


18.08.2022

Mr. Kamran Khan, Advocate for the petitione present. Arguments on restoration application heard.

Learned counsel for the appellant contended that the appeal was dismissed for non-prosecution on 23.12.2021 though a colleague of the counsel had attended the court and marked his attendance at the cause list of the day. The appellant submitted resotration application on 30.12.2021 which is well within time. Application for restoration is allowed and the service appeal is restored to its original number. Adjourned. To come up for reply/comments as well as preliminary hearing on 07.10.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right. There are some small scribbles and a star-like mark above the main loop.

(Mian Muhammad)  
Member (E)

31.05.2022

None present for the petitioner.

Since no direction was given to the respondents in this Restoration Application, therefore, the respondents are directed to file reply on the next date. To come up for reply/arguments on restoration application on 01.07.2022 before S.B. Original file be also requisitioned.



Chairman

01.07.2022

None for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General present.

Notices be issued to the petitioner/counsel as well as to respondents for the date fixed. To come up for implementation report on 19.08.2022 before S.B.

Notices for 19/08/22  
Notices for 28/7/22







(Fareeha Paul)  
Member (E)

Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 402/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.12.2021	<p>The application for restoration of Appeal No. 3532/2021 submitted today by Mr. Kamran Khan 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		<p>This restoration application is entrusted to S. Bench to be put up there on <u>04/02/22</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 04.03.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	4-3-2022	<p>Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 31-5-2022</p> <p style="text-align: right;"> Reader</p>

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

CM.NO. 402 2021

IN  
APPEAL NO.3532/2021

**BADSHAH RAWAN**

**V/S**

**EDUCATION DEPTT:**

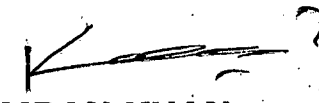
**INDEX**

<b>S.N</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1</b>	Restoration application	.....	1
<b>2</b>	Memo & order	<b>A</b>	<b>2-3</b>

Dated: 30.12.2021

**APPELLANT**

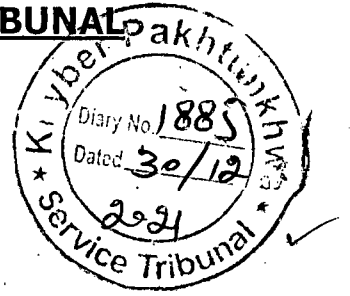
Through:

  
**KAMRAN KHAN**  
**ADVOCATE**  
**H.C.P**  
**0344-9118844**

1

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

CM. NO. 402 /2021  
IN  
APPEAL No. 3532/2021



**BADSHAH RAWAN VS EDUCATION DEPT.**

**APPLICATION FOR RESTORATION OF THE ABOVE  
MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above title service appeal was pending adjudication before this Honorable tribunal which was fixed on 23-12-2021.
- 2- That the counsel for the petitioner was busy in some other cases out of the station, but a colleague of the counsel attended the court and also marked his attendance at the cause list. That it is important to mention here that the respondents were put on pre-admission notice and the respondents were supposed to submit their reply.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 23-12.2021. Copy of the order sheet 24.11.2021 attached as annexure ..... B.
- 4- That as the matter pertaining in the writ petition has not been decided on merit, therefore the mentioned service appeal be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mention writ petition.

***It is therefore, most humbly prayed that on acceptance of this application the abovementioned service appeal may very kindly be restored.***

Dated: 30.12.2021

PETITIONER/APPLICANT

Through:

  
**KAMRAN KHAN**  
Advocate, Peshawar

ANNEX "A" (2)



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

SERVICE APPEAL NO. 3532/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3604

Mr. Badshah Rawan, PST,  
Govt. Primary School Ghawardesh, Tehsil Samarbagh District Dir Lower.

Dated 15/3/2021

.....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Education Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Dir Lower.

.....**RESPONDENT**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
INACTION OF THE RESPONDENTS BY NOT ADJUSTING/ RE-  
INSTATING THE APPELLANT AND NOT DECIDING THE  
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE  
STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this service appeal the impugned inaction of the respondents by not adjusting/ re-instating the appellant may very kindly be declare as illegal and unlawful and respondents may please be directed to adjust/re instate appellant against the post of primary school teacher with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

Filed to-day  
15/3/2021  
ew.  
Registrar

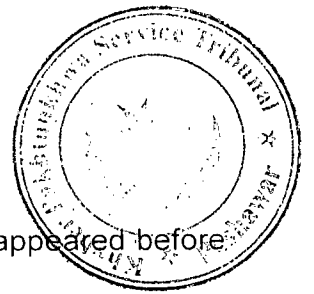
**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant has been appointed as Primary School Teacher and his services was regularized vide order dated 01-12-1996 and was posted at GPS Ghawardesh, Tehsil Samarbagh, District Dir Lower. Copy of the order dated 01-12-1996 is attached as annexure .....**A.**
- 2- That while performing his duties the appellant applied for the grant of Leave without pay and the same was accepted by the respondent and the leave was sanctioned without pay w-e-f 01-10-2000 to 31-12-2004. Copy of the leave granting order is attached as annexure .....**B.**

*[Handwritten signature and stamp]*

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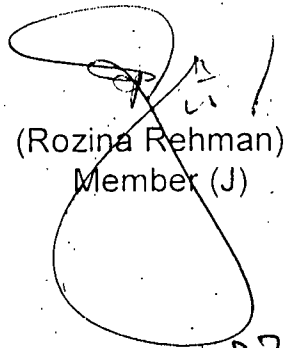


23.12.2021


Nemo for appellatant.

Case was called time and again but none appeared before this Bench till its rising. 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  
23.12.2021

  
(Rozina Rehman)  
Member (J)

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 27/12/21  
No. of Copies 1200  
14/  
14/  
Date of Copy 27/12/21  
Date of Delivery of Copy 27/12/21

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

CM.NO. 402 2021

IN

APPEAL NO.3532/2021

BADSHAH RAWAN

V/S

EDUCATION DEPTT:

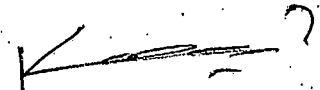
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Dated: 30.12.2021

APPELLANT

Through:

  
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ADVOCATE  
H.C.P  
0344-9118844



1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
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PETITIONER/APPLICANT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 3532/2021

Diary No. 3604

Dated 15/3/2021

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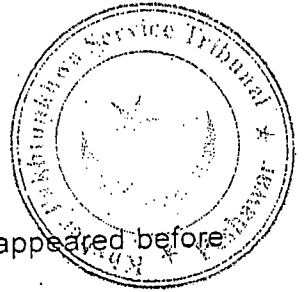
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ATTESTED  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

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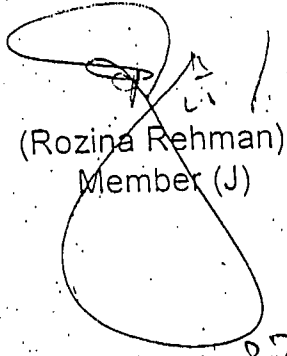


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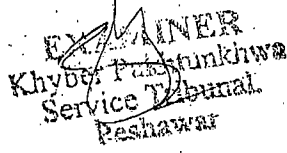
Nemo for appellant.

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(Rozina Rehman)  
Member (J)

Certified to be true copy

  
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Service Tribunal  
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“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.  
Restoration Application No. 42/2022 *SB*

No.

332

APPEAL No..... of 20

Badshah Rawan

Appellant/Petitioner

Versus

Secy ESSE Education KPK Peshawar.

RESPONDENT(S)

Respondent (1)

The Secy ESSE Education

Notice to Appellant/Petitioner

KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 19/08/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

FBI Implementation Report

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

*[Signature]*  
SECRETARY DIARY  
No. \_\_\_\_\_  
Dated \_\_\_\_\_

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Restoration Application No. 402/2022 <sup>SD</sup>

APPEAL No. 3532 of 20 22.

Badshah Rawan

Appellant/Petitioner

Versus

Sey EGSE Department KPK Peshawar.

RESPONDENT(S)

Respondent (2)

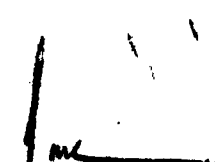
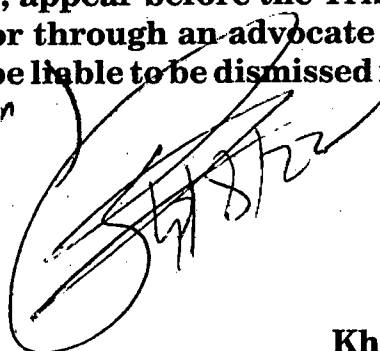
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(For Implementation Report)



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

