


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 623/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.06.2024	<p>The application for restoration of Appeal No. 191/2022 submitted today by Mr. Mir Zaman Safi Advocate. It is fixed for hearing before Division Bench at Peshawar on 26.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. 623 /2024

IN
APPEAL ON. 191/2022

MUHAMMAD YOUSAF

V/S

C&W DEPTT:

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APPLICANT

THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

R. A. NO. 623/2024

C.M. No. 1/2024

IN

APPEAL ON. 191/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13715

Dated 24-06-24

Mr. Muhammad Yousaf, Chowkidar,
O/O Executive Engineer Highway Division-I, Peshawar.....**APPLICANT**

VERSUS

- 1- The Secretary to Government of Khyber Pakhtunkhwa C&W Department, Peshawar.
- 2- The Chief Engineer (Centre) C&W Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Executive Engineer Highway Division-I, Peshawar.

.....**RESPONDENTS**


APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honorable Tribunal in which 12.06.2024 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 03.09.2021.
- 3- That on the date mentioned above the Counsel for the appellant was busy before the Peshawar High Court, Peshawar and due to that reason he could not appeared in the instant appeal on the same date.
- 4- That due to non-appearance of the counsel for the appellant on the date fixed, the above mentioned appeal has been dismissed in default vide order dated 12.06.2024. **Copy of the order sheet is attached.**
- 5- That non-appearance of the appellant and Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 21-06-2024.

APPELLANT
THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2024

IN
APPEAL ON. 191/2022

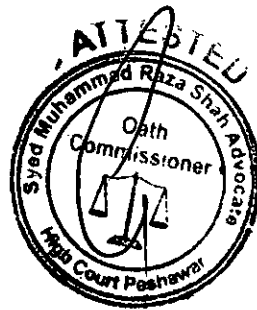
MUHAMMAD YOUSAF


V/S

C&W DEPTT:

AFFIDAVIT

I Mir Zaman Safi Advocate, High Court, do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




MIR ZAMAN SAFI
ADVOCATE

24 JUN 2024

A-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 191 /2022



Mr. Muhammad Yousaf, Chowkidar,
O/O Executive Engineer Highway Division-I, Peshawar.

.....APPELLANT

VERSUS

- 1- The Secretary to Govt. of Khyber Pakhtunkhwa C&W Department, Peshawar.
- 2- The Chief Engineer (Centre) C&W Department, Khyber Pakhtunkhwa.
- 3- The Executive Engineer Highway Division-I, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03.09.2021 WHEREBY COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF JUNIOR CLERK (BPS-11) WHILE THE APPELLANT HAS BEEN IGNORED INSPITE OF HAVING SENIORITY AND ELIGIBILITY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER

That on acceptance of this appeal the impugned order dated 03.09.2021 may very kindly be modified to the extent of promotion of appellant to the post of Junior Clerk (BPS-11) with effect from the date when other colleagues of appellant have been promoted i.e. 03.09.2021 with all consequential benefits. Any other relief which this august Tribunal deems appropriate may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That the appellant was appointed in the respondent department as Chowkidar on 22-9-2010 and right from the date of appointment the appellant is performing his duty against the said post quite efficiently and up to the entire satisfaction of his superiors.

TESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2- That in the year 2021 several posts of junior clerks were lying vacant for

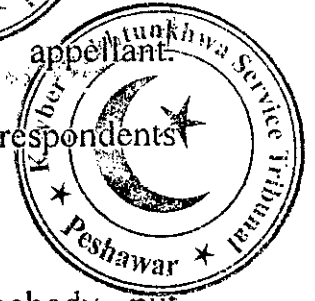
ORDER

12th June, 2024

A. No. 191/2022
M-Yousaf vs Govt



4



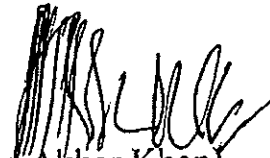
1. Nobody is present on behalf of the appellant.


Mr. Muhammad Jan, District Attorney for the respondents
present.

2. This case was called several times but nobody put
appearance on behalf of the appellant till rising of the court.

Therefore, the appeal in hand is dismissed in default. Consign.

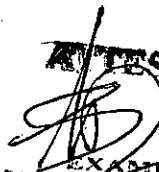
3. Pronounced in open Court at Peshawar and given under our
hands and the seal of the Tribunal on this 12th day of June, 2024.


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman

Naeem Amin

Date of Presentation of Application 14-6-2024
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TESTED

EXAMINER 14-6-24
Khyber Pakhtunkhwa
Service Tribunal
Peshawar