

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Restoration App. No

APPEAL NO.1222/2014

Diary No. 746

217/18

Dated 04/07/20

Muhammad Suleman

V/S

Health Deptt.

APPLICATION FOR RESTORATION OF APPEAL NO.
1222/2014 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 21.06.2018.

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 1222/2014 was filed before this Honourable Tribunal against the order dated 01.04.2010 whereby the appellant was dismissed from service.
2. That the instant appeal was in Argument stage at camp court DI Khan on previous date the tribunal is non-functional and the appellant is not informed about the next date, i.e 21.06.2018 and on the date of hearing, the council for the appellant was not appeared and the petitioner, was also unaware, therefore the counsel for appellant and appellant in person could not appear before the Tribunal and the instant appeal was dismissed on default on 21.06.2018. (Copy of the order is attached)
3. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 1222/2014 may be restore on the acceptance of this application.

47/18
Javed Muhammad
Advocate High Court
Oath Commissioner
Distt. Court Peshawar.

Through:

APPELLANT
Muhammad Suleman

Ishtiaq Alizai
ADVOCATE, HIGHCOURT

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.
CAMP COURT AT D. I. KHAN.

Appeal no. 222 of 2014.

Restoration App. No. 217/18



1183
16/9/2014

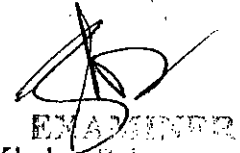
Muhammad Suleman S/o Allah Baksh R/O Haji Maza
District D.I.Khan.

VERSUS

1. Government of KPK through secretary Health Peshawar.
2. Director General Health Services Khyber Pukhtunkhwa, Peshawar.
3. District Officer Health D.I.khan.

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT AGAINST ILLEGAL TERMINATION ORDER DATED
01.04.2010 ON THE BACK OF APPELLANT.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

That the brief facts of the case are as under:

1. That the petitioner is permanently resident of Tehsil and District D.I.Khan and was appointed as Bhahisiti on fixed charge basis after due process of law. Copy of appointment order is Annexure A.
2. That the petitioner after taking charge of the post, do his duties to the utmost satisfaction of high ups and also received salary from the respondents. Copy of pay slip is Annexure B.
3. That the petitioner was ~~involved~~^{involved} in criminal case by the prosecution with malafidly intension without any evidence. Copy of FIR is Annexure C.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 746

Dated 04/07/2018

Restoration App. No. 217/18
Muhammad Suleman

APPEAL NO.1222/2014
V/S

Health Deptt.

APPLICATION FOR RESTORATION OF APPEAL NO.
1222/2014 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 21.06.2018.

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 1222/2014 was filed before this Honourable Tribunal against the order dated 01.04.2010 whereby the appellant was dismissed from service.
2. That the instant appeal was in Argument stage at camp court DI Khan on previous date the tribunal is non-functional and the appellant is not informed about the next date, i.e 21.06.2018 and on the date of hearing, the council for the appellant was not appeared and the petitioner, was also unaware, therefore the counsel for appellant and appellant in person could not appear before the Tribunal and the instant appeal was dismissed on default on 21.06.2018. (Copy of the order is attached)
3. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 1222/2014 may be restore on the acceptance of this application.

4/7/18
Javed Muhammad
Advocate High Court
Oath Commissioner
Distt. Court Peshawar.

Through:

Muhammad Suleman
APPELLANT
Muhammad Suleman

Ismail Alizai
ISMAIL ALIZAI
ADVOCATE, HIGHCOURT

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

Ismail Alizai
DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.
CAMP COURT AT D. I. KHAN.

Appeal no. 222 of 2014.

Restoration Appl. No. 217/18

1183
16/9/2014

Muhammad Suleman S/o Allah Baksh R/O Hajimara
District D.I.Khan.

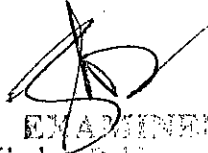
VERSUS.

1. Government of KPK through secretary Health Peshawar.
2. Director General Health Services Khyber Pukhtunkhwa, Peshawar.
3. District Officer Health D.I.khan.

**APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT AGAINST ILLEGAL TERMINATION ORDER DATED
01.04.2010 ON THE BACK OF APPELLANT.**

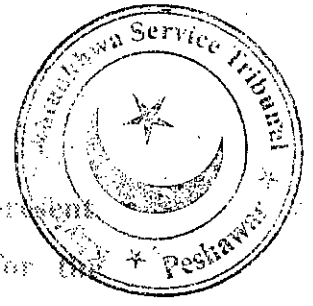
ATTESTED

That the brief facts of the case are as under:

Shirwan

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. That the petitioner is permanently resident of Tehsil and District D.I.Khan and was appointed as Bhahisiti on fixed charge basis after due process of law. Copy of appointment order is Annexure A.
16/9/14
2. That the petitioner after taking charge of the post, do his duties to the utmost satisfaction of high ups and also received salary from the respondents. Copy of pay slip is Annexure B.
3. That the petitioner was ~~involved~~ ^{voled} in criminal case by the prosecution with malafidly intension without any evidence. Copy of FIR is Annexure C.
13/10/14

Appel No. 1722/2014
M. Sultan vs Govt

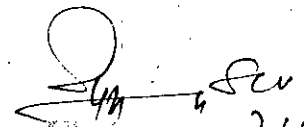


21.06.2018


Neither the appellant nor his counsel present
Mr. Mr. Usman Ghani District Attorney for the respondents present.

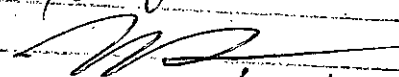
Case was called time and again at 3.30 P.M but none appeared on behalf of the appellant. On previous date too, none was present on his behalf. This conduct of the appellant clearly manifests that he is not interested to pursue the case. As such, the Tribunal is left with no option but to dismiss the appeal in hand in default. File be consigned to the record room.


Member


Chairman 21.6.2018
Camp court, D.I. Khan

ANNOUNCED
21.06.2018

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of App. Petition	04-07-18
Number of Words	1600
Copying Fee	10-00
Urgent	2-00
Total	12-00
Name of Copyist	
Date of Certification of Copy	04-07-18
Date of Delivery of Copy	04-07-18

20.06.2018

Neither the appellant nor his counsel present. Mr Usman Ghani, learned District Attorney for the respondents present. Being an old case of 2014, adjourned for tomorrow i.e. 21.06.2018 for arguments before the D.B. at camp court D.I.Khan.

ATTESTED
[Signature]
CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
Member

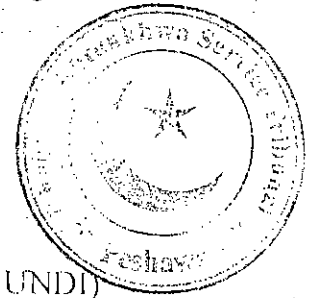
[Signature]
Chairman
Camp Court, D.I.Khan

[Faint circular stamp]

Present. M.
Respondents
Tomorrow i.e.

20.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Dr. Samiullah, M.O for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.03.2018 before D.B.



[Signature]

(AHMAD HASSAN)
MEMBER

[Signature]

(M. AMIN KHAN KUNDI)
MEMBER
Camp Court D.I.Khan

14.03.2018

Counsel for the appellant and Addl. AG alongwith Dr. *M. Farooq Gilani*, Medical Officer for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 23.4.2018 before the D.B at camp court. D.I.Khan.

[Signature]
Member

[Signature]
Chairman

Camp court. D.I.Khan

20.06.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 20.06.2018. Notice to be issued to the parties accordingly.

ATTESTED

[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
Member

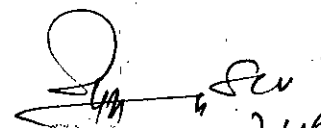
Appeal No. 1222/2014
M. Suleman vs Govt

21.06.2018

Neither the appellant nor his counsel present.
Mr. Mr. Usman Ghani District Attorney for the
respondents present.

Case was called time and again till 3.30 P.M
but none appeared on behalf of the appellant. On
previous date too, none was present on his behalf. This
conduct of the appellant clearly manifests that he is not
interested to pursue the case. As such, the Tribunal is
left with no option but to dismiss the appeal in hand in
default. File be consigned to the record room.


Member


Chairman 21.6.2018
Camp court, D.I.Khan

ANNOUNCED
21.06.2018

20.06.2018

Neither the appellant nor his counsel present. Mr. Usman Ghani, learned District Attorney for the respondents present. Being an old case of 2014, adjourned for tomorrow i.e. 21.06.2018 for arguments before the D.B. at camp court D.I.Khan.



Member



Chairman
Camp Court, D.I.Khan

20.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Dr. Samiullah, M.O for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.03.2018 before D.B.




(AHMAD HASSAN)
MEMBER




(M. AMIN KHAN KUNDI)
MEMBER
Camp Court D.I.Khan

14.03.2018

Counsel for the appellant and Addl. AG alongwith Dr. *M. Farooq Gull*, Medical Officer for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 23.4.2018 before the D.B at camp court. D.I.Khan.



Member



Chairman
Camp court, D.I.Khan

25.05.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 20.06.2018. Notices be issued to the parties accordingly.




Member

Service Appeal No. 1222/2014

29.11.2017

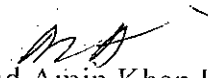
Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 27.12.2017 before D.B at Camp Court D.I.Khan.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

27.12.2017


Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Allah Nawaz, Medical Technician for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.01.2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan


(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

24.01.2018

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Dr. Samiullah, Medical Officer for the respondents also present. Appellant requested for adjournment on the ground that his counsel is busy in the Hon'ble Peshawar High Court Bench D.I.Khan. Adjourned. To come up for arguments on 20.02.2018 before D.B at Camp Court D.I.Khan.


(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

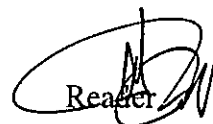
23.01.2017

Counsel for appellant and Dr. Inayatullah, Coordinator alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Due to non-availability of D.B the appeal is adjourned to 28.03.2017 for same as before.


Reader

28.03.2017


Since tour is hereby cancelled, therefore, the case is adjourned for the same on 25.07.2017.


Reader

25.07.2017

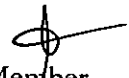
Clerk of the counsel for appellant present. Dr. Qazi Jamil, Coordinator alongwith Mr. Farhaj Sikandar, District Attorney for the respondents also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B at Camp Court D.I.Khan.

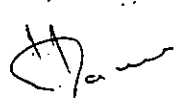

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

25.10.2017

Counsel for the appellant (Mr. M. Anwar Awan, Advocate) and Mr. Farhaj Sikandar, District Attorney for respondents present. Counsel for the appellant submitted Wakalat Nama and seeks adjournment as he is freshly engaged. Adjourned. To come up for arguments on 29.11.2017 before D.B.


Member
(Executive)


Member
(Judicial)
Camp Court D.I.Khan

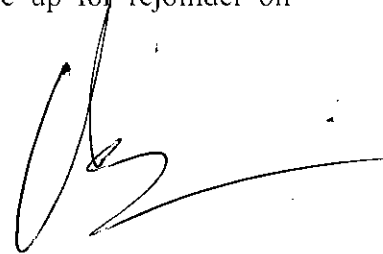
26.01.2016

Appellant present in person and Mr. Farhaj Sikandar, GP present. None is available on behalf of the respondents. Fresh notices be issued to them through registered post. Case to come up for written reply by way of last chance on 24.5.16 at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

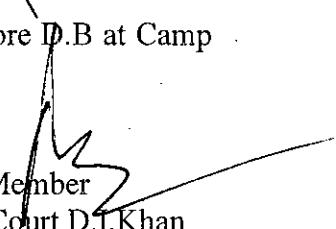
24.05.2016

Clerk to counsel for the appellant and Dr. Aziz ullah, DDHO alongwith Mr. Farkhaj Sikandar, GP for respondents present. Written reply submitted. To come up for rejoinder on 27.09.2016 at camp court D.I, Khan.


Member
Camp Court D.I.Khan

27.09.2016

Counsel for the appellant and Mr. Farhaj Sikander, Government Pleader for the respondents present. Learned counsel for the appellant stated that he does not want to file rejoinder and case may be fixed for arguments. To come up for arguments on 23.01.2017 before D.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

1222/14

30.3.2015

Appellant Deposited
Security & Process Fee




Counsel for the appellant present and submitted, that despite his acquitted in a criminal case, the appellant was terminated from service without any charge sheet, inquiry proceedings etc. That no response was given to his departmental appeal. Points raised at the Bar need consideration. This appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issue to the respondents. To come up for written reply on 29.9.15



MEMBER
Camp Court, D.I.Khan

29.09.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP present. Fresh notices be issued to the respondents and case to come up for written reply on 24-11-15 at camp court, D.I.Khan



MEMBER
Camp court, D.I.Khan

24.11.2015

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Murid Abbas, Junior Clerk for the respondents present and requested for further time. The learned GP is also directed to contact the respondents. To come up for written reply positively on 26-1-16 at camp court, D.I.Khan.



MEMBER
Camp Court, D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1222 /2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/10/2014	<p>The appeal of Mr. Muhammad Suleman resubmitted today by Mr. Muhammad Anwar Awan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	24-1-15	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on <u>23-2-2015</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
32	23-2-2015	<p><i>Counsel for the appellant present and requested for adjournment. Allowed. To come up for preliminary hearing on 30-3-2015 at Camp Court, D.I. Khan.</i></p> <p style="text-align: right;"><i>[Signature]</i> Member Camp Court, D.I.K.</p>

The appeal of Mr. Muhammad Suleman son of Mulazim Hussain Khan r/o Kot Jai Paharpur Distt. D.I.Khan received to-day i.e on 16.9.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission with in 15 days:-

- 1- Copy of FIR (Annexure-L) mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of acquittal order of the appellant mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1366 /S.T,

Dt. 17/9 /2014.



Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

Mr. M. Anwar Awan Adv. D.I.Khan

Respected Sir,

The copy of FIR is attached with appeal while
acquittal order is already annexed on page ①①

Anwar Adv


844
13-10-14