


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 543/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.06.2024	<p>The application for restoration of appeal No. 1301/2023 submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for hearing before Single Bench at Peshawar on 13.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR.

R.A. No. 543/2024

C.M. No. _____/2024

In Service Appeal No. 1301/2023

Muhammad Haroon

Versus

PHC & Others

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application		1-2
2.	Affidavit		3-
3.	Copy of order	A	4-10
4.	Other Documents	B	11-11

Applicant/Appellant

Through

Dated: 11-06-2024

Javid Iqbal Gulbela

Advocates Supreme Court, of
Pakistan

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

R.A-543/2024

C.M. No. _____/2024

In Service Appeal No. 1301/2023

Muhammad Haroon Junior Clerk BPS-11 at District Court
Khyber

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13432

Dated 11-06-2024

.....Appellant

Versus

1. Registrar Peshawar High Court Peshawar
2. District & Session Judge at District Court Khyber
3. Hamayun Khan Junior Clerk BPS-11 at District Court Khyber
4. Muhammad Arif Junior Clerk BPS-11 at District Court Khyber
5. Shah Saud Junior Clerk BPS-11 at District Court Khyber

**APPLICATION FOR RESTORATION OF SERVICE
APPEAL OF THE APPLICANT WHICH WAS DISMISSED
IN DEFFAULT DUE TO NON PROSECUTION DATED 05-
06-2024.**

Respectfully Sheweth:

1. That the above noted Service Appeal was pending -
before this Hon'ble Tribunal and was dismissed for
non-prosecution on 05-06-2024.
**(Copy of order dated 05-06-2024 is attached as
annexure "A").**
2. That the counsel of the appellant was busy in
Peshawar High Court Peshawar in his Other
Cases and not appear in the Hon'bl Court.
3. That The Applicant was performing his official
duty in the Court of Senior Civil Judge Khyber,
and in spite repeated request ,the worthy senior

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civil judge refused to grant leave for appearing before the Hon'ble tribunal and services of the same, could not appear before the Hon'ble tribunal for date fixed

4. That the Case of the Applicant was placed for reply of respondent.
5. That absence from appearance before this hon'ble tribunal was never deliberate , but due to aforementioned reason, which was certainly beyond control of the applicant.
6. That law also favour the adjudication merits.

It is, therefore, humbly prayed that in the interest of justice and on acceptance of this application the above titled Service Appeal may please be restored.

Applicant/Appellant

Through

Dated: 11-06-2024

Javid Iqbal Gulbela
Advocates Supreme Court, of
Pakistan

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

C.M. No. _____/2024

In Service Appeal No. 1301/2023

**Muhammad Haroon
Versus
PHC & Others**

AFFIDAVIT

I, **Muhammad Haroon Junior Clerk BPS-11**, as per instructions of my client, do hereby solemnly affirm and declare on oath, that the contents of the accompanied **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Shafiq

11/06/24

[Signature]
**Deponent
CNIC: 17301-7701478-3
Cell: 0334-5640434**

Identified by:
Javid Iqbal Gurbela
Advocate Supreme Court of
Pakistan

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(S)

(H)

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

S. APPEAL No. 1301 /2023

1. Muhammad Haroon (Junior Clerk, BPS-11) at District Courts Khyber.

Versus

1. The Registrar, Peshawar High Court, Peshawar.
2. District and session Judge at District Courts Khyber.
3. Hamayun Khan (Junior Clerk, BPS-11) at District Courts, Khyber.
4. Muhammad Arif (Junior Clerk, BPS-11) at District Courts, Khyber.
5. Shah Saud (Junior Clerk, BPS-11) at District Courts, Khyber.



Appeal U/S 4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 Against The Final Impugned Seniority List of Junior Clerk (BPS-11) vide letter no.337/DSJ 08-04-2023 Maintained by the Learned District and Session Judge, District Khyber Whereby The Appellant was declared junior in the Impugned seniority list, and his Departmental Appeal of the appellant was regretted in a Classical and a Whimsical Manner.

Respectfully Sheweth:-

1. That the appellant is a law abiding citizen of Islamic republic of Pakistan, hail from a respectable family and now serving as junior clerk (BPS-11) since 05-03-2020
2. That after going through the mandatorily required criteria and after being envisaged with the ordeals and inquisitions of selection process the appellant scored highest in merit list and then the appellant recommended on dated 23-12-2019 and finally appointed as junior clerk (BPS-11) in the prestigious respondent department on dated 05-03-2020.
3. That after being inducted into service & coming onto the strength of respondent department, the appellant has ever remained a hardworking, dutiful & devoted fellow, who never left any stone unturned in performance of his duties and because of the same there is no soot or sootage of any sort on his career.
4. That in respect of promotions to the post of senior clerk the respondent No.02 issued a tentative seniority list of junior clerks(BPS-11), wherein the appellant was placed 04 of the said list.
5. That thereafter the appellant being highly aggrieved from the said list maintained by respondent No.02 moved appeal before competent former

ATTACHED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

67-6-24

FORM OF ORDER SHEET

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Court of _____

Appeal No. 1301/2023



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
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1- 12/06/2023

The appeal of Mr. Muhammad Haroon was heard today by Mr. Javed Iqbal Gulbela Advocate. It was held at preliminary hearing before Single Bench at Peshawar on 14-06-2023

SCANNED
KPST
Peshawar

By the order of Chairman

[Signature]
REGISTRAR

14th June, 2023

01. Nemo for the appellant.
02. Notice be issued to the appellant and his counsel. To come up for preliminary hearing on 27.07.2023 before the S.B.

(FAREEHA PAUL)
Member (E)

Clerk Sublim. P.S.

ATTESTED
[Signature]
EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

27.07.2023

Learned counsel for the appellant present and heard.

Expense for TCS not submitted
for Maharrir
Peshawar

Let pre-admission notice be issued to the respondents through TCS for submission of reply/comments. To come up for reply/comments as well as preliminary hearing on 05.09.2023 before S.B. P.P given to learned counsel for the appellant.

(Muhammad Akbar Khan)
Member (I)

Kamranullah

05.09.2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate for the respondents present.
2. Written reply on behalf of respondents not submitted. Out of district respondent be summoned through register AD. Appellant is directed to deposit the expenses within 3 days, thereafter, notices be issued to respondents for submission of written reply. To come up for written reply/comments on 16.10.2023 before S.B. P.P given to parties.

(Rashida Bano)
Member (J)

ATTESTED

07/06/23
CLERK
for Peshawar
Service Tribunal
Peshawar

Kaleem Ullah

Oct, 2023

1. Clerk to counsel for the appellant present. Mr. Asad Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 01.11.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

1st Nov. 2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General present.

2. Official respondent No.1 has been served on 08.08.2023, but nobody is present on behalf of the said respondent, hence, placed ex-parte. The rest of the respondents have not been served as yet, therefore, appellant is directed to deposit the expenses of TCS for the rest of respondents i.e. respondents No.2 to 5, so that they could be served for the next date. To come up for reply/preliminary hearing on 06.12.2023 before S.B. P.P given to the parties.

ATTESTED

(Kalim Arshad Khan)
Chairman

EXAMINER
Sudhyat Pakhtunkhwa
Service Tribunal
Peshawar
07/11/23

SCANNED
KPST
Peshawar

06th Dec. 2023

01. Counsel for the appellant present. Mr. Asad Ali Khan, Assistant AG for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Learned AAG requested for further time. Another chance, as final opportunity is granted, failing which coercive measure should be initiated against the respondents. To come up for reply/comments as well as preliminary hearing on 01.01.2024 before the S.B. Parcha Peshi given to the parties.

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

01.01.2024

1. Junior to counsel for the appellant present. ~~Mr.~~ Mr. Habib Anwar, Additional Advocate General for official respondents No. 2 present. None present on behalf of private respondents, hence they are placed ex-parte.

2. Reply/comments on behalf of official respondents No. 2 not submitted. Learned Additional Advocate General seeks further time to contact the respondents^{No. 2} for submission of reply/comments. Last opportunity is granted to official respondent No. 1 to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for reply/comments as well as preliminary hearing on 24.01.2024 before S.B. P.P given to the parties.

ATTESTED

27/12/23
KASINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Muhammad Akbar Khan)
Member (E)

SA 1301/23

24th Jan. 2024

01. Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Saad Afridi, Superintendent for the official respondents present.

02. Reply/comments on behalf of the respondents not submitted despite last opportunity. Representative of the respondents requested for further time. Last opportunity is further extended on payment of cost of Rs. 2000/-. To come up for reply/comments, cost as well as preliminary hearing on 04.03.2024 before the S.B. PP given to the parties.

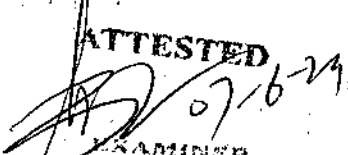

(Fareeha Paul)
Member(E)


Fazle subhan P.S

04.03.2024 1. Appellant alongwith his counsel present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Atiq-ullah, Superintendent for the respondents present.

2. Costs of Rs. 2000/- as well as reply/comments on behalf of respondent No. 2 submitted through office which are placed on file. Copy of the same handed over to learned counsel for the appellant. Reply/comments on behalf of respondents No. 1 are still awaited. Learned AAG seeks time to contact respondent No. 1 for submission of reply/comments. Granted. To come up for reply/comments of respondent No. 1 for submission of reply/comments as well as preliminary hearing on 02.05.2024 before S.B. P.P given to the parties.

ATTESTED


KAMINER
Cyber Pakhtunkhwa
Service Tribunal
Peshawar


(Muhammad Akbar Khan)
Member (E)

Service Appeal No.1301/2023 titled "Muhammad Haroon Vs. Judiciary"

5th June, 2024 **Kalim Arshad Khan, Chairman:** Nobody is present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.



2. Reply has been submitted on behalf of respondent No.1, through office. This case was called several times but the appellant did not put appearance till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 5th day of June, 2024.*

Muazzam Shah

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 07-6-24

Number of Words 78

Copying Fee 35/-

Urgent 35/-

Total 40/-

Name of Copyist _____

Date of Completion of Copy 07-6-24


Date of Delivery of Copy 07-6-24



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TO WHOM IT MAY CONCERN

It is certified that **Mr. Muhammad Haroon** serving as Senior Clerk (BPS-14) in District Judiciary Khyber and currently working as Moharrir in the court of undersigned and was present in the court/office on 05/06/2024 while performing his official duties.


ZIA UL HASSAN
Senior Civil Judge,
District Khyber

