

23.05.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 27.08.2018 before the D.B at camp court A/Abad.

  
Member

  
Chairman  
Camp court, A/Abad


>>-8-12:-

clerk for counsel for the applicant present,  
Due to Summer vacation, case is adjourned  
to 18-10-18 for the same at camp court  
A/Abad.

Esau  
Daudu.

18.10.2018

Neither petitioner nor his counsel present. Mr. Usman Ghani, District Attorney for the respondents present. Notice be issued to petitioner and his counsel for arguments on restoration application for 15.01.2019 before S.B at camp court, Abbottabad.

  
Member  
Camp Court, A/Abad

15.01.2019

Petitioner absent. Learned counsel for the petitioner absent. Mr. Muhammad Bilal learned Deputy District Attorney present. Case called but no one appeared on behalf of petitioner. Consequently the present application is dismissed in default. No order as to costs. File be consigned to the record room.

  
Member

Camp Court Abbottabad

ANNOUNCED.

15.01.2019

21.09.2017

Counsel for the petitioner present. Notices be issued to the respondents. To come up for reply and arguments on restoration application on 22.11.2017 before S. B at camp court, Abbottabad.

  
Chairman

Camp court, A/Abad.


22.11.2017

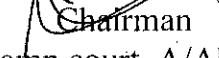
Counsel for the applicant and Mr. Kabeerullah Khattak, Addl. AG alongwith Said Badshah, ADO for the respondents present. Reply to application for restoration of appeal received on behalf of the respondents. To come up for arguments on application on 16.01.2018 before S.B at camp, Abbottabad.

  
Chairman  
Camp Court, A/Abad.

16.01.2018

None for the applicant present. Mr. Usman Ghani, District Attorney for the respondents present. Notice be issued to the applicant and his counsel. To come up for arguments on 22.2.2018 before the D.B at camp court, Abbottabad.

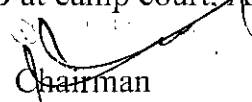
  
Member

  
Chairman  
Camp court, A/Abad.

22.02.2018

None present for the applicant. Addl. AG for the respondents present. Fresh notices be issued to the applicant and his counsel as per last order sheet. To come up further proceedings/arguments on application on 23.05.2018 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad.

16.02.2017

Clerk of counsel for the petitioner present. Due to strike of the bar counsel for the petitioner is not in attendance. To come up for further proceedings on 20.04.2017 before S.B at camp court, Abbottabad.

MEMBER  
Camp Court, A/Abad

20.04.2017

Clerk of counsel for the applicant present. Counsel for the appellant is stated busy in other courts at Haripur. Requested for adjournment. Adjourned for further proceedings to 22.06.2017 at camp court, Abbottabad.

Chairman  
Camp Court, Abbottabad.

6. 22.06.2017




Clerk of counsel for the applicant is not in attendance. Notice be issued to applicant and his counsel for further proceeding on 21.09.2017 at camp court, Abbottabad.

Chairman  
Camp court, A/Abad

Form- A  
FORM OF ORDER SHEET

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

Restoration application No. 167/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.09.2016	<p>The application for restoration of appeal No.1088/2014 submitted by Mr. Jehangir Khan through Sajid-ur-Rehman Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24.11.2016	<p>This restoration application is entrusted to Touring S. Bench at A.Abad to be put up there on <u>24-11-16</u></p> <p style="text-align: right;"> MEMBER</p>
		<p>None present for the petitioner. Notice be issued to petitioner and his counsel. To come up for preliminary hearing on application on 16.02.2017 at camp court, Abbottabad. Original record of the appeal be also requisitioned.</p> <p style="text-align: right;"> Chairman Camp Court, A/Abad</p>

①

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

*Restoration Application no. 167/2016*

Appeal No. 1088/2014

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 925

Dated 5-9-16

Jehangir Khan vice Principal (BPS-18) GHSS Dingi Tehsil  
and District Haripur

.....Applicant

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Provincial Selection Board through its Chairman, Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Secretary Elementary and Secondary Education Peshawar.
4. Director Elementary and Secondary Education Peshawar.
5. District Education Officer (MALE) Haripur.

.....Respondents


**APPLICATION FOR RESTORATION OF**  
**THE ABOVE MENTIONED APPEAL AND**  
**BE DECIDED ON MERITS.**

**RESPECTFULLY SHEWETH,**


1. That the applicant filed a appeal before this Honourable Tribunal which is dismissed by this Honourable Tribunal due to non prosecution vide order dated 15/02/2016. (Copy of petition and order is attached).

- 2. That the appellant and the counsel could not appear before the Honourable Court on the date fixed due to misunderstanding about the date fixed.
- 3. That none attendance of the applicant and his counsel was deliberately, nor intentionally but due to the above fact.
- 4. That it is well settled law and it is held by apex court in his various judgments, that the cases be decided on merits and technicalities should be ignored.
- 5. That additional grounds will be raised at the time of arguments.

**It is therefore, humbly prayed that on acceptance of this application, the case may kindly be restored and decided it on merits.**

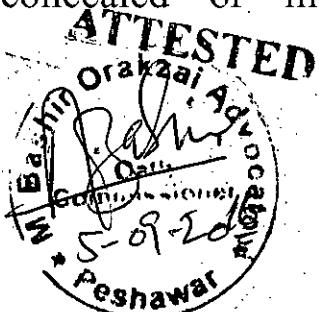
Applicant 


Through

  
**Sajid ur Rehman Khan**  
 Advocate.

**AFFIDAVIT:-**

I, Jehangir Khan vice Principal (BPS-18) GHSS Dingi Tehsil and District Haripur, do hereby solemnly affirm and declare on oath that all the contents of instant **APPLICATION** are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Court.



  
**DEPONENT**

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1088 /2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur.

(Appellant)

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Provincial Selection Board through its Chairperson, Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Secretary Elementary & Secondary Education Peshawar.
4. Director Elementary & Secondary Education Peshawar.
5. District Education Officer (Male) Haripur.

(Respondents)

Service Appeal under Section 4 of the KPK Service Tribunal Act, 1974 Against the notification issued by Govt. of E&SE Department KPK on behalf of Secretary Government of Khyber Pakhtunkhwa vide No. SO(SIM)S&gad/1-3/2013/Promotion BS-17 to BPS-18 dated Peshawar the April 25, 2014.

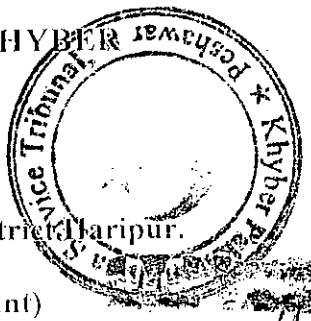
PRAYER

On acceptance of the appeal, the appellant may very graciously be allowed promotion w.e.f. 01.07.2012 instead of 25.04.2014 with all back benefits.

FACTS OF THE CASE.

1. That the appellant is an employee of Elementary & Secondary Education Department, KPK since 21.10.1986 and presently working as Vice Principal BPS-18 at GHSS Dingi Tehsil & District Haripur. The qualification of appellant M.Sc (Pak-Studies) & M.A Education (B.Ed/M.Ed) (copy of service book relevant pages are annexed as Annexure-A).
2. That prior to this the appellant was SS (P/S) BPS-17 at GHSS Dingi Haripur and was promoted in BPS-18 and posted at GCMHSS No. 1 Haripur vide Notification referred in subject cited above. (Copy of Notification is annexed as Annexure-B).

That 374 (Male) number of vacancies of BPS-17 were up-graded to BPS-18 vide Govt. of Finance Department w.e.f. 1.7.2012 and appellant with others was fulfilled all the legal requirements for promotion on 01.07.2012 i.e. the date of up-gradation of vacancies/posts of BPS-18.



1116  
28/8/2014

28/8/14  
**ATTESTED**  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

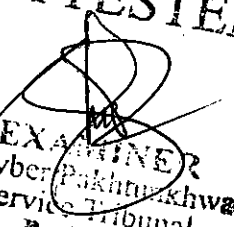
④  
②

(Copy of Notification regarding up-gradation/ Sanction of vacancies / Posts is annexed as Annexure-C)

4. That the department was required to arrange meeting of Provincial Selection Board immediately on up-gradation of posts for promotion of eligible officers in BPS-17, so that the officer concerned will be able to get promotion in BPS-18 from the month of July 2012 on up-gradation of vacancies / posts.
5. That but department delayed the process without any fault on the part of appellant thus deprived the appellant with others from their rights of promotion which was due in July 2012.
6. That instead of promotion of appellant in July 2012, the appellant has been promoted with others on 25-04-2014, which is great injustice with the officers who were fulfilled all the legal requirements and were eligible for promotion in BPS-18 from July 2012.
7. That a departmental representation were preferred before the Honourable Chief Minister by the appellant from 22-~~4~~-2014 to redress the grievances by modifying the date of promotion w.e.f 01-07-2012 instead of 25-04-2014 but no response has so far been conveyed hence this service appeal on the following grounds:- (copy of departmental representation is annexed and Annexure-D)

**GROUND OF APPEAL:-**

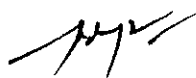
- A. That it was imperative upon the authorities to take up the case of appellant and others immediately on up-gradation of vacancies / posts from BPS-17 to BPS-18 w.e.f 01-07-2012 but un necessarily delayed.
- B. That appellant was fulfilled all legal requirements was eligible for promotion from BPS-17 to BPS-18 w.e.f 01-07-2012.
- C. That the appellant is principally entitled for promotion from BPS-17 to BPS-18 w.e.f 01-07-2012 i.e. the date of up-gradation vacancies / posts and denial by the respondents has no legal values.

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar




- D. That the impugned action of the respondents regarding delay is against the principle of Natural justice and arbitrary, discriminatory violation of Article 25 of the constitution and calling for interfering by this Honorable Service Tribunal.
- E. That the appellant seeks leave of this Honorable Service Tribunal to agitate additional Grounds at the time of Hearing of this Service Appeal.

In the light of above stated facts it is humbly prayed that the appellant may graciously be allowed promotion w.e.f 01-07-2012 instead of 25-04-2014 with all back benefits to avoid financial losses and others, by acceptance of this appeal in the interest of justice please.

  
Appellant

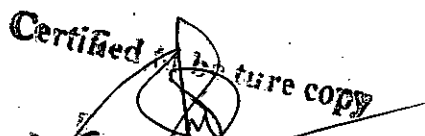
Through

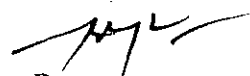
  
Sajid ur Rehman Khan  
Advocate High Court  
Haripur Bar

Dated: 25/08 /2014

VERIFICATION

I Jahangir Khan Vice Principal GHSS Dingi District Haripur do hereby affirm and declare on oath that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal.

**Certified true copy**  
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
Deponent

Date of Presentation of Application 4-8-16  
 Number of Words 1200  
 Copying Fee 800  
 Stamp 200  
 Total 1000  
 Name Khan  
 Date 4-8-16  
 Date of Leave 4-8-16



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1038 /2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur. (Appellant)

1116  
28/8/2014

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Provincial Selection Board through its Chairman, Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Secretary Elementary & Secondary Education Peshawar.
4. Director Elementary & Secondary Education Peshawar.
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15.02.2016

None present for appellant despite repeated calls. Mr. Abdul Samad, ADO alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Dismissed for want of prosecution. File be consigned to the record.

Announced

15-02-2016

Self-Chairman

Self-Member and comt A/Head

Date of Presentation of Application 4-8-16  
 Number of Words 4403  
 Copy Fee 4  
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 Date 4-8-16  
 Date of 4-8-16

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR, CAMP COURT ABBOTTABAD**

Restoration application No. 167/2016

In

Service appeal No. 1088/2014

Jehangir Khan SS .....

Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.... Respondents


Reply to the application for restoration of appeal on behalf of the respondents No. 1 to 5

Respectfully sheweth:

The respondents respectfully submit as under:-

1. That the titled case is pending for disposal before this Honorable Tribunal and is fixed for 22-11-2017.
2. That on the last date of hearing the appeal of appellant has been dismissed for want of prosecution vide order dated 15-02-2016 passed by this Honorable Tribunal.
3. That the instant application is badly time barred and is liable to be dismissed in favour of the respondents.
4. That the conduct of the appellant with regard to non-prosecution of his own appeal pending for disposal before this Honorable Tribunal shows a sense of irresponsibility and lack of interest, hence this Honorable Tribunal has rightly dismissed the instant Service appeal despite the repeated calls as well as Notices to the appellant.
5. That the order dated 15 <sup>02</sup>/<sub>2016</sub> is within legal sphere and is liable to be maintained in favor of the respondents in the interest of justice.

In view of the above made submissions, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant application as prayed for in the interest of justice, please.

  
District Education Office (Male)  
Haripur  
(Respondents No. 1-5)

***Affidavit***

*I, Mr Said Badshah ADEO (Litigation) Haripur do hereby Solemnly affirm and declare that the contents of the instant Parawise Comments are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.*

  
Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR, CAMP COURT ABBOTTABAD**

Restoration application No. 167/2016

In

Service appeal No. 1088/2014

Jehangir Khan SS .....

Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.... Respondents

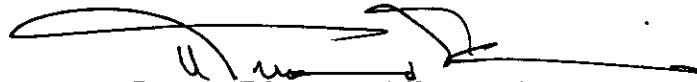
Reply to the application for restoration of appeal on behalf of the respondents No. 1 to 5

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Deponent

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**PESHAWAR, CAMP COURT ABBOTTABAD**

Restoration application No. 167/2016

In

Service appeal No. 1088/2014

Jehangir Khan SS .....

Appellant

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.... Respondents

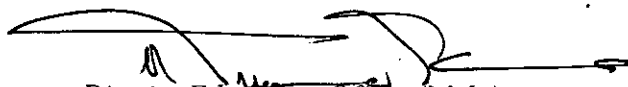
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Deponent