


Form-A

FORM OF ORDER SHEET

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

Restoration Application No.                      1314/2024

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. 191/2022 submitted today by Mr. Mir Zaman Safi 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**

R.A. No. 1314 /2024  
IN  
APPEAL ON. 191/2022

MUHAMMAD YOUSAF

V/S

C&W DEPTT:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of application	.....	1.
2.	Affidavit	.....	2.
3.	Order/judgment	A	3- 4.

APPLICANT

THROUGH: 

MIR ZAMAN SAFI  
ADVOCATE

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

R.A. No. 1314 /2024  
IN  
APPEAL ON. 191/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17432

Dated 31-10-24

Mr. Muhammad Yousaf, Chowkidar,  
O/O Executive Engineer Highway Division-I, Peshawar.....APPLICANT

**VERSUS**

- 1- The Secretary to Government of Khyber Pakhtunkhwa C&W Department, Peshawar.
- 2- The Chief Engineer (Centre) C&W Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Executive Engineer Highway Division-I, Peshawar.

.....RESPONDENTS

**APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That, the above mentioned appeal was pending adjudication before this Honorable Tribunal in which 24.10.2024 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 03.09.2021.
- 3- That due to illness of the Counsel for the appellant on the date mentioned above he could not appear before this Hon'ble Tribunal.
- 4- That due to non-appearance of the counsel for the appellant on the date fixed, the above mentioned appeal has been dismissed in default vide order dated 24.10.2024. **Copy of the order sheet is attached.**
- 5- That non-appearance of the appellant and Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 30-10-2024.

APPELLANT  
THROUGH:  
MIR ZAMAN SAFIR  
ADVOCATE

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

C.M. No. \_\_\_\_\_/2024

IN

APPEAL ON. 191/2022

MUHAMMAD YOUSAF

V/S

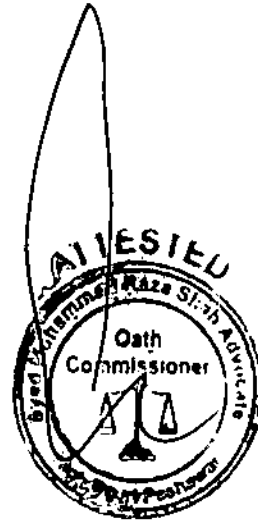
C&W DEPTT:

**AFFIDAVIT**

I Mir Zaman Safi Advocate, High Court, do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



MIR ZAMAN SAFI  
ADVOCATE



31 Oct 2024

A-3

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



APPEAL NO. 191 /2022

Mr. Muhammad Yousaf, Chowkidar,  
O/O Executive Engineer Highway Division-I, Peshawar.

.....APPELLANT

**VERSUS**

- 1- The Secretary to Govt. of Khyber Pakhtunkhwa C&W Department, Peshawar.
- 2- The Chief Engineer (Centre) C&W Department, Khyber Pakhtunkhwa.
- 3- The Executive Engineer Highway Division-I, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03.09.2021 WHEREBY COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF JUNIOR CLERK (BPS-11) WHILE THE APPELLANT HAS BEEN IGNORED INSPITE OF HAVING SENIORITY AND ELIGIBILITY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER**

That on acceptance of this appeal the impugned order dated 03.09.2021 may very kindly be modified to the extent of promotion of appellant to the post of Junior Clerk (BPS-11) with effect from the date when other colleagues of appellant have been promoted i.e. 03.09.2021 with all consequential benefits. Any other relief which this august Tribunal deems appropriate may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

1- That the appellant was appointed in the respondent department as Chowkidar on 22-9-2010 and right from the date of appointment the appellant is performing his duty against the said post quite efficiently and up to the entire satisfaction of his superiors.

2- That in the year 2021 several posts of junior clerks were lying vacant for promotion in the respondent department and under 33% quota 35 posts fall

**ATTESTED**

*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
25-10-24



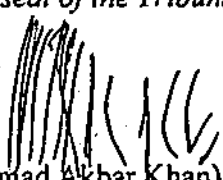

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 191/2022

Muhammad Yousaf

versus

C&W Department

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-14 24<sup>th</sup> October, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none"> <li>None for the appellant.</li> <li>Mr. Muhammad Jan, District Attorney for the respondents.</li> </ol> <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> <ol style="list-style-type: none"> <li><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></li> </ol> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">               (Muhammad Akbar Khan)              Member (E)         </div> <div style="text-align: center;">               (Kalim Arshad Khan)              Chairman         </div> </div> <p style="font-size: small; margin-top: 5px;">*Adnan Shah*</p> <div style="margin-top: 20px;"> <p><b>Certified in true copy</b></p> <p><b>EXAMINER</b>              Khyber Pakhtunkhwa Service Tribunal,              Peshawar              25-10-24</p> </div> <div style="margin-top: 20px;"> <p align="right">Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>Application No. <u>401</u> Date <u>28-10-24</u></p> <p>Name of Applicant <u>JAWAD</u></p> <p>Number of Words/Pages <u>2-9</u></p> <p>Copying Fee <u>10/-</u></p> <p>Urgent/Ordinary <u>-</u></p> <p>Total <u>10/-</u></p> <p>Name &amp; Sign of Copyist <u>Zeeshan</u></p> <p>Date of Completion of Case <u>26-10-24</u></p> <p>Date of Delivery of Copy <u>31-10-24</u></p> </div>