


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 632/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.06.2024	<p>The application for restoration of Appeal No. 12443/2020 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on 27.06.2024. 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>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

RA NO. 632 12024

Salah Muhammad

VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED C.M. AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned C.M. is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the C.M. may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: _____

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

RA
CM. NO. 632 /2024
IN
APPEAL No. 12443/2020

SALAR MUHAMMAD

VS

THE SECRETARY IRRIGATION DEPARTMENT

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APPLICANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

RA
CM. NO. 632 /2024
IN
APPEAL No. 12443/2020

Khyber Pakhtukhwa
Service Tribunal
Diary No. 13777
Dated 25/6/24

Salar Muhammad, Ex-Beldar
O/o the Executive Engineer Malakand Irrigation Division
Malakand

..... **APPLICANT**

VERSUS

- 1- The Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Engineer (North) Irrigation Department, Peshawar.
- 3- The Executive Engineer, Malakand Irrigation Division, Malakand.

..... **RESPONDENTS**

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05/06/2024.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar.
- 3- That the mentioned service appeal was dismissed in default vide order dated 05/06/2024. Copy of the order sheet dated 05/06/2024 is attached as annexure.....**A.**
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 20/06/2024

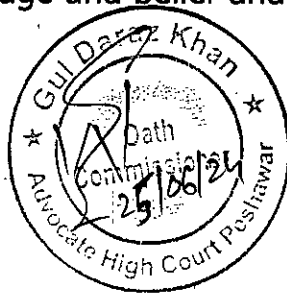
[Signature]
PETITIONER/APPLICANT

Through:

[Signature]
**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Salar Muhammad, Ex-Beldar O/o the Executive Engineer Malakand Irrigation Division Malakand, 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" -3-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. _____/2020

Sl. No. 10476

Date 18/9/2020

Mr. Salar Muhammad, Ex-Beldar,
O/O the Executive Engineer, Malakand Irrigation Division, Malakand.

.....**APPELLANT**

VERSUS

- 1- The Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Engineer (North), Irrigation Department, Peshawar.
- 3- The Executive Engineer, Malakand Irrigation Division, Malakand.

.....**RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29.04.2020 WHEREBY THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED W-E-F 31-10-2011 AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 29-04-2020 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

Filed to-day
18/9/2020
ew,
Registrar

- 1- That appellant was appointed as Beldar (BPS-01) in the Irrigation Division, Malakand through Employment Exchange Registration Card vide order dated 31.10.2011. After appointment the appellant submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order dated 31-10-2011 is attached as annexure.....**A.**

ATTEST

SA 12443/20

-4-
Salar Muhammad vs Govt



09.05.2024 01. Appellant present in person. Mr. Umair Azam,
Addl. AG for the respondents present.

02. Former stated that his learned is not in attendance due
to general strike of lawyers. Adjourned. To come up for
arguments on 04.06.2024 before the D.B at camp court, Swat.

PP given to the parties.

SCANNED
KFST
Peshawar

(Fareeha Paul)
Member(I)
Camp Court, Swat.

(Rashida Bano)
Member(I)
Camp Court Swat

Fazle Subhan, P.S

04th June, 2024

1. Nobody is present on behalf of the appellant. Mr. Umair Azam, Additional Advocate General 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 at camp court Swat and given under our hand and seal of the Tribunal on this 04th June, 2024.

(Muhammad Akbar Khan)
Member (E)
Camp Court Swat

(Rashida Bano)
Member (J)
Camp Court Swat

ATTESTED

EXAMINER
Ayher Pakhtunkhwa
Service Tribunal
Peshawar

SCANNED
KFST
Peshawar

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

Date of Presentation of Application 11-6-24
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Date of Copy Order of Copy 11-6-24
Date of Delivery of Copy 13-6-24



5-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

C.M No 12024

Salah Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of Kp

(RESPONDENT)
(DEFENDANT)

I/We Salah Muhammad

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

MUHAMMAD AYUB

**MAHMOOD JAN
ADVOCATES**

&

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt