


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 457/2024


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.06.2024	<p>The application for restoration of appeal No. 1817/2022 submitted today by Mr. Abdur Rehman Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 12.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The application for restoration of Execution Petition title Ashiq Hussain received today i.e. 07.06.2024 is returned to the counsel for the applicant for removing the following deficiencies and resubmit the same within 15 days.

1- Application is not on proper format.

No. 135 /Inst;/2024/KPST,

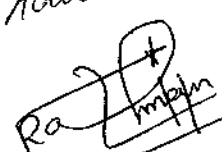
Dt. 10/06 /2024.


10/6/24
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Abdur Rahman Mohmand Adv.
High Court Peshawar.

Respected Sir.

Re. Submitted after removal all of
official objections.

Advocate

Ra Mohmand

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

RA
C.M. No. 457/2024

Khyber Pakhtukhwa
Service Tribunal

In

Diary No. 13251

Service Appeal No. 1817/2022

Dated 10-6-2024

Ashiq Hussain S/o Muhammad Nazeer R/o Kirman Yousaf Khel Tehsil
Upper Kurram District Kurram

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE BUILDING PESHAWAR.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY
3. THE DIRECTOR EDUCATION NEWLY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR

APPLICATION FOR RESTORATION OF THE ABOVE TITLED

S.A.No.1817/2022 BEING DISMISSED IN DEFAULT AND

SAME MAY KINDLY BE DECIDED ON MERIT.

Respectfully Sheweth:-

1. That the petitioner has filed the above titled Service Appeal along with other connected appeals in which Reply/comments were called from Respondents which was submitted on dated 21.12.2023 (Copy of order dated 21.12.2023 is attached).
2. That other same nature Appeal No.7581 Titled Mst.Gulzar Tabbasum & Another, Appeal No. 1380 titled Akmal Hassan, Appeal No.1473 titled Alim Khan and 02 others, Appeal No.109 Mansab Ali & 07others and Appeal No.118 Majeed Hussain & 05 others, of District Kurram are already pending before this Hon'able Tribunal and this appeal.

3. That on dated 06.03.2024 all the above mentioned appeals were adjourned to 30.05.2024 but on date fixed the instant appeal No.1718/2022 was missing on the cause list while the other appeals were left over due to rush of work.
4. That on dated 30.05.2024, Counsel for appellant was informed that the instant appeal No.1718/2022 was fixed for 23.04.2024 and was dismissed in default. (Copy of order dated 23.04.2024 is annexed)
5. That the petitioner prays for restoration of the above titled case and its decision on merit on the following grounds.

Grounds:-

- A. That the petitioner along with counsel was present before the Hon'able court on date fixed but the case was left over due to rush of work on the same day.
- B. That the instant Appeal was clubbed with Appeal No.7581 Titled Mst.Gulzar Tabbasum & Another, Appeal No.1380 titled Akmal Hassan, Appeal No.1473 titled Alim Khan and 02 others, Appeal No.109 Mansab Ali & 07others and Appeal No.118 Majeed Hussain & 05 others, of District Kurram are already pending before this Hon'able Tribunal.
- C. That law favors decision on merit to avoid technicalities moreover the application is quit with in time.

3

D. That the above captioned Appeal had been admitted for full hearing and valuable rights of petitioner is involved for its decision on merit.

It is, therefore, most humbly prayed that on acceptance of this application the above tilted case may kindly be restored for its decision on merit.

Dated:- 07/06/2024

Ahussain

Appellant



Through

Abdur Rahman Mohmand
Advocate High Court, Peshawar.

Affidavit:

I, ASHIQ HUSSAIN S/O MUHAMMAD NAZIR R/O KIRMAN YOUSAF KHEL TEHSIL UPPER DISTRICT KURRAM, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon'able court.

ATTESTED



07/6/24

Ahussain

DEPONENT

(1) (4)

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

S.A.No. 1817...../2022.

2321
15-12-2022

ASHIQ HUSSAIN S/O MUHAMMAD NAZIR R/O KIRMA
YOUSAF KHEL TEHSIL UPPER DISTRICT KURRAM.



----- APPELLANT.

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE BUILDING PESHAWAR.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.
3. THE DIRECTOR EDUCATION NEWLY MERGED DISTRICTS WARSAK ROAD, PESHAWAR.

----- RESPONDENTS.

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,1974 AGAINST ORDER DATED 28.02.2018 OF RESPONDENT NO.3 FOR NON OBSERVANCE OF PROMOTION/SENIORITY ORDER OF THE APPELLANT FROM THE DATE OF NOTIFICATION NO.SO(PE)/4-5/SSRC/MEETING/2013/TEACHING CADRE DATED 24TH JULY, 2014 FOR PROMOTION OF SCT/CT TO SST (Bio-Chem) BPS-16, PASSED BY THE GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION BASED ON DISCRIMINATION, VIOLATION OF FUNDAMENTAL RIGHT AND AGAINST KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER RULES, 1989).

Filed-to-day
15/12/2022

.....
RESPECTFULLY SHEWETH!

1. That the Appellant is a naturally born law abiding citizen of the Islamic Republic of Pakistan and is qualified up to Master of Arts and Bachelor of Education (B.ED).(Copies of CNIC is annexure "A" and credentials/ degree is annexure "A-1 to A-4").

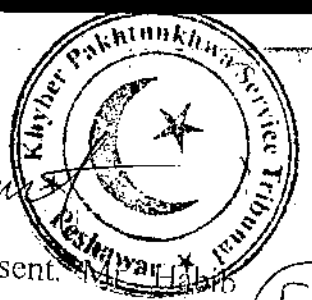
ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
30/12/22

S.A No. 907/2019

21st Dec, 2023

A. No. 1817/2022

Ashir Hussain vs Govt



5

1. Junior to counsel for the appellant present. Anwar, Additional Advocate General for the respondents present.
2. Reply/comments on behalf of respondents submitted through office on 09.10.2023 which are placed on file. To come up for rejoinder, if any, and arguments on 23.04.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

SCANNED
KPOT
Peshawar

ham.ullah

23.04.2024 1. Nobody present on behalf of appellant. Mr. Muhammad Jan, District Attorney alongwith Imran, Assistant for the respondents present.

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

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 23rd day of April, 2024.

(Fareeha Paul)
Member (E)

(RashidaBano)
Member (J)

ATTESTED

kaleemullah

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 30-5-2024

Number of Words Page = 2

Copying Fee 10/-

Urgent 5/-

Total 15/-

Name of Copyist Shahjeed

Date of Completion of Copy 30-5-2024

Date of Delivery of Copy 30-5-2024

Date of birth
Date of issue
Place of birth
Name
Age
Color
Sex
Date of his resignation of office

RECEIVED
OFFICE OF THE
SECRETARY OF THE
NAVY
WASHINGTON

RECEIVED



6



Cause List 6th March 2024 Peshawar

(7)

**LIST OF SB CASES FIXED BEFORE MR. AKBAR KHAN,
MEMBER (EXECUTIVE)**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPLICATION

S.NO.	APP. NO.	YEAR	S.A./E.P NO.	S.A. YEAR	NAME	DEPARTMENT
1	197 CM	2024	537	2023	KHAIR UR REHMAN	E&SE
2	225 RA	2024	868 SA / 389EP	2019 / 2022	IFTIKHAR KHAN	SERVICE TRIBUNAL

PRELIMINARY HEARING – TRANSFER

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	130	2024	ALTAF QADIR	HEALTH

PRELIMINARY HEARING – OTHER

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	951	2022	WAKEEL KHAN	E&SE
2	1260	2023	MUHAMMAD SADIQ	H. EDUCATION
3	1624	2023	MUHAMMAD ALI (4)	POLICE
4	1634	2023	ROOH ULLAH	E&SE

EXECUTION

S.NO.	E.P.NO.	YEAR	S.A. NO.	S.A. YEAR	NAME	DEPARTMENT
1	965	2023	938	2020	QABIL JAN	PRISON
2	58	2024	888	2014	DR. TAJ MUHAMMAD	HEALTH
3	62	2024	7059	2021	M. RAFIQUE KHAN	POLICE

8

REPLY – TRANSFER

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	124	2024	SAID MUHAMMAD	REVENUE

REPLY – OTHER

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	1869	2022	MAZHAR HUSSAIN	JUDICIARY
2	1000	2023	SHAHIDA WALI	E&SE
3	1753	2023	SHEHNAZ	POLICE
4	2259	2023	M. NAWAZ	POLICE
5	2436	2023	BAHADAR HUSSAIN	HEALTH
6	2443	2023	ABDUL WAJID KHAN	HEALTH
7	2476	2023	MUSARAT BIBI	HEALTH
8	2548	2023	IMRAN	POLICE
9	151	2024	MUHAMMAD SADIQ	POLICE

**LIST OF DB CASES FIXED BEFORE MRS. RASHIDA BANO,
MEMBER (JUDICIAL) &****MS. FAREEHA PAUL, MEMBER (EXECUTIVE)****KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR****APPLICATION**

S.NO.	APP. NO.	YEAR	S.A. NO.	S.A. YEAR	NAME	DEPARTMENT
1	467 12(2)	2023	7608	2021	ZAHID MEHMOOD	FOREST

ARGUMENTS – BANNU

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	2013	2022	SHAHNAZ BEGUM	E&SE

ARGUMENTS – D.I.KHAN

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	1542	2022	MUHAMMAD SALMAN	LIVE STOCK

ARGUMENTS - OTHER

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT
1	1161	2016	M. SAEED	LC
2	327	2017	SAID KAMAL KHAN	FOREST
3	1192	2019	IKRAMULLAH (1)	E&SE
4	8644	2020	MST. SHAISTA MANSOOR	AGRICULTURE
5	11017	2020	TALIB KHAN	E&SE
6	4951	2021	SARWAR KHAN (4)	POLICE
7	5967	2021	RMZAN BIBI	E&SE
8	7581	2021	MST. GUZAR TABBASUM (1)	E&SE
9	7673	2021	SAEED UR REHMAN	MUSEMS
10	191	2022	MUHAMMAD YOUSAF	C & W
11	213	2022	SAEEDULLAH	POLICE
12	354	2022	ZAZI GUL	POLICE
13	643	2022	WAQAR HUSSAIN	POLICE
14	896	2022	TAHIR BIBI	E&SE
15	919	2022	SAIFULLAH	POLICE
16	1380	2022	AKMAL HASSAN	E&SE
17	1473	2022	ALIM KHAN (2)	E&SE
18	1649	2022	ARBAB MUHAMMAD AHTISHAM	HOME
19	1819	2022	HAROON UR RASHEED (4)	HEALTH
20	109	2023	MANSAB ALI (7)	E&SE
21	118	2023	MAJEED HUSSAIN (5)	E&SE
22	989	2023	AZIZ KHAN	HEALTH
23	1070	2023	AHMAD ZAMIR	FOREST
24	1956	2023	JEHANDAD KHAN	POLICE
25	2450	2023	M. KHAN	POLICE