


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 416/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.05.2024	<p>The application for restoration of Appeal No.1897/2022 submitted today by Mr. Yasir Rauf Advocate. It is fixed for hearing before Division Bench at Peshawar on 30.05.2024. Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2022

Shah Hussain

Versus

Govt of KP

**Subject: APPLICATION FOR DECIDING THE CONNTECTED 11 SERVICE
APPEAL BEFORE PRINICIPAL SEAT AT PESHAWAR**

Respected Sir:

It is kindly stated that 11 connected service appeal are pending adjudication before principal seat i.e KP Service Tribunal Peshawar.

It is further stated that all the appeals are in last stage and ready for final arguments as well as the case is part heard.

It is therefore humbly requested that all the Service Appeals may very kindly be heard at Khyber Pakhtunkhwa Service Tribunal Peshawar.

Dated: 27/05/2024

Through Counsel

Appellant

Yasir Rauf

Advocate Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR.**

Restoration application No: 416 /2024

In

Service No.1897/2022

Shah Hussain

VERSUS

Secretary Home & Tribal Affairs Department Police Line
Road, Finance Department, Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar & others

Index

INDEX

S.No.	Description of documents	Annex	Pages
1.	Restoration application		1-3
2.	Copies of order sheets	A & B	4-59
3.	Copy of Parcha Peshi	C	60
4.	Copy of cause list dated 27.05.2024	D	112-180
5.	Wakalat Nama		181-19

Dated : 27.05.2024

Appellant

Shah Hussain

Through


YASIR RAUF

Advocate,

Cell: 0332-9745361

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR.**

Restoration application No. 416 /2024
In
Service No.1897/2022

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 13029
Dated 27-05-24

Shah Hussain S/o Akhtar Munir Presently working in
Police Department Sub Division Wazir Bannu.

Appellant

VERSUS

1. Secretary Home & Tribal Affairs Department Police
Line Road, Finance Department, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
2. Deputy Secretary (Judicial) Home & Tribal Affairs
department, Police Line Road, Finance Department,
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officers Khyber Pakhtunkhwa,
Peshawar.
4. Regional Police Officer, Bannu Region Bannu.
5. District Police Officer, District Bannu.
6. District Account Officer, District Bannu.

Respondents

**PETITION FOR THE RESTORATION OF
SERVICE APPEAL NO.1897/2022 VIDE WHICH
THE SERVICE APPEAL HAS BEEN
DISMISSED IN DEFAULT ON 29.04.2024.**

Respectfully Sheweth;

1. That the appellant had filed a service appeal No.1897/2022
which was dismissed in default vide judgment order dated
29.04.2024.
2. That it is pertinent to mentioned here that 10 other similar
nature service appeal had been pending before this

(2)

Tribunal. All these appeals were clubbed by this tribunal.
(Copies of order sheets are attached) as A & B)

3. That on 22.04.2024 the instant service appeal No.1897/2022 was fixed and all the service appeal were fixed for next date of hearing i.e 27.05.2024. But inadvertently the instant service appeal along with 6 others were fixed on 29.04.2024 and the same were dismissed in default. (Copy of Parcha Peshi is annexed herewith) C)
4. That on 27.05.2024 only 4th similar nature cases titles as "Mushahid Wadood & three others" were fixed. (Copy of cause list dated 27.05.2024 is attached) D).
5. That he counsel for the appellant was present on each and every date of hearing but on 22.04.2024 the case was inadvertently fixed on 29.04.2024.
6. That the appellant has vast interest in the matter as the appellant is an employee of police department and has been reverted from his original rank illegally.
7. That on merit the appellant has prima facie good case and is hopeful about its success.
8. That there is no legal hurdle in the restoration of Application.
9. That the higher forums have thoroughly held in its various judgments that the matters shall be decided on merit instead on technicalities.
10. That if the application and appeal is not restored and decided on merit the appellant will be put to great irreparable loss, besides other agonies.
11. That other points will be raised at the time of arguments.

3

It is therefore, prayed that on acceptance of this application the service appeal No.1897/2022 may very graciously be restored and be decided on merit.

Any other remedy deemed proper may also be granted.

Dated: 27-05-2024

Shah Hussain

Appellant

Shah Hussain

Through

Yasir Rauf

YASIR RAUF

Advocate,

Cell: 0332-9745361

AFFIDAVIT

I, Shah Hussain S/o Akhtar Munir Presently working in Police Department Sub Division Wazir Bannu, do hereby solemnly affirm and declare that all the contents of the instant **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Shah Hussain
DEPONENT



27/5/24

② ④ A

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 1897/2022

Shah Hussain S/o Akhtar Munir R/o Frontier Region, Mataki Bizen Khel,
Tehsil & District Bannu, Presently working in Police Department Sub
Division Wazir Bannu. (Appellant)

VERSUS

- 1) Secretary Home & Tribal Affairs department, Police Lines Road,
Finance Department, Civil Secretariat, Khyber Pakhtunkhwa,
Peshawar.
- 2) Deputy Secretary (Judicial) Home & Tribal Affairs department, Police
Lines Road, Finance Department, Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar.
- 3) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 4) Regional Police Officer, Bannu Region Bannu.
- 5) District Police Officer, District Bannu.
- 6) District Account Officer, District Bannu. (Respondents)


APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED
REVERSION ORDER NO. 3897-3906 DATED 01/09/2022,
WHEREBY THE APPELLANT HAS BEEN REVERTED FROM THE POST
OF ASSISTANT SUB INSPECTOR (BPS-11) TO CONSTABLE (BPS-
07). IN THIS RESPECT THE DEPARTMENTAL APPEAL FILED BY THE
APPELLANT ON 12/09/2022 BEFORE THE APPELLATE AUTHORITY
(RPO BANNU) BUT UPTIL NOW HE NEITHER RESPOND NOR
DECIDED THE SAME AFTER COMPLETION OF MANDATORY
PERIOD.

(18)

(5)

24.01.2023

Learned counsel for the appellant present and stated that similar nature appeals are fixed on 08.02.2023, therefore, the appeal in hand may also be fixed on the said date. Adjourned. To come up for preliminary hearing on 08.02.2023 before the S.B.


(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

07.02.2023

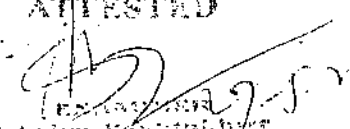
Learned Member (Judicial) is on leave, therefore, the case is adjourned for the same on 10.03.2023 before S.B.


Reader

10.03.2023

Learned counsel for the appellant present.

Let pre-admission notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 17.04.2023 before S.B. P.P given to learned counsel for the appellant.

ATTESTED

(Muhammad Akbar Khan)
Member (E)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6

22.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam
learned Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment in
order to further prepare the brief. Absolute last chance is given to
argue the case on the next date, failing which case will be decided
on the basis of available record without providing further
adjournments and chance of arguments. Adjourned. To come up for
arguments on 29.04.2024 before D.B. P.P given to parties.

RECORDED
IN
PESHAWAR

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kaleemullah

29th April, 2024

1. Nobody is present on behalf of the appellant. Mr. Muhammad
Jan, District Attorney for the respondents present.

2. On 22.04.2024, absolute last chance was given to the appellant
for arguments but today nobody put appearance on behalf of the
appellant despite repeated calls at different intervals till rising of the
court, therefore, 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 29th day of April, 2024.*

(Fareeha Paul)
Member (Executive)

(Kalim Arshad Khan)
Chairman

Naeem Amin

(48) (7) "B"

FORM OF ORDER SHEET

Court of _____

Case No. - 2017/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/12/2022 <i>Noted H.H.H. 05/1/23</i>	<p>The appeal of Mr. Mushahid Wadood presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>9-1-23</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman <i>[Signature]</i> REGISTRAR</p>
09.01.2023		<p>Learned counsel for the appellant present and requested for time for preparation of preliminary hearing. Adjournd. To come up for preliminary hearing on 18.01.2023 before the S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Salah-Ud-Din) Member (J)</p> <p style="text-align: center;"><i>[Signature]</i> TESTED 27.5.23 REGISTRAR</p>

SCANNED
KPST
Peshawar

188

8

2017/2022

2nd Aug. 2023

01. Counsel for the appellant present and informed that connected appeals No. 1893/2022 and others have been fixed before the Hon'ble Single Bench-II and requested that instant appeal might also be clubbed with the same. Allowed. This appeal is sent to Hon'ble S.B-II for further proceedings today. Parties are directed to appear before the said Bench today.

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

02.08.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Sajjad. Inspector for the respondents present.

Reply/comments on behalf of respondents have already been submitted. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. To come up for arguments on 25.09.2023 before D.B. Parcha Peshi given to the parties.

TESTED

Muhammad Akbar Khan
Member (E)

Amirullah

10


9


2017/2022

12.02.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Farooq Khan, DSP (Legal) for the respondents present.

2. Representative of respondent is directed to produce absorption order, record of all the three inquiry reports and any other documents in this respect through proper application within fortnight. Adjourned. To come up for production of record as well as arguments on 22.04.2024 before D.B. P.P given to the parties.


SCANNED
KCS
Page 12 of 15


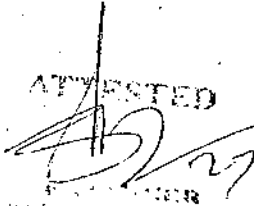

(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

22.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General alongwith Sajjad Ahmad, Inspector for the respondents present.

2. Record mentioned vide order sheet dated 12.02.2024 not submitted. Representative of respondent sought time for submission of the same. Last chance is given with direction to submit the same within a fortnight positively. Adjourned. To come up for arguments on 27.05.2024 before D.B. P.P given to parties.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)
APPEARED

27.5.24
Kaleemullah

12/17

27/5/24
2017/22
Police
Mushaid Wood

11/11/11

11/11/11

11/11/11

11/11/11

11/11/11

11/11/11



26/05/2024, 22:27

Cause List 27th May 2024 Peshawar | KPST

☎ 091-9212282 ✉ registrar@kpst.gov.pk

Cause List 27th May 2024 Peshawar

**LIST OF SB – I CASES FIXED BEFORE MRS. RASHIDA
BANO, MEMEBR (JUDICIAL)**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPLICATION

S. NO.	APP. NO.	SA. NO.	TITLE
1	395/2024 RA	1195/2019	CHAMAN GUL -VS-POLICE

PRELIMINARY HEARING

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	2438	2023	IJAZ AHMED -VS-E&SE	PROMOTION
2	284	2024	SAKHI MARJAN -VS-E&SE	PROMOTION
3	313	2024	AFSAR ALI -VS-POLICE	REPATRIATION
4	429	2024	ZUBAIR SHAH -VS-POLICE	DISMISSAL
5	530	2024	MIR AZAM KHAN -VS-P&D	PAY FIXATION

EXECUTION

S. NO.	EP. NO.	SA. NO.	TITLE
1	320/2024	831/2022	WAHEEDULLAH -VS-E&SE
2	362/2024	895/2023	MUHAMMAD HASHIM -VS-P&D

201

13

26/05/2024, 22:27

Cause List 27th May 2024 Peshawar | KPST

3	396/2024	32/2015	MUHAMMAD AYUB -VS-E&SE
4	398/2024	7872/2021	BAKHT MINA -VS-E&SE

REPLY - TRANSFER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	645	2024	HAMID ULLAH -VS-E&SE	TRANSFER

REPLY

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	1869	2022	MAZHAR HUSSAIN -VS-JUDICIARY	PROMOTION
2	2352	2023	ADIL KHAN -VS-POLICE	DISMISSAL
3	351	2024	RASHI IQBAL -VS-JUDICIARY	WITHDRAWL OF RESIGNATION
4	502	2024	SAFDAR ALI SHAH -VS-E&SE	DEMOTION
5	630	2024	MUHAMMAD HASHIR -VS-E&SE	REMOVAL

**LIST OF SB - II CASES FIXED BEFORE MS. FAREEHA
PAUL, MEMBER (EXECUTIVE)**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

PRELIMINARY HEARING – TRANSFER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	194	2024	MUHAMMAD WARIS -VS-HEALTH	TRANSFER
2	405	2024	HAKAM KHAN -VS-E&SE	TRANSFER

PRELIMINARY HEARING – OTHER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	1386	2022	FOZIA AKRAM -VS-POLICE	C.RETIRMENT
2	2494	2023	SAJJAD HAIDER -VS-POLICE	WITHDRAWL OF PROMOTION ORDER
3	690	2024	KHALID KHAN -VS-POLICE	DISMISSAL

EXECUTION

S. NO.	EP. NO.	SA. NO.	TITLE
1	89/2024	1884/2022	ABDUL WAHAB -VS-E&SE
2	235/2024	347/2023	QAISER ALAM -VS-P&D
3	253/2024	4306/2020	ZIA UR REHMAN -VS-E&SE
4	289/2024	3989/2021	SOBIA -VS-E&SE
5	397/2024	1476/2023	GUL E LALA

29 15

26/05/2024, 22:27

Cause List 27th May 2024 Peshawar | KPST

			-VS-E&SE
--	--	--	----------

REPLY - OTHER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	328	2024	MUHAMMAD AYUB -VS-E&SE	REDUCTION IN RANK

**LIST OF DB CASES FIXED BEFORE MRS. RASHIDA BANO,
MEMEBR (JUDICIAL) &**

MS. FAREEHA PAUL, MEMBER (EXECUTIVE)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

ARGUMENTS - TRANSFER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	2607	2023	ABDULLAH SHAH -VS-REVENUE	TRANSFER
2	393	2024	ASHFAQ AHMAD -VS-E&SE	TRANSFER
3	168	2024	PIR HASSANAT SHAH -VS-REVENUE	TRANSFER

ARGUMENTS - ABBOTTABAD

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	1758	2023	TAYYAB SHAH -VS-LIVE STOCK	PROFORMA PROMOTION

ARGUMENTS - BANNU

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	1554	2019	MUHAMMAD ZAHID -VS-PRISON	REDUCTION


2	1324	2019	RAQIBAZ (6) -VS-PRISON	REDUCTION
3	1367	2019	ASIF ALI SHAH -VS-PRISON	REDUCTION
4	5808	2020	ALEEMULLAH -VS-E&SE	APPO. FROM BACK DATE
5	1244	2022	SAKIN ULLAH KHAN -VS-JUDICIARY	SENIORITY
6	1337	2022	ARSHAD FAROOQ -VS-PRISON	STOPPAGE OF INCREMENT
7	2017	2022	MUSHAHID WADOOD (2) -VS-POLICE	REVISION

ARGUMENTS – SWAT

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	1045	2019	JEHANZEB (1) -VS-POLICE	DISMISSAL
2	1662	2023	IZAT GUL -VS-AGRICULTURE	PROFORMA PROMOTION
3	1896	2023	BADSHAH HALIM -VS-AGRICULTURE	PREMATURE INCREMENT

ARGUMENTS – OTHER

S. NO.	APPEAL	YEAR	TITLE	CASE NATURE
1	433	2018	ABDUL HAMEED -VS-EXCISE & TAXATION	PROMOTION
2	52	2019	MST. ROHI BIBI -VS-E&SE	PROMOTION
3	157	2019	ASHRAF ALI (1) -VS-POLICE	PROMOTION

26/05/2024, 22:27

Cause List 27th May 2024 Peshawar | KPST

4	370	2019	SAMAR NASEEM -VS-AGRICULTURE	COUNT. OF SERVICE
5	1226	2019	MUHAMMAD SAQIB -VS-PRISON	REDUCTION
6	260	2019	HILAL KHAN -VS-JUDICIARY	REMOVAL
7	1133	2019	MUHAMMAD ZEESHAN (1) -VS-TEVETA	SENIORITY
8	1536	2019	MUHAMMAD SAID -VS- E&SE	INCREMENT
9	885	2020	HAIBI-UL-HAQ -VS-E&SE	ADJUSTMENT
10	15288	2020	SHAISTA BEGUM -VS-E&SE	SENIORITY
11	11467	2020	TAASBIHULLAH -VS-POLICE	DISMISSED
12	5688	2020	INAYAT KHAN -VS-POLICE	DOWNGRADATION
13	10524	2020	MISS AMINA BEGUM -VS-E&SE	
14	7744	2021	ZUBAIR ALI HAIDER -VS-ESTABLISHMENT	SERVICE RULES
15	1622	2021	SHAFIQ UR REHMAN -VS-POLICE	ACR
16	7843	2021	BANARAS KHAN -VS-E&SE	REGULARIZATION
17	470	2022	MUHAMMAD IQBAL -VS-IRRIGATION	RETIREMENT
18	561	2022	IHTISHAM -VS-POLICE	FORFIETURE OF TWO SE

19

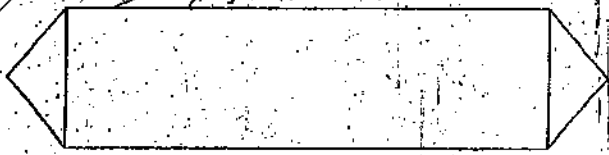
26/05/2024, 22:27

Cause List 27th May 2024 Peshawar | KPST

19	830	2022	MURSALEEN -VS-POLICE	DISMISSAL
20	612	2022	MIAN MUHAMMAD -VS-ESTABLISHMENT	INCREMENT
21	1642	2022	NAHEED KOUSAR -VS-HEALTH	PENSIONARY BENEFITS
22	152	2023	GUL RUKH -VS-E&SE	PROMOTION
23	1665	2023	MUDASIR KHAN -VS-POLICE	DISMISSAL
24	1451	2023	ELAHI BAKHSH -VS-E&SE	REMOVAL
25	717	2023	DILSHAD HUSSAIN -VS-ESTABLISHMENT	PROMOTION
26	1727	2023	IMTIAZ HUSSAIN -VS-JUDICIARY	PROMOTION
27	1773	2023	SABA BIBI -VS-JUDICIARY	REMOVAL
28	285	2023	WAHEED AHMAD -VS-REVENUE	SERVICE RULES

بعدالتصاحب لیسٹریٹو کونسل کے لیے درخواست

19



ایڈوانس

2 منجانب

شاہ حسین بنام حکومت

مورثہ
مقدمہ
دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لیسٹریٹو کیلئے ماسٹر کوف ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برادگی اور منسوخی نیز وائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو ترچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈر ہے۔

الرقوم 27 ماہ 05 2024
 Accepted
 Signature
 العیاض
 کے لئے منظور ہے۔