


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1316/2024

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. 882/2022 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>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

R.A
CA No. 1316 /2024

IN

SERVICE APPEAL No. 882/2022

Mr. Khan Muhammad

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

VERSUS

The Govt: of KP & others

..... **RESPONDENTS**

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Dated: 27/10/2024

APPELLANT
KHAN MUHAMMAD

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

0

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CM No. 1316 /2024

IN

SERVICE APPEAL NO. 882/2022

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 17448

Dated 31-10-24

Mr. Khan Muhammad, Private Secretary (BPS-17)
Auqaf Department, Civil Secretariat, Khyber Pakhtunkhwa,
Peshawar.

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

V E R S U S

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2) The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3) The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 4) The Secretary Auqaf Department, Khyber Pakhtunkhwa, Peshawar.
- 5) Mr. Habib Ahmad Shakir, Senior Private Secretary (BPS-18), Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 6) Mr. Rehmat Ullah, Senior Private Secretary (BPS-18), Establishment Department, Khyber Pakhtunkhwa, Peshawar.

.....**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

- 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
- 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
KHAN MUHAMMAD

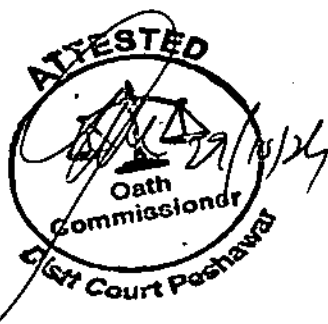
THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Khan Muhammad, Private Secretary (BPS-17) Auqaf Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar (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]

"A" (3)

① 4B" ④

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Appeal No. QZ2 /2022

Mr. Khan Muhammad, Private Secretary (BPS-17)
Auqaf Department, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar..... **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Home & Tribal Affairs Department, Civil Secretariat, Khyber Pakhtunkhwa.
- 4- The Secretary Auqaf Department, Khyber Pakhtunkhwa, Peshawar
- 5- Mr. Habib Ahmad Shakir, Senior Private Secretary (BPS-18), Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 6- Mr. Rehmat Ullah, Senior Private Secretary (BPS-18), Establishment Department, Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 31-05-2021 WHEREBY THE APPELLANT HAS BEEN PROMOTED TO THE POST OF PRIVATE SECRETARY (BPS-17) WITH IMMEDIATE EFFECT INSTEAD OF 13.1.2012 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:-

That on acceptance of the instant appeal the impugned Notification dated 31-05-2021 may kindly be modified to the extent that the appellant may kindly be promoted to the post of Private secretary (BPS-17) with effect from 13.1.2012 and the respondents may be directed to consider the appellant for promotion to the post of Senior Private Secretary (BPS-18) from the date when his junior colleagues were promoted i.e. w.e.f. 5.8.2021 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
29-10-24

Respectfully SHEWETH:

5



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 882/2022

Khan Muhammad

versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
<p>Order-20 24th October, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none"> 1. None for the appellant. 2. Mr. Muhammad Jan, District Attorney for the respondents. <p><u>Mr. Kalim Arshad Khan, Chairman:</u> 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> <ol style="list-style-type: none"> 2. <i>Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24th day of October, 2024.</i> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  (Muhammad Akbar Khan) Member (E) </div> <div style="text-align: center;">  (Kalim Arshad Khan) Chairman </div> </div> <p><i>*Adnan Shah*</i></p>

Certified true signature copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

29-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 383 Date 24-10-24

Name of Applicant M. Jayat

Number of Words/Pages 2/-

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Name & Sign of Copyist 28-10-24

Date of Completion of Copy 29-10-24

Date of Delivery of Copy 29-10-24

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Resubmitted NO: _____ OF 2024

Khair Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt

(RESPONDENT)
(DEFENDANT)

I/We Khair Muhammad

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

Khair
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**

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