

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

A - Application 1219 / 2024
in
Service Appeal No. 5000 / 2021

Latif Ullah,

VERSUS

Govt of Khyber Pakhtunkhwa etc.

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I N D E X

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Date:- 11th October, 2024


Muhammad Zafar Khan (Tahirkheli)
A S C,

87 - Al-Falah Street,
Peshawar Cantt
Mob: 0300-9597670

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Application 1219 / 2024
in
Service Appeal No. 5000 / 2021

Khyber Pakhtunkhwa
Service Tribunal

Dispy No. 16836

Dated 16-10-24

M Latif Ullah,
Assistant Professor,
Government College of Management Sciences Lakki Marwat.

.....Applicant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Higher Education, Libraries and Archives Department, Government of Khyber Pakhtunkhwa.
3. Secretary Finance Department Government of Khyber Pakhtunkhwa, Peshawar.
4. Director General, Commerce Education & Management Sciences, Khyber Pakhtunkhwa Rano Ghari, Peshawar.
5. Mrs. Rakhshanda Younis, Assistant Professor B-18, Government College of Management Sciences Haripur.
6. Muhammad Nazir Shah, Assistant Professor B-18, Government College of Management Sciences, Jallozai
7. Muhammad Tahir, Assistant Professor B-18 Government College of Management Sciences Abbottabad
8. Muhammad Yasir, Assistant Professor B-18, Government College of Management Sciences Mansehra
9. Wilayat Shah, Assistant Professor B-18, Government College of Management Sciences Hangu
10. Naik Muhammad, Assistant Professor B-18, Government College of Management Sciences Bunir
11. Bahadar Khan, Assistant Professor B-18, Government College of Management Sciences Thana
12. Humayun Akhtar, Assistant Professor B-18, Government College of Management Sciences Bannu
13. Sahhi Yar Khan, Assistant Professor B-18, Govt Commerce College No.2 Nowshera
14. Hussain Ullah, Assistant Professor B-18, Government College of Management Sciences Chitral
15. Waseem Ullah Khan, Assistant Professor B-18, Government College of Management Sciences Mardan
16. Shakil Ahmad, Assistant Professor B-18, Government College of Management Sciences, Jamrud

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17. Munawar Khan, Assistant ProfessorB-18, Directorate General of Commerce Peshawar
18. Farukh Sultan, Assistant ProfessorB-18, Govt Commerce College No. 2 Hayatabad
19. Zarrar Zia Ud Din, Assistant ProfessorB-18, Government College of Management Sciences Kohat
20. Gul Faiz Khan, Assistant ProfessorB-18, Government College of Management Sciences Chitral
21. Kiramat Ullah Khan, Assistant ProfessorB-18, Government College of Management Sciences Jamrud
22. Ikram Ud Din, Assistant ProfessorB-18, Government College of Management Sciences KharBajaur
23. Shoukat Hayat Khan, Assistant ProfessorB-18, Government College of Management Sciences Chitral
24. Tanveer Hussain Shah, Assistant ProfessorB-18, Government Commerce College No. 2 Peshawar
25. Momin Khan, Assistant ProfessorB-18, Government College of Management Sciences Sangota Swat
26. Gohar Rahman, Assistant ProfessorB-18, Government College of Management Sciences Mardan
27. Yasir Muhammad Imran, Assistant ProfessorB-18, Government College of Management Sciences D.I. Khan

.....Respondents

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APPLICATION FOR RESTORATION OF APPEAL, DISMISSED IN DEFAULT FOR WANT OF PROSECUTION VIDE ORDER DATED 27-09-2024.

RESPECTFULLY SHEWETH;

1. The above titled appeal was pending before the Hon'ble Tribunal and was last fixed for 27-09-2024, wherein the same was dismissed in default for non-prosecution.
2. That the appeal No. 5000 / 2021 was fixed along with 05 other appeals including the main service appeal No. 5004 / 2021, titled "Mujeeb ur Rehman Vs Govt." for 19-09-2024 as serial No. 13 of the red cause list.
3. That on 19-09-2024 the next date of hearing in appeal No. 4999/2021 was fixed for 26-09-2024, appeal No. 5000 was fixed for 24-09-2024, appeal 5002 for 26-09-2024, appeal No. 5003 for 24-09-2024 and appeal No. 5004 for 27-09-2024, through automated date fixing system.

That all the cases were de-clubbed and different dates of hearing were fixed for the above mentioned connected service appeals.

4. That the absence of the appellant on 27-09-2024 was not intentional but due to confusion of automated date fixation procedure.

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5. That the applicant has strong prima facie on merits and is hopeful about his success. The applicant solemnly pledges to appear before the Hon'ble Tribunal as and when so directed. The application is also well within time.

In view of the above, it is most humbly requested that by accepting this application, the order dated 27-09-2024 may kindly be set aside and the appeal may be restored for its decision on merits.


Applicant

Dated / Peshawar.
11th October, 2024

Through,


Muhammad Zafar Khan (Tahirkheli)
A S C.

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Application _____ / 2024
in
Service Appeal No. 5000 / 2021

Latif Ullah,

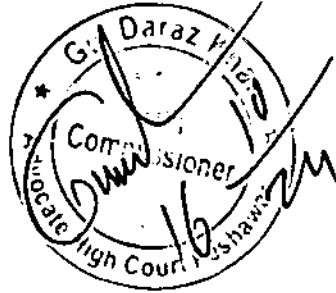
VERSUS

Govt of Khyber Pakhtunkhwa etc.

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AFFIDAVIT
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I, Latif Ullah, Assistant Professor, Government College of Management Sciences Lakki Marwat, the appellant, do hereby solemnly affirm and declare on Oath that contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

Peshawar, dated
11th October, 2024



Latif

DEPONENT

CNIC No. 17301-1541556-9
Cell No. 03349194469

Identified by:

Muhammad Zafar Khan
Muhammad Zafar Khan (Tahirkheli)
Advocate Supreme Court,




ORDER
27/09/2024

None present on behalf of the appellant. Mr. Muhammad Sohrab, Lecturer alongwith Mr. Muhammad Jan, District Attorney for official respondents and Mr. Ali Gohar Durrani, Advocate for private respondents No. 5, 6, 8, 20, 22, 23, 26 & 27 present.

On the previous date, learned counsel for the appellant was present and requested for further time to prepare arguments. However, today, no one appeared on behalf of the appellant, despite repeated calls at different intervals until the court's rising.

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

ANNOUNCED
27/09/2024


(Rashida Bano)
Member (Judicial)


(Aurangzeb Khattak)
Member (Judicial)

Naeem Amin

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

10-10-24

Date of Presentation of Application	04-10-2024
Number of Words	7-P
Copying Fee	5/-
Stamp	5/-
Total	-
Name of Applicant	30-09-24
Date of Copying	10-10-24
Date of Delivery of Copy	

S. No.	APP. No.	SA. No.	Title	Remarks
1	624/2024 RA	6646/2021	Islam Badshah -VS- Police	

ARGUMENTS - TRANSFER (RED CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
1	1074	2024	ABDUR REHMAN -VS- E&SE	Transfer	Mir Zaman Saif	

ARGUMENTS (RED CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
1	7729	2020	Raja Waqar -VS- Police	Dismissed	A/ABAD	
2	9138	2020	M. Asad Faizan -VS- P.H.E	Removal	D.I.KHAN	
3	1154	2020	M. Arif Khan -VS- E&SE	Promotion	D.I.KHAN	
4	1966	2020	Farzana Naz -VS- E&SE	Seniority	D.I.KHAN	
5	1444	2020	Ahmad Seed -VS- P.H.E	Promotion		
6	14548	2020	Saif ur Rehman -VS- E&SE	Agriculture		
7	14550	2020	Laiq Zaman -VS- Police	Termination		
8	15899	2020	Zarwal Khan -VS- Police	Seniority		
9	1677	2021	Ihtesham ul Haq (2) -VS- E&SE	Promotion		
10	2222	2021	Munira Akbar -VS- E&SE	Allowance		
11	4800	2021	Aamjad Ali -VS- E&SE	Promotion		
12	4811	2021	M. Kashif Ali -VS- E&SE	Promotion		
13	5004	2021	Mujeet ur Rehman (5) -VS- E&SE	Promotion		
14	5738	2021	Hayat Khan (1) -VS- Police	Seniority		
15	6646	2021	Islam Badshah -VS- Police	Dismissal		
16	7577	2021	Mohsin Ali Khan -VS- Mines & Mineral	Increment		
17	7843	2021	Banaras Khaj -VS- E&SE	Regularization		

ARGUMENTS (GREY CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
1	142	2022	M. Nisar -VS- Unknown	Compulsory Retirement	A/ABAD	
2	109	2022	Syed Attullah -VS- E&SE	Seniority		

TRUE COPY

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7815	2021	Shahzed Jamal --VS-- Police	Dismissal	ARGUMENTS	DB-I	25/9/2024	Peshawar
4999	2021	Miskeen Shah --VS-- E&SE	Promotion	ARGUMENTS	DB-I	26/9/2024	Peshawar
5000	2021	Latifullah --VS-- E&SE	Promotion	ARGUMENTS	DB-I	24/9/2024	Peshawar
5002	2021	Nasir Jamal --VS-- E&SE	Promotion	ARGUMENTS	DB-I	26/9/2024	Peshawar
5003	2021	Muhammad Waseem --VS-- E&SE	Promotion	ARGUMENTS	DB-I	24/9/2024	Peshawar
5004	2021	Mujeeb ur Rehman --VS-- E&SE	Promotion	ARGUMENTS	DB-II	27/9/2024	Peshawar
7577	2021	Mohsin Ali Khan --VS-- Mines & Minerals	Increment	ARGUMENTS	DB-II	25/9/2024	Peshawar
7582	2021	mst. Kausar Parveen --VS-- E&SE	Seniority	ARGUMENTS	DB-I		
1677	2021	Ihtesham ul Haq --VS-- E&SE	Promotion	ARGUMENTS	DB-II	26/9/2024	Peshawar
7843	2021	Banaras Khan --VS-- E&SE	Regularization	ARGUMENTS	DB-II	23/9/2024	Peshawar
6581	2021	Imdadullah --VS-- Prison	Removal	ARGUMENTS	DB-II	26/9/2024	Peshawar
7357	2021	Mian Abdur Rehman --VS-- Judiciary	Dismissal	ARGUMENTS	DB-I		Peshawar
1473	2022	ALIM KHAN --VS-- E&SE	Antidated Promotion	ARGUMENTS	DB-I		Peshawar
1474	2022	AMJAD HUSSAIN --VS-- E&SE	Antidated Promotion	ARGUMENTS	DB-I		Peshawar
1475	2022	AMANULLAH JAN --VS-- E&SE	Antidated Promotion	ARGUMENTS	DB-I		Peshawar
1227	2022	IMTAIZ KHAN --VS-- Police	Dismissal	ARGUMENTS	DB-I	30/10/2024	Peshawar
		Muhammad					

VAKALATNAMA

In the Court of

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. ___ / ___

ID No.	B.C- 10-7764
Advocate	M. Zafar
Cell No.	0300-9597670
CNIC	17301-1639615-3

Latif Ullah

Petitioner
Plaintiff
Applicant
Appellant
Complainant
Decree-Holder

VERSUS

Govt of Khyber Pakhtunkhwa etc

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

I / We **Latif Ullah** the above noted appellant, do hereby appointed and constitute, **Muhammad Zafar Khan Tahirkheli, Advocate Supreme Court of Pakistan** to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

Client

M. Zafar Khan Khan (Tahirkheli)

A S C.

Attested & Accepted (Advocates)

Dated. 10/10/2024


Office **ATIQU LAW ASSOCIATES,**
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafark.associate@gmail.com

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1219/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.10.2024	<p>The application for restoration of Service appeal No.5000/2021 submitted today by Mr.M. ,Zafar Tahikheli Advocate. It is fixed for hearing before Division Bench at Peshawar on 24.10.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>