


Form-A  
FORM OF ORDER SHEET

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

**Restoration Application No. 1315/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.10.2024	<p>The application for restoration of Service appeal No. 807/2022 submitted today by Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on 05.11.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

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

*Restoration*  
*Recd* NO. 1315 /2024

ABDUL WAHAB

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: - 30 / 10 /2024

Through

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

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

R.A. CM No. 1315 /2024

IN

**SERVICE APPEAL No. 807 /2022**

Mr. Abdul Wahab

..... **PETITIONER/APPELLANT**

**VERSUS**

The Govt: of KP & others

..... **RESPONDENTS**

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Dated: 29 /10/2024

APPELLANT  
ABDUL WAHAB

**THROUGH:**

**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

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

*R.A*  
**EM No. 1315 /2024**

Khyber Pakhtunkhwa  
Service Tribunal

**IN**

**SERVICE APPEAL No. 807 /2022**

Diary No. 17449

Dated 31-10-24

Mr. Abdul Wahab, Ex-Subedar, Malakand Levies at Malakand

.....**PETITIONER/ APPELLANT**

**V E R S U S**

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2) The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3) The Deputy Commissioner/Commandant Malakand Levies, District Malakand.
- 4) The District Accounts Officer, District 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.
- 2- That the counsel for the petitioner was busy before the august Supreme Court of Pakistan. Copy of Cause List is attached as annexure.....**A**
- 3- That the mentioned service appeal was dismissed in default vide order dated 24/10/2024. Copy of the order sheet dated 24/10/2024 is attached as annexure.....**B**

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- 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: 29/10/2024

  
APPELLANT  
ABDUL WAHAB

THROUGH:

  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

**AFFIDAVIT**

I, Mr. Abdul Wahab, Ex-Subedar, Malakand Levies at Malakand, (the appellant), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT



and(4)	C.P.L.A.718-L/2024 (Tax / Sales Tax Act) (D.B.)	M/s Pakistan Water and Power Development Authority (WAPDA), Lahore v. The Commissioner Inland Revenue, Lahore	Mr. Muhammad Ozair Chughtai, AOR (Enrl#193) Mian Ashiq Hussain, ASC (Enrl#2094) (Lhr)
and(5)	C.P.L.A.719-L/2024 (Tax / Sales Tax Act) (D.B.)	M/s Pakistan Water and Power Development Authority (WAPDA), Lahore v. The Commissioner Inland Revenue, Lahore	Mr. Muhammad Ozair Chughtai, AOR (Enrl#193) Mian Ashiq Hussain, ASC (Enrl#2094) (Lhr)
and(6)	C.P.L.A.720-L/2024 (Tax / Sales Tax Act) (D.B.)	M/s Pakistan Water and Power Development Authority (WAPDA) Lahore v. The Commissioner Inland Revenue, Lahore	Mr. Muhammad Ozair Chughtai, AOR (Enrl#193) Mian Ashiq Hussain, ASC (Enrl#2094) (Lhr)

3	C.P.L.A.2652/2024 (Service/Others) (Release of Salary) (S.J.)	Attaullah Khan v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(2)	C.P.L.A.2653/2024 (Service/Others) (Release of Salary) (S.J.)	Abdullah Noor Khan v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(3)	C.P.L.A.2654/2024 (Service/Others) (Release of Salary) (S.J.)	Kaleemullah v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(4)	C.P.L.A.2655/2024 (Service/Others) (Release of Salary) (S.J.)	Muhammad Ismail v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(5)	C.P.L.A.2656/2024 (Service/Others) (Release of Salary) (S.J.)	Muhammad Sadiq v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(6)	C.P.L.A.2657/2024 (Service/Others) (Release of Salary) (S.J.)	Inayatullah v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(7)	C.P.L.A.2658/2024 (Service/Others) (Release of Salary) (S.J.)	Miss. Roqia Sultan v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(8)	C.P.L.A.2659/2024 (Service/Others) (Release of Salary) (S.J.)	Miss. Shehzada Bibi v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(9)	C.P.L.A.2660/2024 (Service/Others) (Release of Salary) (S.J.)	Miss. Saleema Bibi v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)
and(10)	C.P.L.A.2661/2024 (Service/Others) (Release of Salary) (S.J.)	Miss. Javeria Waheed v. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar & another	Mr. Anis Muhammad Shahzad, AORRwp (Enrl#267) Mr. Noor Muhammad, ASC (Enrl#5499) (Pesh)

Attest  
[Signature]

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



APPEAL NO. 807 /2022

Mr. Abdul Wahab, Ex-Subedar, Malakand Levies at Malakand.

**APPELLANT**

**VERSUS**

- 1- The Govt. OF Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- ~~The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.~~
- 3- The Deputy Commissioner/ Commandant Malakand Levies, District Malakand.
- 4- The District Accounts Officer, District Malakand.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 26.01.2022 WHEREBY THE APPELLANT HAS PREMATURELY BEEN RETIRED FROM SERVICE IN LIGHT OF REPEALED RULES AND AGAINST NO ACTION TAKEN BY THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
29-10-24

**PRAYER:**

**That on acceptance of this appeal the impugned order dated 26.01.2022 may kindly be set aside and the appellant be reinstated into service as well as be promoted to the post of Subedar Major (BPS-16) w-e-f 27.11.2021 with all consequential and back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SWETH:**

**ON FACTS:**


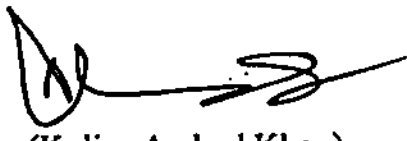
1. That initially the appellant was appointed as Sepoy (BPS-5) in the respondent's Department on 01.02.1997. That later on the appellant was promoted to the Ranks of Lance Naik, Naik, Havaldar, Naib Subedar and Subedar. Copies of promotion orders are attached as annexure ..... A.
2. That the respondent Department Framed/formulated service structure for the Levies personnel vide Notification dated 4.2.2013

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KHYBER-PAKHTUNKHWA-SERVICE-TRIBUNAL

Service Appeal No. 807/2022.

Abdul Wahab versus Government of Khyber Pakhtunkhwa

<p>S.No: of Order &amp; Date of proceeding</p>	<p><b>Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary</b></p>
<p>Order-24 24<sup>th</sup> October, 2024.</p>	<p>Present:</p> <p>1. None for the appellant.</p> <p>2. Mr. Muhammad Jan, District Attorney for the respondents.</p> <p><b>Mr. Kalim Arshad Khan, Chairman:</b> The case was called several times till last hours of the court but nobody turned up on behalf of the appellant. Therefore, the appeal in hand is dismissed in default.</p> <p>Consign</p> <p>2. <i>Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of October, 2024.</i></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">         (Muhammad Akbar Khan)        Member (E)  <small>*Adnan Shah*</small> </div> <div style="text-align: center;">         (Kalim Arshad Khan)        Chairman     </div> </div> <p><i>Certified to be true copy</i></p> <p><b>EX. S. DINER</b>        Khyber Pakhtunkhwa        Service Tribunal.        Peshawar - 10-24</p>
	<p>Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>Application No. <u>383</u>      Date <u>24-10-2024</u></p> <p>Name of Applicant <u>Hidayat</u></p> <p>Number of Words/Pages <u>2-8</u></p> <p>Copying Fee <u>10/-</u></p> <p>Urgent/Ordinary <u>10/-</u></p> <p>Total <u>20/-</u></p> <p>Name &amp; Sign of Copier <u>Zeeshan</u></p> <p>Date of Completion of Copy <u>25-10-24</u></p> <p>Date of Delivery of Copy <u>29-10-24</u></p>



**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICETRIBUNAL, PESHAWAR.**

*Respondent*

APPEAL NO: \_\_\_\_\_ OF 2028

*A. Wahab*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Levi's*

(RESPONDENT)  
(DEFENDANT)

I/We *A. Wahab*

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

*[Signature]*

**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

(BC-10-0853)

(15401-0705985-5)

*[Signature]*  
**WALEED ADNAN**

*[Signature]*  
**UMAR FAROOQ MOHMAND**

*[Signature]*  
**KHANZAD GUL**

&

*[Signature]*  
**MUJEEB UR REHMAN  
ADVOCATES**

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