


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 814/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.07.2024	<p>The application for restoration service appeal No. 1314/2023 submitted today by Mr. Umar Farooq Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 10.09.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR,

CM. NO. 814/2024 /2024

IN

APPEAL No. 1314/2023

SULAMAN KHAN

VS

HOME DEPARTMENT

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application with Affidavit	1-2
2.	Copy of Cause List	A	3-4
3.	Copy of Order Sheet dated 03/07/2024	"B"	5-6
4.	Vakalat Nama	

APPLICANT

THROUGH:


UMAR FAROOQ MOHMAND
ADVOCATE HIGH COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

R.A no. 814/2024

CM. NO. _____/2024

IN

APPEAL No. 1314/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14615

Dated 31-07-2024

Sulaman Khan, Assistant Public Prosecutor (BPS-17)
District Kohat

..... **APPLICANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2- The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General, Prosecution Department, 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 which was fixed on 03/07/2024.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court Mingora Bench (Dar-ul-Qaza) Swat. Copy of Cause List is attached as annexure.....**A**
- 3- That the mentioned service appeal was dismissed in default vide order dated 03/07/2024. Copy of the order sheet dated 03/07/2024 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.

2

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

Dated: 31/07/2024

Sulaman Khan
PETITIONER/APPLICANT

Through: *[Signature]*
UMAR FAROOQ MOHMAND
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Sulaman Khan, Assistant Public Prosecutor (BPS-17), 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.

[Signature]
DEPONENT

ATTESTED
Syed Muhammad Raza S. Jh. Advocate
Oath
Commissioner
High Court Peshawar
[Signature]
31/07/24

A) (3)

PESHAWAR HIGH COURT, MINGORA BENCH

D.B CAUSE LIST FOR WEDNESDAY, THE 3rd JULY, 2024

BEFORE MR. JUSTICE MUHAMMAD NAEEM ANWAR

MR. JUSTICE SHAHID KHAN

MOTION CASES

1. Cr.M 221-M/2024 in Cr.A 160-M/2024 (U/Section 426 Cr.PC) vs Muhammad Haroon (Qadeer Ahmad) vs State and other (Additional Advocate General)
2. Cr.A 16-M/2019 Acquittal Appeal/PPC {u/s 364-A, 363/34, PPC} vs Sultan Zeb (Shamsher Ali Khan) vs Lal Muhammad & others
3. Cr.A 13-M/2021 Acquittal Appeal/PPC {u/s 302/324 PPC} vs Abdur Rahman & Others (Sher Muhammad Khan) vs Sudair & 1 Others
4. W.P 171-M/2023 With Interim relief Service/Provincial-Civil Services-Appointment-DSC(Other Quota) vs Saeed Ullah (Jehanzeb Nafees) (Fazal Karim) (Hamza Abbas) vs Govt. of Khyber Pakhtunkhwa, through Secretary Health & others
5. W.P 1068-M/2023 With Interim Relief Land/Acquisition vs Dr.Amjad Ali (Shams ul Hadi) vs Deputy Commissioner/Collector District Swat & Others (Additional Advocate General) (Faisal Khan) (Asghar Ali) (Date By Court)
6. W.P 1106-M/2023 With Interim Relief {Others} vs Ihsan Ul Haq (Muhammad arif Jan) (Ziauddin) vs Government of Khyber Pakhtunkhwa Through chief Secretary & others (Additional Advocate General)
7. W.P 1303-M/2023 {Others} vs Muhammad Yousaf (Amriz Khan) vs Abdul Qadar and others (Through Video Link)
8. W.P 1365-M/2023 Election/Others vs Sahibzada Sana Ullah (Khalid Mehmood) vs Govt of KPK through Chief Secretary & Others (Additional Advocate General)

ATTESTED

- (3) (4)
12. W.P 64-M/2024 With Interim Relief (N)
Service/Provincial Rules / Act
- Naseem Ullah
(Barrister Dr. Adnan Khan)
General Adjournment by Barrister Dr. Adnan Khan
- Vs
- Govt of KPK through Chief Secretary & Others
(Additional Advocate General)
13. W.P 96-M/2024 With Inerim Relief (N), C.M 361/2024(N), C.M 391/2024 & C.M 856/2024
Service/Other
- Shahab Ud Din
(Barrister Dr. Adnan Khan)
(Falak Naz Khan)
(Jamal Shah)
(Aftab Hussain Butt)
General Adjournment by Barrister Dr. Adnan Khan
- Vs
- Govt of KPK through Secretary Home & Tribal Affairs & Others
(Muhammad Javaid)
(Additional Advocate General)
14. W.P 3775-P/2023 With C.M 1649/2023, C.M 1761/2023 & C.M 1813/2023
Service/Other
- Sami Ullah
(Naveed Akhtar)
- Vs
- Govt. of KPK through Chief Secretary & others
(Additional Advocate General)
(Hassam Raoon)
(Umar Farooq Mohmand)
(Barrister Dr. Adnan Khan)
(Arbab Saif Ul Kamal)
General Adjournment by Barrister Dr. Adnan Khan
- (Date By Court)

NOTICE CASES

1. Cr.M 448-M/2023 in Cr.A 315-M/2023 (U/S 426 Cr.PC)
{u/s 316/ 427 /34 PPC}
- Maaz Khan
(Suliman Shah)
- Vs
- State through Muhammad Rasool Khan & 1 Other
(Additional Advocate General)
(Hazrat Rehman)
(Karmal Khan)
Adjournment Application by Hazrat Rehman
2. Cr.A 324-M/2023 (M)
Acquittal Appeal/PPC
- Gauhar Ali Khan
(Hazrat Rehman)
(Karmal Khan)
- Vs
- State & other
3. Cr.M 43-M/2024 in Cr.A 336-M/2023 (U/S 426 Cr.PC)
- Shamsher Ghani etc
(Saeed Khan)
- Vs
- State etc
(Badi uz Zaman)
(Additional Advocate General)
4. Cr.M 98-M/2024 In Cr.A 66-M/2024 (u/s 426 Cr.P.C)
{u/s 302, 324, 337-D, 337-F (vi), 311, 201, 34 PPC 15 AA}
- Abdul Ghafar
(Arshad Khan)
- Vs
- The State through AAG & 1 Other
(Additional Advocate General)

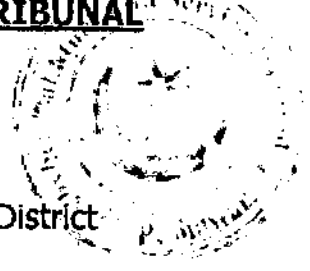
ATTESTED

B, 5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 13/11 /2023

Mr. Sulman Khan, Assistant Public Prosecutor, BPS, 17, District
Kohat.



..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Prosecution Department, Peshawar.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED
ORDER DATED 12-01-2023 WHEREBY MINOR PENALTY OF
CENSURE HAS BEEN IMPOSED UPON THE APPELLANT AND
AGAINST THE APPELLATE ORDER DATED 08-5-2023
COMMUNICATED ON 23-05-2023 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED ON NO GOOD GROUNDS.**

PRAYER:

That on acceptance of this appeal the impugned order dated 12-01-2023 and appellate order dated 18-05-2023 communicated on 23-05-2023 as well as penalty of censure imposed upon the appellant may please be set aside. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:
ON FACTS:**

TESTED
[Signature]
307-24

Brief facts giving rise to the present appeal are as under:

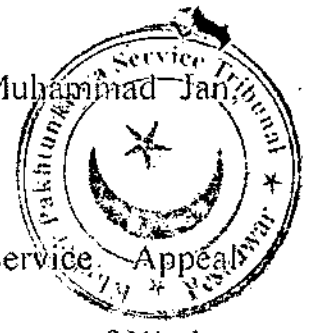
- 1- That the appellant is serving the respondent department quite efficiently and to the entire satisfaction of his high ups.
- 2- That the appellant while serving as Assistant Public Prosecutor (BPS-17) at District Court Peshawar and performing his duties in different courts and posted in the court of Mr. Naveed ur Rehman ADJ-II to work as additional prosecutor to help the permanent posted APP in the said court due to burden of work, vide order dated 14-11-2021. Copies of orders are attached as Annexure..... A.

A. No. 1314/23
Gulman Khan vs Govt

6

11th Mar. 2024

1. Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.



2. File to come up alongwith connected Service No.1313/2023 titled "Huma Daniel/Murad Vs. Government of Khyber Pakhtunkhwa" on 03.07.2024 before D.B. P.P given to the parties.

RECEIVED
Peshawar
Mutazem Shah

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

ORDER

3rd July 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 Peshawar and given under our hands and seal of the Tribunal this 3rd day of July, 2024.

(Rashida Bano)
Member(J)

(Kalim Arshad Khan)
Chairman

Ahwan Shah, P.P.

05-07-24
Presentation of Application _____
Page 2 _____
Fees 10/- _____
10/- _____
Subject _____
30-7-24
30-7-24

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar