


Form-A  
FORM OF ORDER SHEET

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

**Restoration Application No. 1347/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.11.2024	<p>The application for restoration of Service Appeal No. 1786/2022 submitted today by Mir Zaman Safi Advocate. It is fixed for hearing before Division Bench at Peshawar on 18.11.2024. Parcha Pehsi 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**

C.M. No. 1347/2024  
IN  
APPEAL ON. 1786/2022

MUMTAZ ALI

V/S

PRISON DEPTT:

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APPLICANT

THROUGH:   
MIR ZAMAN SAFI  
ADVOCATE

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

C.M. No. 1347/2024  
IN  
APPEAL ON. 1786/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17786

Dated 31/10/24

Mr. Mumtaz Ali, Head Warder (BPS-09),  
Central Jail, Peshawar.....**APPLICANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Govt: of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Inspector General Prisons, Khyber Pakhtunkhwa, 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 due to illness of the Counsel for the appellant on the date mentioned above he could not appear before this Hon'ble Tribunal.
- 3- 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.**
- 4- 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 SAFI**  
**ADVOCATE**

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

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

IN

APPEAL ON. 1786/2022

MUMTAZ ALI

V/S

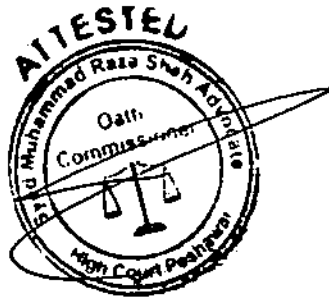
PRISON DEPTT:

**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



1170 (3)

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

APPEAL NO. \_\_\_\_\_ /2022

Mr. Mutataz Ali, Head Warden (BPS-09),  
Central Jail, Peshawar.....

APPELLANT



**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Inspector General Prisons, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR ENHANCEMENT OF 30% PROMOTION QUOTA ALLOCATED FOR THE CADRE OF APPELLANT IN THE IMPUGNED SERVICE RULES DATED 15.04.2022 WHILE FOR THE OTHER CADRES 75% QUOTA HAS BEEN RESERVED FOR PROMOTION TO THE NEXT HIGHER SCALE AND AGAINST THE 10% QUOTA ALLOCATED FOR PROMOTION OF SENIOR CLERKS IN THE APPELLANT'S CADRE 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 action and inaction of the respondents by not enhancing the promotion quota of the cadre of appellant and illegal and unlawful allocation of 10% quota for promotion of senior clerks to the post of Assistant Superintendent Jail (BPS16) mentioned in Serial No. 5, column No.6 of the impugned Service Rules Notified on 15.04.2022 may kindly be declared as Ultra Vires, illegal, unconstitutional and ineffective upon the rights of the appellant. That the respondents may kindly be directed to amend the impugned Service Rules by enhancing 30% quota of the appellant's cadre similarly to the other employees and 10% quota of the Senior Clerks be removed. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

**ATTESTED**

**EXAMINED**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



28/10/22

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 1786/2022

Mumtaz Ali 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
Order-12 24 <sup>th</sup> October, 2024.	<p>Present:</p> <ol style="list-style-type: none"> <li>1. None for the appellant.</li> <li>2. 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> <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)     </div> <div style="text-align: center;">         (Kalim Arshad Khan)        Chairman     </div> </div> <p><i>*Adnan Shah*</i></p> <p><i>28/10/24</i></p> <p><i>436</i> <i>Tawad</i> <i>28/10/24</i></p> <p><i>10/</i> <i>15/</i> <i>28/10/24</i> <i>04-11-24</i></p>