


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 671/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.07.2024	<p>The application for restoration Execution Petition No.470/2024 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on 11.07.2024. 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- GM NO. 671 /2024

In
Execution Petition No. 470 /2024
In
Appeal No. 7679/2021

MR. SHAH NAWAZ KHAN

VS

GOVT: OF KP & OTHERS

I N D E X

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of application & Affidavit	-----	1-3
2	Copy of order	-----	
3	Copy of order dated 12/06/2024 of this Honourable Tribunal	A	4
4	Wakalat Nama	5

Through: PETITIONER


NOOR MOHAMMAD KHATTAK,
ADVOCATE
SUPREME COURT OF PAKISTAN

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

RA = CM NO. 671 /2024

In
Execution Petition No. 470 /2024
In
Appeal No. 7679/2021

Khyber Pakhtukhwa
Service Tribunal

Diary No. 140634

Dated 09/07/24

Mr. Shah Nawaz Khan, SST (G) (BPS-16)
GHS Badshah Mir, District Khyber

.....PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Peshawar.
3. Chairman Khyber Pakhtunkhwa Public Service Commission, Fort Road, Peshawar Cantt.

..... RESPONDENTS

APPLICATION FOR RESTORATION OF THE ABOVE TITLED
EXECUTION PETITION WHICH WAS CONSIGNED BY THIS
HONOURABLE TRIBUNAL VIDE ORDER DATED
12/06/2024.

R/SHEWETH:

- 1- That the petitioner filed the above tilted Service Appeal before this Honourable Tribunal against the impugned notification dated 11/06/2021, whereby the withdrawal notification dated 17/04/2019 regarding appointment of appellant as SST(G) (BPS-16) has been restored in utter violation of law and rules.
- 2- That this Honorable Service Tribunal vide judgment/order dated 12/10/2023 decided the service appeal in favor of the petitioner.
- 3- The applicant/petitioner after obtaining the attested copy of the order dated 12/10/2023, submitted the said order before the respondent, which was not complied in its true spirit.

- 4- That thereafter the petitioner filed execution petition mentioned above against the lethargic approach of the respondents by not implementing the judgment dated 12/10/2023 of this Honourable Tribunal.
- 5- That during the pendency of the instant execution petition, the representative of respondent department produced copy of notification dated 10/01/2024 before this Honourable Tribunal, whereby denovo inquiry was ordered and the petitioner was reinstated for the purpose of denovo inquiry with the submissions that denovo inquiry has been concluded.
- 6- That on receipt of aforesaid documents, the learned counsel for the petitioner while stressing upon the action have sought a specific date for handing over copy of inquiry report as well as order passed as a consequence of inquiry report to the petitioner upto 25th June, 2024. Copy of order dated 12/06/2024 of this Honourable Tribunal is attached as annexure.....**A**
- 7- That as the deadline i.e. 25th June, 2024 ordered by this Honourable Tribunal has since been passed, but no plausible action on the part of respondents has been taken so far, hence the instant application for restoration of the above titled Execution Petition.
- 8- That the petitioner time and again approached the respondents and produced order of Honorable Tribunal, and requested for compliance, but they refused and in this way brought disregard to order of August Tribunal.
- 9- That as the matter pertaining in the instant execution petition has not been redressed by the respondent in true letter and spirit as promised before this Honourable Tribunal, therefore the mentioned execution petition may be restored for the sack of justice.
- 10- That there is no legal bar in restoring the mentioned ~~petition~~ Petition.
- 11- That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is therefore, most humbly prayed that on acceptance of this application, the above mentioned ~~affidavit~~ petition may very kindly be restored OR any other order deemed proper in the matter may be passed.

[Signature]
Applicant/ Petitioner

Through:

[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Shah Nawaz Khan (The appellant) do hereby solemnly affirm that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT



"A"

(4)



Execution Petition No. 470/2024 titled "Shah Nawaz Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar and others".

ORDER

12th June, 2024 **Kalim Arshad Khan, Chairman**: Learned counsel for the petitioner present.

2. This application is for execution of judgment dated 12.10.2023 passed in Service Appeal No. 7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar and others", wherein the Tribunal had directed conduct of de-novo inquiry. Mr. Muhammad Rizwan, Assistant Director is present on behalf of Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, who accepted the notice of this application and produced copy of Notification dated 10.01.2024 (which is placed on file of Execution Petition No. 459/2024), whereby de-novo inquiry was ordered and the petitioner was reinstated for the purpose of de-novo inquiry. He also stated that de-novo inquiry had been conducted and concluded. Learned counsel for the petitioner submits that a specified date might be given to hand over copy of the inquiry report as well as any order passed as a consequence of the inquiry report to the petitioner not later than 25th of this June, 2024. Order accordingly. Consign.

3. *Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 12th day of June, 2024.*

ATTESTED
[Signature]
27/6/24

Date of Presentation of Application 27/6/24
Number of Words 150
*Necessary Copying Fee 50/-
Urgent Yes
Total 107/-
Name of Copyist [Signature]
Date of Completion of Copy 27/6/24
Date of Delivery of Copy 27/6/24

[Signature]
(Kalim Arshad Khan)
Chairman

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM No 12024.

Ms Shah Nawaz Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP (RESPONDENT)
(DEFENDANT)

I/we Ms Shah Nawaz Khan
Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/202


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


UMAR FAROOQ MOHMAND


MAHMOOD JAN

&


ABID ALI SHAH
ADVOCATES

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