


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1265/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.10.2024	<p>The application for restoration of Service appeal No. 4838/2021 submitted today by appellant himself. It is fixed for hearing before Division Bench at Peshawar on 07.11.2024. Original file be requisitioned. Paracha Peshi given to applicant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Misc Application No. 1265 of 2024

In Re:

Service Appeal No. 4838/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17040

Dated 23-10-24

Hafiz Abdul Basit S/o Muhammad Ilyas R/o Mohallah Aslam Faqir,
City Dera Ismail Khan.

(Petitioner/Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Education, Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan.

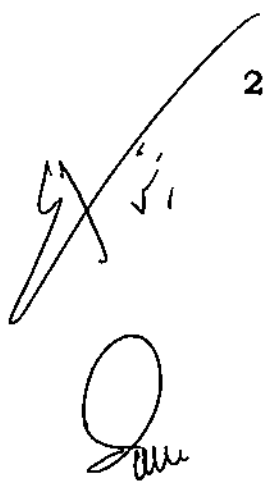
(Respondents)

**APPLICATION FOR RESTORATION OF THE ABOVE
TITLED SERVICE APPEAL.**

Respectfully Sheweth:-

The Petitioner/appellant humbly submits as under:-

1. That the above titled service appeal pending adjudication before this learned Tribunal. Copy of the Service appeal is attached herewith.
2. That on 08/10/2024, the appeal was fixed before Peshawar Service Tribunal Court Peshawar, the appellant was sent an adjourn application through email the applicant unable to attend this Honourable Court due to some urgency works in District Dera Ismail Khan but the Honourable Court ignored this fact and dismiss the appeal of the Appellant/Applicant. Copies of order and adjourn application are attached.
3. That the presumed absence of Petitioner as well as his Counsel was not wilful, but due to above mentioned reasons.
4. That the Petitioner after getting knowledge of order dated 08/10/2024, the instant application is being submitted



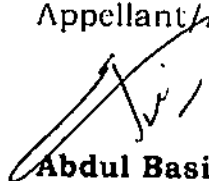
immediately before this Honourable Tribunal for the restoration of appeal.

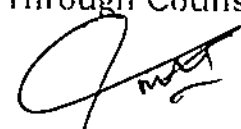
5. That the Applicant has got strong prima facie case and is very sanguine of its success.
6. That if the instant appeal is not restored, than the Applicant/Plaintiff would suffer irreparable loss.
7. That there is no legal bar on acceptance of the instant application.
8. That this Honourable Tribunal has got sizeable powers to entertain and accept the instant application.
9. That any other ground will be raised at the time of arguments with the prior permission of this Honourable Court.

It is therefore, most humbly prayed that on acceptance of this Application, the above noted service appeal may kindly restored to its original number and decided on merits in larger interest of justice.

Dated: 23 / 10 / 2024

Appellant/Applicant


Abdul Basit
Through Counsel


Rizwan Ullah Khan
Advocate High Court,
Dera Ismail Khan.

0345 156 2171

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BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I. KHAN

Misc Application No. _____ of 2024

In Re:

Service Appeal No. 4838/2021

Hafiz Abdul Basit

VERSUS

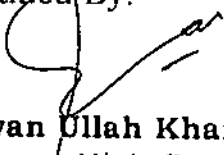
Government of KPK etc

RESTORATION APPLICATION

AFFIDAVIT

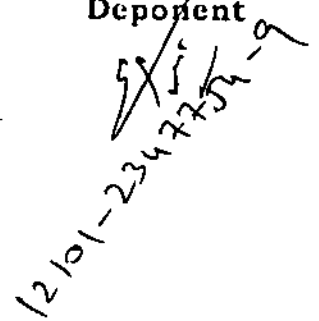
I, **Abdul Basit S/o Muhammad Ilyas R/o Mohallah Aslam Faqir, District Dera Ismail Khan**, the appellants, do hereby solemnly affirm and declare on oath that all the contents of accompanied Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

Identified By:-


Rizwan Ullah Khan
 Advocate High Court,
 Dera Ismail Khan.
 0345 156 2171


 23/10/2024.

Deponent


 12/10/2347754-9



**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. _____ of 2021

Hafiz Abdul Basit son of Muhammad Ilyas R/o Mohallah Aslam
Faqr, District Dera Ismail Khan (Qari Teacher BPS-12)

----- (Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary
Education, Peshawar.
2. Director Elementary & Secondary Education Khyber
Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan.

----- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 IN
ORDER TO GRANT PROMOTION TO THE PETITIONER TO
THE POST OF SENIOR QARI TEACHER BPS-15 AS
ADMISSIBLE UNDER THE RULES WITH ALL BACK
BENEFITS W.E 09-12-2020 / ANY OTHER REMEDY
DEEMED APPROPRIATE IN THE GIVEN CIRCUMSTANCES
MAY ALSO BE GRANTED.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
23-10-24

PRAYER IN APPEAL

By acceptance of instant appeal Respondents may kindly be directed
to grant promotion to the petitioner to the post of Senior Qari Teacher
BPS-15 as admissible under the rules with all back benefits w.e 09-

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12-2020 / any other remedy deemed appropriate in the given circumstances may also be granted.

Note: Addresses given above shall suffice the object of service.

Respectfully Sheweth:

Brief facts

1. Petitioner was appointed as regular Qari Teacher on 16-08-2017 under the decease son quota in BPS-12. Copy of appointment order is enclosed as **Annexure A**.
2. That the other candidates who were appointed through NTS was regularized vide notification No.5667-5790 dated 10-03-2018. Copy of the appointment order and notification are jointly enclosed as **Annexure B**.
3. That the D.E.O D.I.Khan issued the seniority list of Qari Teachers in which petitioner is placed at serial No.21. Copy of the seniority list is enclosed as **Annexure C**.
4. That upon the recommendation of Department Promotion Committee D.E.O Male D.I.Khan promoted 15 Qari Teachers to the post of Senior Qari Teachers vide notification No.26733-39 dated 09-12-2020. Copy of the promotion order is enclosed as **Annexure D**.
5. That the SST seniority list of Khyber Pakhtunkhwa corrected upto march 2018 in which promoted candidates are placed senior to the candidates selected through NTS. Copy of the corrected seniority list is enclose as **Annexure E**.
6. That the respondent No.2 Issued notification for the appointment to posts of SST in Nowshehra District. Copy of the notification is enclosed as **Annexure F**.
7. That the appellant submitted departmental representation to the respondent on 12-01-2021 but respondent paid no attention to the

[Handwritten signature]

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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appeal of appellant. Copy of the departmental representation is enclosed as **Annexure G**.



8. That as per legal requirements, the Petitioner has been left with no other option but to agitate his grievances before this Honorable Tribunal inter alia on the following grounds:

Grounds:

1. Petitioner was recruited into service as Qari Teacher on regular basis in PBS-12 on 16-08-2017 while the NTS Qari Teacher were regularized on 10-03-2018 through KPK Act No.1/2018. According to the para No.8 and 9 of the Act and notification dated 10-03-2018 all the NTS teachers are junior to the petitioner. Hence petitioner is entitled for promotion to BPS-15 as Senior Qari Teacher under the rules.
2. That other NTS teacher who were regularized on 10-03-2018, have been promoted to BPS-15 vide impugned Notification dated 09-12-2020 but the petitioner who is most senior than all the promoted NTS teachers has been deprived of his lawful right of promotion. Thus the Act of DEO Male D.I.Khan is totally against the merit, seniority list, KPK Act 2018 and promotion rules.
3. That according to the para 8 of the KPK Act 2018 all the NTS teachers shall ranked junior to all other employees belonging to the same cadre who are in service on regular basis on the commencement of this Act and shall also rank junior to such other person if any who in pursuance of recommendation of the Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act are to be appointed to the cadre in respecting of their actual date of appointment. Thus according to the para 8 of the KPK Act 2018 all the NTS teachers are junior to the petitioner and the petitioner being senior is entitled for the promotion to the post of Senior Qari Teacher (BPS-15). Hence act of the respondent amounts to discrimination, illegal, misuse of authority and without jurisdiction.



ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


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4. That the promoted Qari teacher from serial No.3 to 15 in the impugned notification dated 09-12-2020/promotion list were all the NTS teachers but petitioner was dropped from the promotion list and deprived from the promotion of Senior Qari Teacher without any legal justification. Hence the petitioner is entitled for the promotion to Senior Qari Teacher (BPS-15).

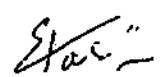
5. That despite receiving applications department neither allowed nor refuse the said applications and petitioner has not been promoted to Senior Qari Teacher (BPS-15).

In view of the above mentioned facts and grounds I request you to please to grant promotion to the petitioner to the post Senior Qari Teacher BPS 15 as admissible under the rules with all back benefits w.e.f 09-12-2020 and include the name of petitioner at serial No.3 in the impugned notification dated 09-12-2020/ any other remedy deemed appropriate in the given circumstances may also be granted.

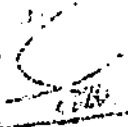
ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
23/10/24


Petitioner Counsel

Your Humble Petitioner


Hafiz Abdul Basit
S/o Muhammad Ilyas
R/o Mohallah Aslam Faqir
Qari Teacher (BPS-12)
District D.I.Khan

0313-9366692


Petitioner

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**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN**

Service Appeal No. _____ of 2021

Hafiz Abdul Basit

VERSUS

Government of Khyber Pakhtunkhwa etc.

AFFIDAVIT

I, Hafiz Abdul Basit son of Muhammad Ilyas R/o Mohallah Aslam Faqir, District Dera Ismail Khan, the petitioner, do hereby solemnly affirm and declare on oath that contents of above Appeal are true & correct to best my knowledge and that nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT

CNIC# 12101-2347754-9

0313-9366692

Identified by:

[Signature]
Rizwan Ullah Khan
Advocate High Court



Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

23-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar	
Application No.	235
Date	23-10-24
Name of Applicant	Rizwan Ullah Khan
Number of Words/Pages	5-11
Copying Fee	95/-
Urgent/Ordinary	5/-
Total	100/-
Name & Sign of Copyist	<i>[Signature]</i>
Date of Completion of Copy	23-10-24
Date of Submission	23-10-24

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Date

4th October, 2024

The case could not be fixed before DB at Camp Court, D.I Khan due to cancellation of tour. Therefore, instant case be fixed on

08/10/2024 before D.B at the Principal Seat Peshawar. Counsel has been informed telephonically.

(Habib Ur Rehman Orakzai)
Registrar

ORDER
08.10.2024

None present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy 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
08.10.2024

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
23-10-24

(Rashida Bano)
Member (Judicial)

(Aurangzeb Khattak)
Member (Judicial)

Nasem Amin

Khyber Pakhtunkhwa Service Tribunal, Peshawar	Date	23-10-24
Application No.	285	
Name of Applicant	Rizwanullah	
Number of Words/Pages	51	
Copying Fee	51/-	
Urgent/Ordinary	101/-	
Total	152/-	
Name & Sign of Copyist	Seeohm	
Date of Completion of Copy	23-10-24	
Date of Delivery of Copy	23-10-24	

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal #4838/2021

Hafiz Abdul Basit

Versus

Govt of KPK etc

APPEAL

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:-

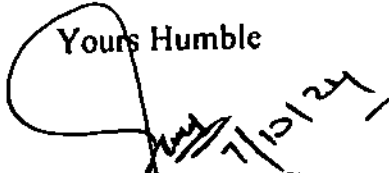
With due respect it is stated as under:-

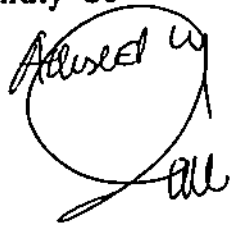
1. That the above cited case is pending before this Honourable Court and is fixed for 08/10/2024 in which undersigned is representing the Petitioner.
2. That on 08/10/2024, the undersigned unable to attend this court in Peshawar on this date due to some emergency works of DIKhan so it is therefore, requested that subject noted case may kindly be fixed DIKhan Camp Court for next date.

It is therefore, requested that subject noted case may kindly be adjourned to any other convenient date.

Dated: 07-10-2024

Yours Humble


Rizwan Ullah Khan
Advocate High Court
Dera Ismail Khan.



11:20

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Application for Adjournalment



Add label



Imran Shiraz 11:19 am



to registrar ^

From Imran Shiraz • imranshiraz52@gmail.com

To registrar@kpst.gov.pk

Date 7 Oct 2024, 11:19 am

See security details

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Appal #4833/2021

Hafiz Abdul Basit

Versus

Govt of KPK etc

APPEAL

APPLICATION FOR ADJOURNMENT



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O.J. Khan OPO

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Insurance Fee:

THE REGISTRAR KPK SERVICE
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Peshawar

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Rizwan Ullah
Advocate High Court
Dikhom Bazar
Bc # 12-3500
0345/56 2171

Before The Honourable Service Tribunal KPK
Appellant: Hafiz Abdul Bosti vs Govt of KPK
Application for Restoration
دعویٰ باجزم
تفصیل دعویٰ باجزم

باعث تحریر آنکہ

مقدمہ مذکور بالا عنوان میں اپنی طرف واسطے بیرونی وجہ سے پیش کی گئی یا تصدیق مقدمہ نام Dikhom
0345/56 2171 Rizwan Ullah Advocate Dikhom
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا پڑا بذریعہ دو ہمدرد عدالت حاضر ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بعد تظیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بعد تظیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا منت نہ دابھیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بلکہ
کوکل ساختہ پر داخست صاحب موصوف محل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری
نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے میان دینے اور پر پائی یا راضی نامہ و فیصلہ ضبط کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ محرور بیرون از پکھری صدر عدالت مقدمہ محرور نظر ثانی اپیل و گمرانی و ہر قسم مقدمہ یا سنوٹی ڈگری یک طرفہ یا درخواست حکم اتناہی یا قرتی
یا کرداری عمل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط انا لکھی طبعہ مختصراً دعویٰ کا اختیار ہوگا اور تمام ساختہ پروداخت صاحب موصوف محل کردہ
از خود منظور و قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ محرورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر خلاف و مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان اتناہی پڑے گا وہ صاحب موصوف کا حق ہوگا کہ
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
2024 10 23 مورخہ

مضمون وکالت نامہ مذکور لیا ہے اور اسی طرح سمجھایا ہے اور منظور ہے

Accepted by

12/10/2024 7:25:49