Civil Secretariat, Peshawar.
- 3- **THE CHIEF ENGINEER (CENTRE)**
Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
- 4- **AWAIS-UR-REHMAN, Sub-Engineer (BPS-12),**
Highway Division District Khyber. (Appellant in Appeal No. 953/2018)
- 5- **FARMAN ULLAH, Sub-Engineer (BPS-12),**
C&W Department Peshawar. (Appellant in Appeal No. 954/2018)
- 6- **GHANI KHAN KHATTAK, Sub-Engineer (BPS-12),**
C&W Department Peshawar. (Appellant in Appeal No. 955/2018)
- 7- **IBAD UR REHMAN, Sub-Engineer (BPS-12),**
Mega Projects Division-II Peshawar. (Appellant in Appeal No. 956/2018)
- 8- **YASIR MEHMOOD, Sub-Engineer (BPS-12),**
Building Division-I, PESHAWAR. (Appellant in Appeal No. 957/2018)
- 9- **ZIA UR REHMAN, Sub-Engineer (BPS-12),**
C&W Department Peshawar. (Appellant in Appeal No. 958/2018)
- 10- **TARIQ SHAH, Sub-Engineer (BPS-12),**
Provincial Building Maintenance Cell-I PESHAWAR.
(Appellant in Appeal No. 959/2018)

.....RESPONDENTS

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED SERVICE APPEAL

R/SHEWETH:

- 1- That the above title 12 (2) CPC Petition is pending adjudication before this august Tribunal which was fixed for hearing on 20-12-2023.
- 2- That the appellant filed the above title 12 (2) CPC Petition against the judgment dated 07-10-2021 passed in Service Appeal No. 953 to 958/2018.
- 3- That case of the appellant was fixed before the DB on 20-12-2023 and was in the stage of Pre-liminary arguments.
- 4- That due to non appearance of the appellant or his Counsel for the petitioner/appellant on the date fixed i.e. 20-12-2023 well in time in the above mentioned case of the appellant has been dismissed in default by this Honourable Tribunal vide judgment/Order Sheet dated 20-12-2023.
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- 5- That counsel for the appellant/petitioner was busy in Peshawar High Court, Peshawar in a case title SHAHZAD HAMEED & ANOTHER VS GOVT. OF KP, writ petition No. 3175/2022 as the case was time and again placed in waiting for the appearance of respondents.
- 6- That when counsel for the appellant/petitioner approached this Tribunal after the Tea Break the appellant/petitioner counsel was informed that order sheet has been scribed and the case has been dismissed in default.

- 7- That as the counsel was informed about the fate of the case, filed application for attested copy of the order sheet dated 20-12-2023 on the same date which was delivered on 08-01-2024.
- 8- That the non-appearance of the counsel was neither deliberate nor intentional but caused due to the above mentioned reasons.
- 9- That, valuable rights of the appellant are involved in the instant case and the case has also got finality as being fixed in arguments stage.


It is therefore, most humbly prayed that on acceptance of this application the abovementioned 12 (2) CPC Petition may very kindly be restored.

Dated: 23-01-2024

PETITIONER/APPLICANT


AFTAB MUHAMMAD

Through:

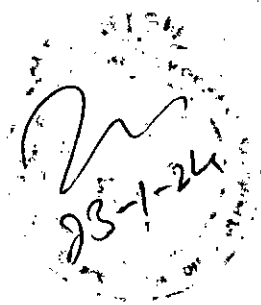

MUHAMMAD MAAZ MADNI
Advocate, Peshawar

AFFIDAVIT

It is solemnly affirmed that the contents of the instant restoration petition are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honourable Tribunal.


DEPONENT

17101-7043933-9



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12 (2) CPC PETITION NO. 337/2022

IN

SERVICE APPEAL NO. 953/2018, 954/2018, 955/2018, 956/2018,
957/2018, 958/2018, 959/2018

AFTAB MUHAMMAD s/o Taj Muhammad Khan, SUB ENGINEER (BPS-12)
Mega Projects Division-II, C&W Department Peshawar.

..... PETITIONER

VERSUS

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Civil Secretariat, Peshawar
- 2- **THE SECRETARY,**
Communication & Works Department, Civil Secretariat, Peshawar.
- 3- **THE CHIEF ENGINEER (CENTRE)**
Communication & Works Department,
Khyber Pakhtunkhwa, Peshawar.
- 4- **AWAIS-UR-REHMAN, Sub-Engineer (BPS-12),**
Highway Division District Khyber.
(Appellant in Appeal No. 953/2018)
- 5- **FARMAN ULLAH, Sub-Engineer (BPS-12),**
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(Appellant in Appeal No. 958/2018)
- 10- **TARIQ SHAH, Sub-Engineer (BPS-12),**
Provincial Building Maintenance Cell-I PESHAWAR.
(Appellant in Appeal No. 959/2018)

.....RESPONDENTS

24th Aug. 2023

12(2) No. 337/2022
Asif Muhammad



1. Clerk to learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present

2. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Last chance is given to the appellant to argue the case on the next date. To come up for arguments on 20.12.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

(Salah Ud Din)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

Adnan Shah

20.12.2023 1. Nobody present on behalf of appellant. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the applicant. In view of the above, the instant application is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 20th day of December, 2023.

(Farzana Paul)
Member (E)
(Rashida Bano)
Member (J)

*Kaleem Ullah

Certified true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Date of Presentation of Application 20/12/23
Number of Words Page 2
Copying Fee 10/-
Urgent 9
Total 10/-
Name of Counselor Shahzad
Date of Court Order 08/01/24
Date of Delivery of Copy 08/01/24