

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 472 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.08.2022	<p>The application for restoration of appeal No. 7491/2021 submitted today by Hira Babar Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

①

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

Restoration Appli. no. 472/2022

CM. No. _____/2022
In
Service Appeal No. *7491/2021*

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *1015*

Dated *17-8-2022*

Inayat Said s/o Ahmed Said Khan

Versus

Chief Secretary & others

**APPLICATION FOR
RESTORATION OF THE
CAPTIONED APPEAL
DISMISSED FOR NON-
PROSECUTION VIDE ORDER
DATED 26-07-2022.**

Respectfully Sheweth,

The applicant/appellant humbly submits as under;

- 1- That succinctly stated facts giving raise to the instant Application are that the captioned Appeal was pending adjudication before this Honorable Tribunal, which was fixed for the reply of the Respondents on 26.07.2022.
- 2- That thereafter, on 26.07.2022, the captioned Appeal filed by the Applicant was dismissed for non-prosecution, hence, the Applicant has filed the instant Application for the restoration of the captioned Appeal.
- 3- That vested rights of the Applicants are attached to the adjudication of the captioned Appeal and the Applicants further submits that the Counsel for the Applicant has appeared before the Tribunal on each and every date when the case was fixed for hearing and has never deliberately missed a hearing.
- 4- That the Applicant further bring into the kind notice of this Honorable Tribunal, that the Counsel of the Applicant was not within the territorial jurisdiction

of this Honorable Tribunal and was on an official trip arranged by the *Peshawar High Court Bar Association* and was in Skardu, but due to the prevailing floods and land sliding, the Counsel of the Applicant Could neither reach the Honorable Tribunal for hearing nor contact the Applicant to attend the hearing before this Honorable Tribunal.

- 5- That due to the reason mentioned above, the Applicant was unaware of the date of hearing and when the case was called for hearing, the Applicant was not present before this Honorable Tribunal.
- 6- That it was beyond the control of the Counsel of the Applicant to appear before the Honorable Tribunal, because there was neither any cellular connections in the above mentioned area nor was the Counsel allowed to travel by road through the concerned authorities due to floods and land sliding, therefore, could not appear before the Honorable Tribunal, hence the instant Application.
- 7- That as the case of Appellant was fixed for the Reply and arguments of the Respondents, which was to be filed by the Respondents and the hearing of the Applicant was already recorded by the Honorable Tribunal on the previous date of hearing and as the law favors adjudications on merits and as the valuable rights of the Applicant are attached with the adjudication of the instant Application, therefore, the Applicant place himself at the mercy of this Honorable Tribunal for restoration of the instant Appeal.
- 8- That the non-appearance of the applicant and counsel of the applicant was not will full but was because of the above stated reasons, and therefore the dismissal order is liable to be set aside and the appeal of the applicant is liable to be restored and be decided on merit, so that the end of justice may meet.

PRAYER:

It is therefore most respectfully prayed that on acceptance of the instant Application, the Appeal of the Applicant / Appellant may graciously be restored in the best interest of equity, justice and fair-play

Any other relief deemed appropriate may also be awarded in favor of the Applicant

Applicant / Appellant

Through



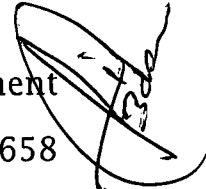
HIRA BABAR
Advocate High Court

AFFIDAVIT

I, Miss Hira Babar Advocate High Court, counsel for appellant/applicant, hereby affirms on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

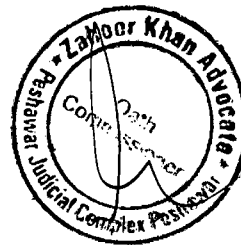
Deponent

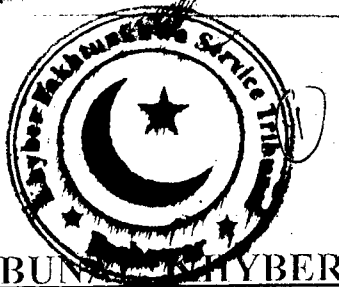
bc-16-6658



0345-944

9/4 2502





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

SERVICE APPEAL No. 749/2021

Inayat Said S/o Ahmed Said Khan
R/o Post Office Mammad Narai Wali Bagh, District Charsadda
CERTIFIED TEACHER

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7602

Dated 16/9/2021

APPELLANT

VERSUS

1. CHIEF SECRETARY KHYBER PAKHTUNKHWA
SAHIBZADA ABDUL QAYUM ROAD, CIVIL SECRETARIAT
PESHAWAR, KHYBER PAKHTUNKHWA
2. SECRETARY ELEMENTARY & SECONDARY EDUCATION KPK
SAHIBZADA ABDUL QAYUM ROAD, CIVIL SECRETARIAT
PESHAWAR KHYBER PAKHTUNKHWA
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KPK
MAIN GRAND TRUNK ROAD, NEAR QILA BALA HISAR
PESHAWAR KHYBER PAKHTUNKHWA
4. SECRETARY FINANCE DEPARTMENT KPK
SAHIBZADA ABDUL QAYUM ROAD, CIVIL SECRETARIAT
PESHAWAR, KHYBER PAKHTUNKHWA
5. ACCOUNTANT GENERAL KPK
FORT ROAD PESHAWAR CANTONMENT
KHYBER PAKHTUNKHWA
6. CHIEF MINISTER KHYBER PAKHTUNKHWA
THROUGH HIS PRINCIPLE SECRETARY
SAHIBZADA ABDUL QAYUM ROAD
CHIEF MINISTER HOUSE
PESHAWAR KPK

Filed to-day

Registrar
16/9/2021

RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 KHYBER PAKHTUNKHWA AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANTS DURING WINTERS & SUMMERS VACATIONS & INACTION OF THE RESPONDENTS ON THE DEPARTMENTAL APPEAL OF THE APPELLANTS, DESPITE

WITNESSED AND FILED
LATE OF THE STATUTORY TIME FRAME

Registrar
4/10/21

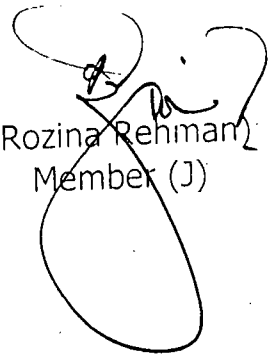
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26 07 2022

Nemo for appellant.

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
26.07.2022


(Rozina Rehman)
Member (J)

17-8-22
- 800.

- 20 -

Hira-Babbar.

17-8-22

