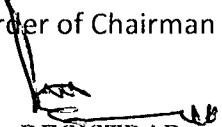


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 516/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.09.2022	<p style="text-align: center;">The application for restoration of appeal No. 579/2022 submitted today by Mr. Mafkhar Haleem Kakakhel Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR.</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re: *Restoration appli. no. 516/2022*
Service Appeal No.579/2022

Mr. Amir Ali.....Applicant/ Appellant

V E R S U S

The Commissioner Bannu Division & others...Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for Restoration		1-3
2.	Affidavit		4
3.	Copy of Order dated 03.08.2022		5-6

Amir

Applicant/Appellant

Through

Mafkhar Haleem Kakakhel

Mafkhar Haleem Kakakhel

Advocate

High Court, Peshawar

Dated: 24.08.2022

Cell no: 03139700930

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. no. 516/2022

In Re:

Service Appeal No.579/2022

Khyber Pakhtunkhwa
Service Tribunal

Discy No 1125

Dated 01/9/2022

Mr. Amir Ali.....Applicant/ Appellant

V E R S U S

The Commissioner Bannu Division & others...Respondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL
WHICH WAS DISMISSED IN DEFAULT
BY THIS HONOURABLE TRIBUNAL
VIDE ITS ORDER DATED 03.08.2022.**

Respectfully Sheweth:

1. That the titled service appeal was pending before this Honourable Tribunal which is fixed for 03.08.2022 and was dismissed in default by this Honourable Tribunal vide order dated 03.08.2022. **(Copy of Order dated 03.08.2022 is attached as annexure "A")**.
2. That the applicant/ appellant seeks restoration of the said service appeal on the following grounds inter alia:

GROUNDS:

- A. That the counsel for applicant/ appellant is suffering from high fever and influenza, therefore would not be able to appear before this Hon'ble Court on the date fixed i.e. 03.08.2022.

- B. That on the due date the applicant/appellant himself was present before this Hon'ble Tribunal but when he appeared before the reader of the Hon'ble Tribunal he was told by the reader that the service appeal has been dismissed in default despite of the fact that the applicant/appellant was present on that day but he was not given any chance to peruse his case in the absence of his counsel due to the above stated reason.

- C. That absence of the applicant/appellant was not intentional or deliberate but due to the fact mentioned above.

- D. That the application is well within time.

- E. That valuable rights of the applicant are involved in the titled appeal.

- F. That even otherwise law tilts in favour of adjudication on merits, rather than technicalities.

- G. That this Hon'ble Court has got ample power to restore this service appeal.

H. That the applicant seeks permission of this Honourable Tribunal to raise any other ground at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this application, the titled service appeal may very graciously be restored in the best interest of justice.

Through


Applicant/Appellant



Mafkhar Haleem Kakakhel
Advocate
High Court, Peshawar

Dated: 24.08.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Service Appeal No.579/2022

Mr. Amir Ali.....**Applicant/ Appellant**

V E R S U S

The Commissioner Bannu Division & others...**Respondents**

A F F I D A V I T

I, **Mafkhar Haleem Kakakhel, Advocate High Court,**
do hereby solemnly affirm and declare that the
contents of the accompanying **Application** are true
and correct to the best of my knowledge and belief
and nothing has been concealed from this Hon'ble
Court.



Advocate High Court

Service Appeal⁵

1

BEFPRE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
Service Appeal No. 579/2022

Mr. Amir Ali S/O Zard Ali (late) Junior Clerk BPS-11 office of the Deputy Commissioner
Lakki Marwat Bannu Division KPK

Khyber Pakhtunkhwa
Service Tribunal [Appellant]

VERSUS

Diary No. 599

Dated 20-04-2022

1. The Commissioner Bannu Division
2. The Deputy Commissioner Lakki Marwat

[Respondents]



SERVICE APPEAL U/S-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATE 17-02-2022 OF COMMISSIONER BANNU DIVISION WHEREBY APPELLANT'S DEPARTMENTAL APPEAL DATED 23-07-2021 FOR RE-INSTATEMENT HAS BEEN ACCEPTED BUT PUNISHMENT AWARDED UPON APPELLANT OF THE KIND "STOPPAGE OF THREE ANNUAL INCREMENTS FOR THE COMING CONSECUTIVE THREE YEARS" AND THE DEPUTY COMMISSIONER LAKKI MARWAT VIDE OFFICE ORDER NO.1242/ESTAB: DATED 31-03-2022 IMPOSED UPON THE APPELLANT "STOPPAGE OF INCOMING THREE YEARS ANNUAL CONSECUTIVE INCREMENTS".

PRAYER:-

On acceptance of the instant appeal it is earnestly and very humbly requested to set aside the impugned Order dated 17-02-2022 passed by Commissioner Bannu Division wherein punishment of **"STOPPAGE OF THREE ANNUAL INCREMENTS FOR THE COMING CONSECUTIVE THREE YEARS"** and also set aside the Office Order No.1242/Estab: dated 31-03-2022 issued by Deputy Commissioner Lakki Marwat wherein punishment imposed upon the appellant **"STOPPAGE OF INCOMING THREE YEARS ANNUAL CONSECUTIVE INCREMENTS"**.

Respectfully Sheweth:

FACTS:

1. That appellant was initially appointed as Junior Clerk BPS-11 on 05-09-2013 in the office of Deputy Commissioner Lakki Marwat. Appellant has unblemished service record and there is no complaint against him during the entire service.
2. That the appellant belongs to a respectable family and have a dignified and integrated status among the family, society.
3. That the appellant since his appointment, always performed his assigned duties to the entire satisfaction of superiors and there is no complaint against him.
4. That the appellant was dismissed from government service vide office order bearing No.1877/Estab: dated 02-07-2021 issued by the Deputy Commissioner Lakki Marwat [Copy of Office Order as annexure-A].
5. After that the appellant filed departmental appeal dated 23-07-2021 against the impugned order of Deputy Commissioner dated 02-07-2021 before Appellate Authority/Commissioner Bannu Division. [Copy of Department Appeal as annexure-B].

