


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 290/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge.
1	2	3
1	15.04.2024	<p>The application for restoration of Execution Petition No. 289/2018 received today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for hearing before Single Bench at A.Abad on _____ .Original file be requisitioned. Counsel for the applicant has been informed telephonically.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

PA
GM No. 290 -A/2024

IN
Execution Petition No. 289-A/2018
IN
Service Appeal No.1211/2016

Dilawar Khan cook / presently junior clerk Govt. Degree College Oghi
Tehsil & District Mansehra.

...PETITIONER/APPELLANT

VERSUS

Director Higher Education Khyber Pakhtunkhwa, Peshawar.

...RESPONDENT/ CONTEMNORS

APPLICATION

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3.	Copy of order dated 13/02/2024 of Apex Court in CPLA No. 663-P/2018	7	"B"

Dilawar Khan
...APPLICANT /PETITIONER

Dated: _____/2024

Through


(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate Supreme Court of Pakistan
&

(MUHAMMAD IBRAHIM KHAN)
Advocate High Court Abbottabad

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

RA
290
No. 290 -A/2024
IN

Execution Petition No. 289-A/2018

IN

Service Appeal No.1211/2016

Dilawar Khan cook / presently junior clerk Govt. Degree College Oghi
Tehsil & District Mansehra.

...PETITIONER/APPELLANT

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12191

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar: Date 15-04-2024
2. Principal Govt. Degree College Oghi, Mansehra.

...RESPONDENTS/CONTEMNORS

SERVICE APPEAL

**APPLICATION FOR RESTORATION OF
EXECUTION PETITIONER NO. 289-A/2018 IN
SERVICE APPEAL NO. 1211-A/2016 DECIDED ON
29/06/2018 BY THIS HONOURABLE TRIBUNAL
AND UPHELD BY THE APEX COURT ON
13/02/2024**

Respectfully Sheweth:-

That the facts forming the background of the instant application are arrayed as under;-

1. That the Execution Petitioner No. 289-A/2018 of the Petitioner/Appellant was filed before this Honourable Tribunal and the same is sine die adjourned w.e.f 18/03/2021.
2. That the Govt. through Additional Advocate General placed the CPLA No. 663-P/2018 against the judgment dated 29/06/2018 of this Honourable Tribunal on Court file and requested to adjourn the Execution Petition No. 289-A/2018 sine-die till decision of the Apex Court and the Execution Petition No. 289-A/2018 was sine-die Adjourn on 18/03/2021. Copy of Order Sheet dated 18/03/2021 is attached as Annexure "A".
3. That the Apex Court dismissed CPLA No. 663-A/2018 and refused leave to Appeal vide order 13/02/2024. Copy of order dated 13/02/2024 of Apex Court in CPLA No. 663-P/2018 is attached as Annexure "B".


In view of above, it is prayed that Execution
Petition No. 289-A/2018 of the petitioner may graciously
be restored.

P. Khan

PETITIONER/APPELLANT

Through

Dated: _____/2024


(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate Supreme Court of Pakistan
&

(MUHAMMAD IBRAHIM KHAN)
Advocate High Court Abbottabad

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

C.M No. 290-A/2024

IN

Execution Petition No. 289-A/2018

IN

Service Appeal No.1211/2016

Dilawar Khan cook / presently junior clerk Govt. Degree College Oghi
Tehsil & District Mansehra.

...PETITIONER/APPELLANT

VERSUS

Director Higher Education Khyber Pakhtunkhwa, Peshawar & Others.

...RESPONDENTS/ CONTEMNORS

APPLICATION

AFFIDAVIT

I *Dilawar Khan cook / presently junior clerk Govt. Degree College Oghi
Tehsil & District Mansehra*, do hereby solemnly affirm and declare that the
contents of foregoing application are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Court.


DEPONENT



4-7-24

Annex-B.

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

P-7

Present:

Mr. Justice Munib Akhtar
Mr. Justice Shahid Waheed
Mr. Justice Irfan Saadat Khan

C.P.L.A.663-P/2018

(Against the judgment dated 29.06.2018 passed by the KPK Service Tribunal
Camp Court Abbottabad in Service Appeal No-1211/2016)

Govt of Khyber Pakhtunkhwa through ...Petitioner(s)
Secretary Higher Education Peshawar &
others

Versus

Dilawar Khan ...Respondent(s)

For the Petitioner(s) : Mr. Sultan Mazhar Sher Khan, Addl.
AG KPK

For the Respondent(s) : Mr. Muhammad Arshad Tanoli, ASC

Date of Hearing : 13.02.2024

ORDER

Munib Akhtar, J: We have had the assistance of learned counsel for the petitioners and have gone through the impugned judgment of the learned Service Tribunal. Although, learned counsel has sought to persuade us to the contrary, we are with respect, not satisfied that any substantial question of law of public importance within the meaning of Article 212(3) of the Constitution is raised as would require interference by this Court. Accordingly, this petition is dismissed and leave to appeal is refused.

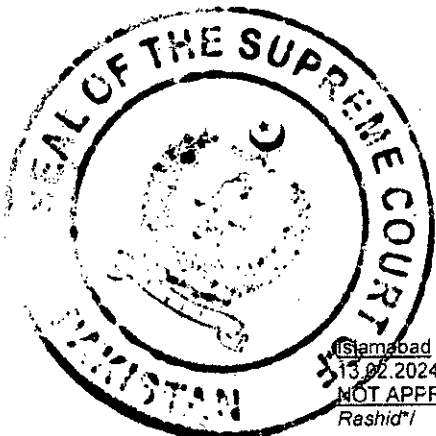
Sd/-J.

Sd/-J.

Sd/-J.

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



Islamabad
13.02.2024
NOT APPROVED FOR REPORTING
Rashid*/

2386/24

Civil/Criminal

Date of Presentation: 13.2.24

Number of Words: 200

Number of Folios: 3

Registration Fee Rs: 500

Copy Fee In: 1.86

Notary Fee Stamps: 6.86

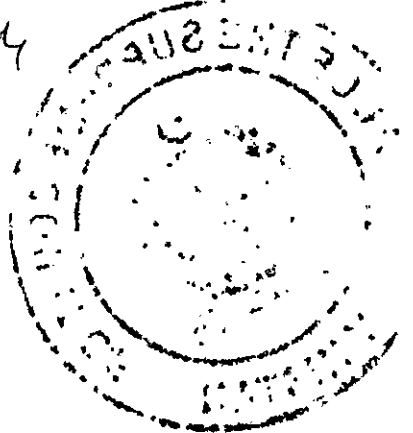
Date of Completion of Copy: 15-2-24

Date of Delivery of Copy: 16.2.24

Prepared by: P. J.

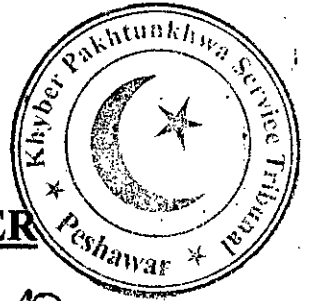
Received by: _____

Notary Public



Annex - A
P-5 (7)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR



Execution Petition No. 289/2018

CM No. _____/2018

IN

Service Appeal No. 1211/2016

Dilawar Khan son of Muhammad Farid, Cook Govt. Degree College Oghi,
Tehsil Oghi, District Mansehra.

...**APPELLANT**
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1026

Dated 19.9.18

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.
2. Principal Govt. Degree College Oghi, District Mansehra.

...**RESPONDENTS**

APPLICATION

EXECUTION PETITION IN SERVICE APPEAL NO.
1211/16 DATED 29/06/2018

Respectfully Sheweth;-

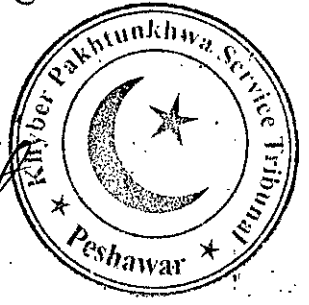
1. That the appellant removed from service on 18/08/2009, due to absence for 2 days. Copies of impugned orders are attached as Annexure "A".
2. That the appellant finally filed service appeal No. 1211/2016 which was decided by this Honourable Tribunal on 29/06/2018. Copies of service appeal

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

P-6
P. No. 289/2018

Dilawar Khan vs Govt




18.03.2021

Counsel for the petitioner present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General alongwith Kazi Ayaz Litigation Officer for respondents present.

Learned A.A.G stated that respondents have filed CPLA against the judgment of this Tribunal before Apex Court copy of the same is placed on file and requested that the instant petition may be adjourned sine die till the decision of Apex Court.

In view of above, instant execution petition is adjourned sine die till the decision of CPLA. However, petitioner is at liberty to seek restoration of the instant execution petition after the decision of Apex Court.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04-3-21
Number of Words 27
Copying Fee 10/-
Urgent ✓
Total 10/-
Name of Copyist _____
Date of Completion 11-03-21
Date of Delivery of Copy 11-03-21