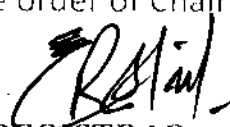


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 666/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.07.2024	<p>The application for restoration service appeal No.612/2023 submitted today by Mr. Mujeeb Ullah Advocate. It is fixed for hearing before Single Bench at Peshawar on 10.07.2024. 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

RA No = 666
EM No...../2024

In
Service Appeal No: 612/23

Muhammad Rasool Khan
Versus
Government of KPK and others

**APPLICATION ON BEHALF OF APPELLANT FOR
RESTORATION OF APPEAL NO. 612/23 WHICH WAS
ADJOURNED SINE DIE VIDE ORDER DATED 07/12/2023.
FURTHERMORE APPEAL NO. 1449/23 MAY KINDLY BE
ADJOURNED SINE DIE TILL FINAL DECISION OF APPEAL
NO. 612/23.**

INDEX OF DOCUMENTS

S.No	Description of Documents	Annexure #	Page No.
1	Application		1-2
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3	attested copies of application for adjourn sine die and order dated 07/12/2023	A & B	4-7
4	copy of recent order sheet dated 01/07/2024	C	8-9


Applicant/ Appellant

Through

Mujeeb Ullah 

Advocate
High Court, Peshawar

Khalid & Law Associates
46-C, 2nd Floor, Cantonment Plaza,
Peshawar Cantt

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

RA^s 666
CM No...../2024

In
Service Appeal No: 612/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14040

Dated 05/07/2024

Muhammad Rasool Khan S/o Muhammad Ayub R/o Sweeper Bps-3
District Jhail, Timergara Lower Dir Applicant/Appellant

Versus

1. Government of KPK through Secretary home and Tribal Affairs
Department, Secretariat Peshawar
2. Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent District Jhail, Timergara Lower Dir

Respondents

**APPLICATION ON BEHALF OF APPELLANT FOR
RESTORATION OF APPEAL NO. 612/2023 WHICH WAS
ADJOURNED SINE DIE VIDE ORDER DATED 07/12/2023.
FURTHERMORE APPEAL NO. 1449/23 MAY KINDLY BE
ADJOURNED SINE DIE TILL FINAL DECISION OF APPEAL
NO. 612/23.**

Respectfully Sheweth,

The Applicant humbly submits as under,

1. That appellant had filed two separate appeals (I) Appeal No. 1449/23 against the impugned order for stoppage of two annual increments. (II) Appeal No. 612/23 against the impugned order whereby appellant has compulsory been retired from service.
2. That during pendency of both the appeals the applicant/ appellant had submitted an application on 23/10/2023 for adjourn sine die the appeal No. 1449/2023 filed against the impugned order for stoppage of two

annual increments but mistakenly the application for adjourn sine die was moved in appeal No. 612/2023 which was accepted

{Attested copies of application for adjourn sine die and order dated 07/12/2023 is annexed as A and B}

3. That appeal No 612/23 was adjourned sine die while comments / reply has been sought from the respondents in appeal no 1449/23 which is still subjudice before this honorable court at Camp Court, Swat. Worth to note that appeal No. 1449/2023 was filed against the minor penalty imposed on appellant.

{copy of recent order sheet dated 01/07/2024 is annexed as C}

4. That appeal no 612/23 is filed against the major penalty of compulsory retirement from service which has been adjourned sine die vide order dated 07/12/2023 wherein comments of the respondents is necessary for disposal of the same appeal. Moreover decision on appeal filed against major penalty is necessary, hence another appeal No. 1449/2023 which is subjudice before this Hon'ble court be adjourn sine die.

It is, therefore, most humbly prayed that on acceptance of instant application, the appeal no 612/23 may kindly be restored and be fixed earlier and comments may be called from Respondents while appeal 1449/23 may kindly be adjourn sine die till final decision in appeal no 612/23 for ends of justice.

Applicant / Appellant

Through

Mujeeb Ullah

Advocate
High Court, Peshawar

Khalid & Law Associates
46-C, 2nd Floor, Cantonment Plaza,
Peshawar Cantt

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM No...../2024

In

Service Appeal No: 612/23

Muhammad Rasool Khan

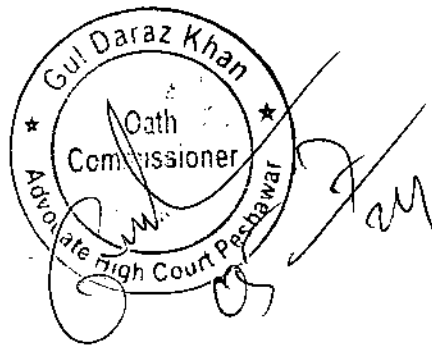
Versus

Government of KPK and others

APPLICATION ON BEHALF OF APPELLANT FOR
RESTORATION OF APPEAL NO. 612/23 WHICH WAS
ADJOURNED SINE DIE VIDE ORDER DATED 07/12/2023.
FURTHERMORE APPEAL NO. 1449/23 MAY KINDLY BE
ADJOURNED SINE DIE TILL FINAL DECISION OF APPEAL
NO. 612/23.

Affidavit

I Muhammad Rasool Khan S/o Muhammad Ayub Sweeper BPS-3 District jail Timergera Lower Dir do hereby solemnly declared and affirm 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 August Court




Deponent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Amek A

(4)

CM No. -----/2023

In

Service Appeal No. 612/2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *8471*

Dated *23-10-23*

Muhammad Rasool Khan

VERSUS

Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs &
Others

**APPLICATION FOR ADJOURN SIN DIE THE PROCEEDINGS IN
ABOVE TITLED APPEAL**

Respectfully Sheweth.

1. That the above titled appeal has been filed against the appellate order for stoppage of two annual increments, which is pending before this hon'ble court and is fixed for 08/11/2023.
2. That Appellant has also impugned another appellate order of Respondents in appeal No 1449/2023 wherein appellant has compulsory been retired.
3. That equity, justice and law demands to adjourn sin die the proceedings in the instant appeal till final decision of another appeal.
4. There is no legal impediment on acceptance of this application

It is therefore, most humbly prayed that on acceptance of this application the proceedings in the instant appeal may kindly adjourn sin die till final decision on another appeal No 1449/20023.

Through

Applicant/Appellant

Mujeebullah
Mujeebullah
Advocate

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

CM No. -----/2023

In

Service Appeal No. 612/2023.

5

Muhammad Rasool Khan

VERSUS

Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs &
Others

**APPLICATION FOR ADJOURN SIN DIE THE PROCEEDINGS IN
ABOVE TITLED APPEAL**

Affidavit

I Muhammad Rasool Khan S/O Muhammad Ayub Sweeper BPS-3 District
Jhail Timergara Lower Dir District Dir Lower do, hereby solemnly affirm
and declare that the contents of the instant application is true and correct to
the best of my knowledge and belief, and nothing has been concealed from
this Honorable Court.

Deponent

Identified By:

Mujeeb Ullah

Advocate



Annex B (6)



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa Service Tribunal

Entry No. 4029

Dated 3/3/2023

Service Appeal No. 612/2023.

Muhammad Rasool Khan S/O Muhammad Ayub presently Serving as Sweeper BPS-3 District Jail Timergara Lower Dir.

APPELLANT

VERSUS

1. Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent District Jail, Timergara Lower Dir.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 26/01/2023 WHEREBY PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITH IMMEDIATE EFFECT HAS BEEN IMPOSED ON THE APPELLANT.

~~Registered~~

Registered

Prayer:

3/3/2023

By accepting the instant appeal, the impugned order dated 26/01/2023 may kindly be set aside and the respondents may kindly be directed to restore the forfeited increments. Any other relief, which this honorable court deems fit and appropriate, may also be granted to the appellant for the ends of justice.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3/7/23

M. Rasool Khan vs. Govt

07.12.20231.

Appellant in person present and submitted an application for

sine-die adjournment on the ground that the instant appeal has been filed against the order of stoppage of two annual increments passed by the competent authority against which in departmental penalty of stoppage of two annual increments was converted into compulsory retirement from service. Appellant challenged said order in service appeal No. 1449/23, which is also pending adjudication before this Tribunal, which is fixed for today for reply. Appellant seeks *sine-die* adjournment of instant appeal, till the decision of said appeal. Request of appellant seems genuine, therefore, instant appeal is adjourned *sine-die* accordingly. Appellant may restore this appeal by filing application for restoration after decision of said appeal.



7

(Rashida Bano)
Member (J)
Camp Court, Swat

*Kaleem Ullah

ATTESTED
EXAMINER
Swat District Tribunal
Dastawar
23/7/24

Date of Presentation of Application 03-7-24
 Number of Words 2 pgs
 Copying Fee 10/-
 Urgent 5/-
 Total 15/-
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 Date of Completion of Copy 03-7-24
 Date of Delivery of Copy 03-7-24

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8



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 1443 /2023.

Muhammad Rasool Khan S/O Muhammad Ayub Sweeper BPS-3 District
Jhail Timergara Lower Dir.

APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs
Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent District Jhail, Timergara Lower Dir.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDERS DATED 29/05/2023 & 22/03/2023
COMMUNICATED TO APPELLANT ON 15/06.2023 WHEREBY
MAJOR PENALTY OF COMPULSORY RETIRMENT WAS
IMPOSED ON THE APPELLANT WITH IMMEDIATE EFFECT.**

Prayer:

By accepting of this service appeal, the impugned orders dated
29/05/2023 & 22/03/2023 may kindly be set aside and the respondents
may kindly be directed to re instate the services of the appellant. Any
other relief, which this honorable court deems fit and appropriate,
may also be granted in favor of appellant for the ends of justice.

Respectfully Sheweth:

Brief facts leading to the instant appeal are;

- 1- That the appellant was an employee of the Respondents department and
was performing his duties as Sweeper since 2006 at District Jail
Timergara Lower Dir quite efficiently and whole heartedly and up to the
entire satisfaction of his superiors

TESTED

AMER C
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

03/11/23

1449/23 v. M. Rasool Khan

03rd June, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 01.07.2024 before the D.B at camp court Swat. P.P given to the parties.



9

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)
Camp Court Swat

SCANNED
KFST
Peshawar

KamAmullah

01st July, 2024

Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.10.2024 before the D.B at Camp Court, Swat. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (Executive)
Camp Court, Swat

(Aurangzeb Khattak)
Member (Judicial)
Camp Court, Swat

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ATTESTED
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Naeem Amin*