


Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Restoration Application No. 1325/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.11.2024	<p>The application for restoration of Service appeal No. 1193/2022 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on 06.11.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

Restoration NO. 1325 /2024

Malik Muhammad shahid VS

GOVT OF KPK & OTHERS:

**APPLICATION FOR FIXATION OF THE ABOVE TITLED CASE AT**  
**PRINCIPAL SEAT, PESHAWAR.**

Respectfully Sheweth:

1. That the above mentioned case 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 court.

**It is therefore prayed that on acceptance of this application the case may please be fixed at principal seat Peshawar for the Convenience of parties and best interest of justice.**

Applicant

Dated: - 31 / 10 /2024

Through

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

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

*R.A.*  
**CM. NO. 1325 /2024**  
**IN**  
**APPEAL No. 1193/2022**

**MALIK MUHAMMAD SHABBIR VS THE GOVT & OTHERS**

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**Dated: 31/10/2024**

**PETITIONER/APPLICANT**

**Through:**

**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

C

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

RA  
EM. NO. 1325 /2024  
IN  
APPEAL No. 1193/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17504  
Dated 01-11-24

Malik Muhammad Shabbir, Assistant (BPS-16)  
Office of the Deputy Commissioner, Abbottabad

..... **APPLICANT**

**VERSUS**

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa,
- 2- The Commissioner Hazara Division, Abbottabad.
- 3- The Deputy Commissioner Abbottabad at Abbottabad.

..... **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 at Abbottabad Camp Court, which was fixed on 26/09/2024.
- 2- That the counsel for the petitioner was busy before the Honourable Peshawar High Court at Peshawar and has also filed an application for audience of the instant Service. Copy of application is attached as annexure.....**A**
- 3- That the mentioned service appeal was dismissed in default vide order dated 26/09/2024. Copy of the order sheet dated 26/09/2024 is attached as annexure.....**B**
- 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.

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

Dated: 31/10/2024

  
PETITIONER/APPLICANT

Through:

  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

### **AFFIDAVIT**

I, Malik Muhammad Shabbir, Assistant (BPS-16) Office of the Deputy Commissioner, Abbottabad, 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.

  
DEPONENT



"A" (3)

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

APPEAL NO. 1193/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 1611

Dated 24-09-24

**MALIK MUHAMMAD SHABBIR**

**VS**

**GOVT OF KPK**

**APPLICATION FOR AUDIENCE VIDE VIDEO LINK IN ABOVE  
TITLED CASE PENDING BEFORE THIS HONORABLE  
TRIBUNAL AT ABBOTTABAD CAMP COURT.**

**R/SHEWETH:**

1. That the above titled appeal is pending before this Honorable tribunal at Abbottabad Camp Court in which 26.09.2024 has been fixed for hearing.
2. That on the date fixed i.e. 26.06.2024 certain urgent nature of cases are also pending adjudication before the Peshawar High Court, Peshawar.
3. That the counsel of the appellant is Peshawar based, intends to make submission vide Video Link facility.

It is, therefore, respectfully prayed that on acceptance of this application, the counsel of the Petitioner may be allowed for audience/argue the case via Video Link from Principal Seat of Peshawar to Camp Court Abbottabad hence necessary arrangement may kindly be provided.

Dated:-23.09.2024

Applicant/appellant

**Noor Mohammad Khattak**  
Advocate Supreme Court  
0345-9383141  
0311-9314232

**ATTSTED**

4 "B"

**BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL  
PESHAWAR**



SERVICE APPEAL WRIT NO. 1193 /2022

Malik Muhammad Shabbir, Assistant (BPS-16)  
Office of the Deputy Commissioner, Abbottabad.

..... APPELLANT

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 2- The Commissioner Hazara Division at Abbottabad.
- 3- The Deputy Commissioner Abbottabad at Abbottabad.

----- RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF NAIB TEHSILDAR IN LIGHT OF THE MINUTES OF THE DPC ISSUED IN THE YEAR 2000 W.E.F. DPC RECOMMENDATION I.E. 29/06/2000 AND AGAINST THE APPELLATE ORDER DATED 28-06-2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGITTED WITH NO GOOD GROUNDS.**

**PRAYER:**

**That on acceptance of the instant service appeal the impugned appellate order 28-06-2022 may kindly be set aside and the respondents may kindly be directed to consider the appellant for promotion to the post of Naib Tehsildar w.e.f 29-06-2000 with all back benefits and the respondents may further be directed to consider the appellant for subsequent promotion to the post of Tehsildar from the date when appellant's colleagues were promoted. Any other remedy which this august service tribunal deems fit that may also be awarded in favor of the appellant.**

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
30-10-24

**R/SHEWETH:**

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

- 1- That the appellant is law abiding citizen of Pakistan and being eligible in all respects was inducted as Junior clerk in the office of DC Abbottabad in 1990. copy of CNIC and appointment order are attached as Annexure.....

A & B

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ORDER


26<sup>th</sup> Sept, 2024


**Kalim Arshad Khan, Chairman:** Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. The case was called several times but neither appellant nor his counsel turned up before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court at camp court Abbottabad and given under our hands and seal of the Tribunal this 26<sup>th</sup> day of September, 2024.*

SCANNED  
KFET  
Peshawar

  
(Farkha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

\*Adnan Shah, P.A.\*

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
30-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar  
Application No. 419 Date 30-09-24  
Name of Applicant Khudayat  
Number of Words/Pages 2-0  
Copying Fee 10/-  
Urgent/Ordinary -  
Total 10/-  
Name & Sign of Copyist Deeshan  
Date of Completion of Copy 30-10-24  
Date of Delivery of Copy 31-10-24



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

Restoration NO: \_\_\_\_\_ OF 2024

Malik Muhammad Shabbir

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Gout & others

(RESPONDENT)  
(DEFENDANT)


I/we Malik Muhammad Shabbir

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**  
(BC-10-0853)  
(15401-0705985-5)

**UMAR FAROOQ MOHMAND**

  
**WALEED ADNAN**

  
**KHANZAD GUL**

&

  
**MUJEEB UR REHMAN**  
**ADVOCATES**

**OFFICE:**  
Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)