


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 434/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.07.2022	<p>The application for restoration of appeal No. 938/2018 resubmitted today by Mr. Taimur Ali Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please. This restoration application is entrusted to S. Bench to be put up there on <u>19-8-22</u></p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR
Restoration Application No: 434/2022
SERVICE APPEAL NO. 938/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 866

Dated 29/07/2022

ISRAR AHMAD

V/S

C&W DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE TITLE APPEAL
WHICH WAS DISMISSED IN DEFAULT ON 18-07-2022

Respectfully Sheweth;

1. That the above title appeal was pending adjudication before this Honourable Tribunal which was fixed on 18-07-2022 for regular argument.
2. That appellant had died during the pendency of the above title appeal and the legal are required to be impleaded, however, they has not approached counsel or this Honourable Tribunal and will be contacted soon.
3. That the appeal was fixed on 18-07-2022 but the counsel was busy in other courts and due to the non-appearance of the counsel for the appellant the above title appeal was dismissed in default on the date fixed i.e. 18-07-2022.
(Copy of order sheet dated 18.07.2022 is attached)
4. That the appellant has good prima facie case and it will be in the interest of justice to decide the case on merit.

It is therefore, most humbly prayed that on acceptance of the instant the above mentioned appeal may kindly be restore and be decided on merit in the interest of justice.


Counsel for the appellant,
(TAIMUR ALI KHAN)

Advocate High Court, Peshawar

AFFIDAVIT

That, the contents of the above application are true & correct.


DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 983/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1218

Dated 02-8-2018

Israr Ahmad , then Sub Engineer, (Retired as Assistant Engineer BPS-17)
Office EXN C&W Division Mansehra.

APPELLANT

VERSUS

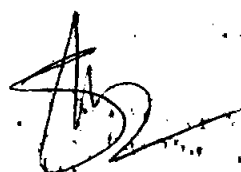
1. The Secretary, Government of KPK through Secretary C&W, Civil Secretariat, Peshawar.
2. The Chief Engineer, C&W KPK, Peshawar.
3. The Secretary, Government of KPK through Secretary Finance Department , Civil Secretariat, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 FOR GRANTING PBS-16 (SENIOR SCALE SUB ENGINEER) FOR HAVING 10 YEARS SERVICE AND ALSO PASSED DEPARTMENTAL EXAM AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO GRANT BPS-16 SENIOR SCALE SUB ENGINEER FROM DUE DATE ACCORDING TO THE RULES FOR HEAVING 10 YEARS SERVICE AND IN PASSED DEPARTMENTAL EXAM WITH ALL BACK AND CONSEQUENTIAL BENEFITS. THE RESPONDENTS MAY PLEASE FURTHER BE DIRECTED TO INCLUDE THE BENEFITS OF SECTION GRADE (BPS-16) IN THE PENSIONARY BENEFITS OF THE APPELLANT WITH ALL BACK DUE AREAS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.



04.02.2022

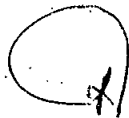
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.


Reader

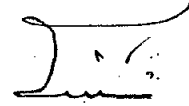
16.05.2022

Mr. Taimur Ali Khan, Advocate learned counsel for the appellant present. Mr. Naseer ud Din Shah Assistant Advocate General for the respondents present.

Learned counsel for the appellant sated at the bar that the appellant has died, therefore, time may be granted to him to seek instructions of the Legal Heirs of the appellant for further proceedings in the instant appeal. Adjourned. To come up for further proceedings on 18.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

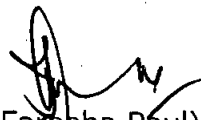
18.07.2022

Nemo for appellant.

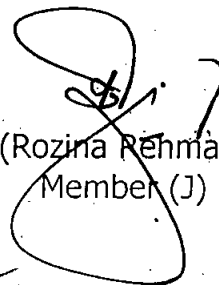
Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

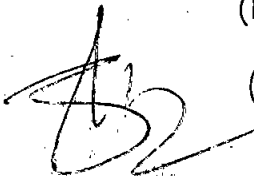
Announced
18.07.2022



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)



14/7
19/7
20/7
28/7

28-7-22
28-7-22

28/7/22