

04.10.2018

Petitioner with counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments on restoration application heard. Learned counsel for the petitioner contended that on 03.08.2018 the main appeal was fixed but neither appellant nor his counsel was present therefore, the appeal was dismissed in default. It was further contended that on coming to know about the dismissal order of the appeal the petitioner filed restoration application on 03.09.2018. It was further contended that the cases should be decided on merit rather than on technicality therefore, prayed for acceptance of restoration application.

8107-10-21  
On the other hand, learned Deputy District Attorney for the respondents<sup>s</sup> opposed the contention of learned counsel for the petitioner and that contended that the application is time barred therefore, prayed for dismissal of restoration application.

Though the restoration application was filed beyond the period of limitation but it is also a well settled law that the cases should be decided on merit rather than on technicalities therefore, present restoration application is accepted and the appeal is restored to its previous proceedings i.e preliminary hearing. To come up for preliminary hearing on 21.11.2018 before S.B.

*MA*  
(Muhammad Amin Khan Kundi)  
Member

21-11-2018

Since, 21 November has been declared as Public holiday on account of 12th Rabiul<sup>second</sup>. Therefore the case is adjourned to come up for the same on 10-1-2019

*[Signature]*  
Reader

**Form-A**  
**FORM OF ORDER SHEET**

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

Appeal's Restoration Application No. 265/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	
1	03.09.2018	<p>The application for restoration of appeal no. 488/2018 submitted by Mr. Murad Khan through Mr. Ansarullah Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p align="right"><i>[Signature]</i> REGISTRAR</p>
2	13-9-2018	<p>This restoration application is entrusted to S. Bench to be put up there on <u>4-10-2018</u></p> <p align="right"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

*Restoration Application no. 265/2018*  
CM No. \_\_\_\_\_ of 2018  
In Service Appeal No. 488/2018

933  
3-9-18

Murad Khan

VERSUS

Senior Civil Judge Peshawar and others

APPLICATION FOR RESTORATION OF  
MAIN SERVICE APPEAL WHERE THE  
ABOVE SERVICE APPEAL WAS  
DISMISSED IN DEFAULT BY THIS  
HON'BLE SERVICE TRIBUNAL VIDE  
ORDER DATED 03/08/2018.


Respectfully Sheweth:

- 1) That the above titled service appeal was fixed in this august Tribunal, which was fixed for 03/08/2018 for preliminary hearing.
- 2) That instant service appeal was dismissed in default due to non-prosecution on behalf of appellant and his counsel.
- 3) That due to summer vacation, counsel for the appellant was outside of country due to which he was unable to assist the Hon'ble Tribunal on the date fixed.

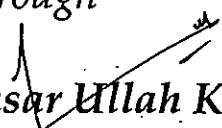
- 4) That the clerk of the counsel was appeared before the Hon'ble Tribunal but his attendance was not accepted.
- 5) That absence of the counsel of appellant was not intentional but due to reasons mentioned above.

It is, therefore, humbly prayed that on acceptance of this application, the main service appeal may be restored and the appeal of the applicant / appellant may be decided on merit.

Dated 03/09/2018

  
Applicant / appellant

Through

  
Ansar Ullah Khan  
Advocate  
High Court, Peshawar

**AFFIDAVIT**

It is solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.



  
DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service App. No: 488/2018

Murad Khan, Process Server (BPS-05), District & Session Judge, Peshawar



Appellant

Versus

Chairman, Khyber Pakhtunkhwa Service Tribunal

- 1. District Judge, Peshawar
2. Senior Civil Judge, Peshawar

Date: 5/11
6-4-2018

Respondents

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 08-03-2017, WHEREBY THE DEPARTMENTAL APPEAL / REPRESENTATION OF THE APPELLANT DATED 17-03-2016 FOR SETTING ASIDE THE IMPUGNED ORDER OF THE LEARNED SENIOR CIVIL JUDGE, PESHAWAR DATED 04-03-2011, FOR STOPPAGE OF TWO INCREMENTS AGAINST THE APPELLANT WAS REFUSED

03.08.2018

Neither appellant nor his counsel present. On the previous two dates neither appellant nor his counsel was present and this conduct on his part is suggest that he is not interest to pursue his case, hence this Tribunal is left with no option but to dismiss the appeal in default. Parties are left to bear their own cots. File be consigned to the record room.

Announced:

03.08.2018




Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Chairman

Date of Presentation of ... 28-8-18
Number of ... 400
Copying Fee ... 4.00
Urgent ... 2.00
Total ... 6.00
Name of ...
Date of ... 28-8-18
Date of Delivery ... 28-8-18

48545

50 روپے	  
ایڈویکٹ: <u>الفیاضہ خاتون</u>	<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>
بار کونسل ایسوسی ایشن نمبر: _____	
رابطہ نمبر: <u>۰۳۳۳-۹۱۵۲۹۵۱</u>	

بعدالت جناب: سر جسٹس شہباز

مخانب: <u>Appellant</u>	دعویٰ: _____
<u>سزا خانی</u> <u>بنام</u> <u>مستحقہ سزا خانی</u>	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام۔ کیلئے۔ الفیاضہ خاتون محمد علی صاحب کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا جد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
 المرقوم: 3/9/16 HWA

الع ہد واہ شد الع ہد

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.

*Restoration Appli. No. 265/2018*  
CM No. \_\_\_\_\_ of 2018  
In Service Appeal No.488/2018

Murad Khan

VERSUS

Senior Civil Judge Peshawar and others

APPLICATION FOR RESTORATION OF  
MAIN SERVICE APPEAL WHERE THE  
ABOVE SERVICE APPEAL WAS  
DISMISSED IN DEFAULT BY THIS  
HON'BLE SERVICE TRIBUNAL VIDE  
ORDER DATED 03/08/2018.

Respectfully Sheweth:

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- 3) That due to summer vacation, counsel for the appellant was outside of country due to which he was unable to assist the Hon'ble Tribunal on the date fixed.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

CM No. Restoration Application No 265/18  
of 2018  
In Service Appeal No.488/2018

Murad Khan

VERSUS

*Senior Civil Judge Peshawar and others*

APPLICATION FOR RESTORATION OF  
MAIN SERVICE APPEAL WHERE THE  
ABOVE SERVICE APPEAL WAS  
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HON'BLE SERVICE TRIBUNAL VIDE  
ORDER DATED 03/08/2018.

*Respectfully Sheweth:*

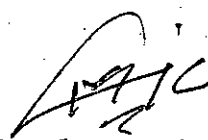
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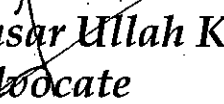
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Dated 03/09/2018

  
Applicant / appellant

Through

  
Ansar Ullah Khan  
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DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA  
PESHAWAR

Service App. No: 489/2018

Murad Khan, Process Server (BPS-05),  
District & Session Judge, Peshawar



Appellant

Versus

Khyber Pakhtunkhwa  
Service Tribunal

1. District Judge, Peshawar
2. Senior Civil Judge, Peshawar

Diary No. 512

Dated 06-4-2018

..... Respondents

=====

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 08-03-2017, WHEREBY THE  
DEPARTMENTAL APPEAL / REPRESENTATION OF THE APPELLANT DATED  
12-03-2016 WAS REFUSED**

=====

**PRAYER IN APPEAL:**

03.08.2018

Neither appellant nor his counsel present. On the previous two dates neither appellant nor his counsel was present and this conduct on his part is suggest that he is not interest to pursue his case, hence this Tribunal is left with no option but to dismiss the appeal in default. Parties are left to bear their own cots. File be consigned to the record room.

Announced:  
03.08.2018

Certified to be true copy

*[Signature]*

Chairman  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
Chairman 3-8-2018

Date of Presentation of Application 28-8-18

Number of Wards 400

Copying Fee 4.00

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Total 6.00

Name of Clerk [Signature]

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