


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1175/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	14.10.2024	<p>The application for restoration of Service appeal No.12776/2020 submitted today by clerk of the counsel for the applicant. It is fixed for hearing before Division Bench at Peshawar on 23.10.2024. Original file be requisitioned. Parcha Peshi given to clerk of the counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

R.A CMA NO 1175 / 2024

Muhammad Ismail Ex-PST

..... **Petitioner**

VERSUS

Govt: of KPK through Secretary Elementary & Secondary
Education Civil Secretariat Peshawar etc. **Respondents**

INDEX

S.No	Description	Annexure	Page No
1	Grounds of CMA		1-2
3	Copy of order dated 11.09.2024	A	3-4
2	Copy of order dated 24.09.2024	B	5
7	Vakalatnama	-	6.

Dated: 9/10/2024

**Your Humble Petitioner
Through Counsel**


**GUL TIAZ KHAN MARWAT
Advocate High Court DIKhan**

I

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

R.A. S.M.A NO 1175 2024

Muhammad Ismail Ex-PST Govt. Primary School Kifayat Abad
Korai Circle D.I.Khan (deceased through his legal heir and
sister Mst. Asmat Bibi D/O Saad Ullah Khan R/O Lakhra P/O
Ratta Kulachi Tehsil & Distt: D.I.Khan **Petitioner**

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Case No. 16681

Dated 14-10-24

1. Govt: of KPK through Secretary Elementary & Secondary
Education Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education Govt. of
KPK Peshawar.
3. The District Education Officer (M) D.I.Khan.
4. The Sub Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub Divisional Education Officer (M) Korai
Circle, D.I.Khan. **Respondents**

**APPLICATION FOR RESTORATION OF SERVICE APPEAL 12776/2020
DISMISSED FOR NON-PROSECUTION ON 24.09.2024**

Respected Sir,

1. That the above noted Service Appeal was pending disposal before
this honourable Court which was fixed for 11.09.2024 and
Counsel for the Appellant/Petitioner appeared before a Bench of
this honourable Tribunal and argued the case where after this
Tribunal was pleased to direct the education department to
produce record of two inquiries i.e. year 2014 and 2020 and the
case was then adjourned with the observations and directions to
the Counsel for petitioner that there is no need in future of
appearance of Counsel for the petitioner/appellant as the
respondent has to produce the record of two inquiries where after

Qureshi

2

the Tribunal will pronounce the order. Copy of order dated 11.09.2024 is enclosed as **Annexure – A.**

2. That it is very strange and surprising that the Service Appeal has been dismissed on 24.09.2024 for non-prosecution irrespective of the fact as explained in Para-1 above. Copy of order is enclosed as **Annexure – B.**
3. That the absence of the petitioner and his Counsel was not intentionally and it has been occurred accidentally due to non-service of Notice to them.
4. That the application for restoration is within time and this learned Tribunal has vast powers and jurisdiction to restore the Appeal to be decided on merit as valuable rights of the Petitioner involved in the matter.

It is, therefore, humbly prayed that on acceptance this petition, this Honorable Tribunal may kindly be pleased to restore the Service Appeal to be decided on merit.

Dated. 9/10/2024

Your Humble Petitioner,



Mst. Asmat Bibi
Through Counsel.

Gul Tiaz Khan Marwat
Advocate High Court DIKhan

AFFIDAVIT

I, Mst. Asmat Bibi, the Petitioner, do hereby solemnly affirm and declare on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.



DEPONENT



Anx-A

I



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2020

Muhammad Ismail Ex-PST Govt. Primary School Kifayat
Abad Korai Circle D.I.Khan (deceased through his legal
hair and sister Mst. Asmat Bibi D/O Saad Ullah Khan
R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan .

..... **Appellant**

VERSUS

1. Govt: of KPK through Secretary Elementary & Secondary Education Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education Govt. of KPK Peshawar.
3. The District Education Officer (M) D.I.Khan.
4. The Sub Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub Divisional Education Officer (M) Korai Circle, D.I.Khan. **Respondents**

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER ENDST: NO. 29287 DATED 30.07.2020 PASSED BY RESPONDENT NO. 2, VIDE WHICH DEPARTMENTAL APPEAL DATED 01.06.2014 OF APPELLANT AGAINST THE ORDER OF RECOVERY OF PAY/ SALARY WITH EFFECT FROM 18.03.2013 TO 11.03.2014 PASSED BY RESPONDENT NO. 3, BEARING NO. 5652-54/AE-B/PST (M) DATED 12.05.2014 HAS BEEN DISMISSED.

Respected Sir,

1. That the Appellant now dead was serving as PST (PTC) in the Education Department D.I.Khan.

[Handwritten signature]

TESTED
[Signature]
Khyber Pakhtunkhwa Service Tribunal
Peshawar
11-10-20

13.08.2024

This case was fixed for 20.08.2024 for arguments, as the appeal pertains to the year 2020 and it is old one, therefore, the appeal file was requisitioned, and office is directed to accelerate and fix it for arguments on 11.09.24 before the D.B. Parties be informed accordingly.

Counsel for the appellant was informed telephonically on 13.8.24 at 2:00 PM on 3347211488

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(Rashida Bano)
Member (J)

11th Sept, 2024

Learned counsel for the appellant present. Mr. Muhammad Touseef, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The representative of the respondents is directed to produce the complete record of inquiry on the basis of which order dated 12.05.2014 was issued. He is further directed to produce the full record of the second inquiry report on the basis of which Notification dated 30.07.2020 was issued. Adjourned. To come up for production of record and arguments on 16/09/2024 before the D.B. Parcha Peshi given to the parties.

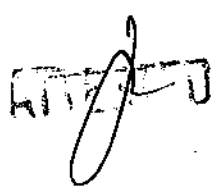


(Fareeha Paul)
Member (Executive)

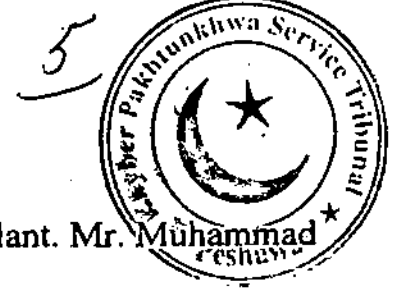


(Aurangzeb Khattak)
Member (Judicial)

Naeem Amin



Ann-B



ORDER
24/09/2024

None present on behalf of the appellant. Mr. Muhammad

Jan, District Attorney for the respondents present.

Despite repeated calls at different intervals until the court's rising, none appeared on behalf of the appellant.

In view of the above, this appeal is dismissed in default for want of prosecution. File be consigned to the record room.

ANNOUNCED
24/09/2024

(Rashida Bano)
Member (Judicial)

(Aurangzeb Khattak)
Member (Judicial)

Naseem Amin

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar
11-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No.	(58)	Date	11-10-24
Name of Applicant	401	12/9/23	
Number of Words/Pages		2-9	
Copying Fee		10/-	
Urgent/Ordinary		51/-	
Total		151/-	
Name & Sign of Copyist		Zeeshan	
Date of Completion of Copy		11-10-24	
Date of Delivery of Copy		11-10-24	



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

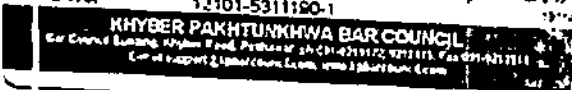
GUL TIAZ KHAN

Advocate
bc-11-2787
Date of Issue: June 2020
Valid upto: June 2023



Secretary
KP Bar Council

Father's Name: MUHAMMAD NAWAZ KHAN
Address: E-27, COMMISSIONERS COLONY NORTH
CIRCULAR ROAD D.I. KHAN
Contact No:
Enrolment Date L.C.C: July-2008
Enrolment Date H.C: November-2010
Place of Practice: D.I. KHAN
Date of Birth: 01-November-1961
Blood Group: B+ VE
C.I.C No: 12101-5311190-1



VAKALATNAMA

IN THE COURT OF K.P.K. Service Tribunal Peshawar

Mohammed Gamil VERSUS Govt. of KPK BIZ

Title CMA

I/we Mst. Asmat Bibi L.R. / sister of Gamil

The above named Defendant herby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 9/10/2024

Attested & Accepted:

Gul Tiaz Khan Marwat
Advocate High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488

Signature of Executants (s)
Mohammed Gamil
Asmat Bibi L.R.
Advocate High Court

0346-7865039