

**ORDER**  
**25.06.2021**

Mr. Taj Muhammad, Advocate, for the petitioner present.  
Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Learned counsel for the petitioner requested that the application in hand has been filed for restoration of restoration application, however in the heading of the appeal, it has been inadvertently mentioned as an application for restoration of appeal, therefore, correction in this respect be made in the application. Being a clerical mistake, the request is allowed and office is directed to make necessary correction in the application as well as relevant record accordingly.


Arguments on the application heard and record perused.

A perusal of the record would show that the restoration application was dismissed for want of prosecution on 18.02.2020, while the application in hand has been filed on the next day. It has been alleged in the application that the petitioner counsel was having health issue and had proceeded to the court, however in the meanwhile, the application for restoration was dismissed in default. The contention so alleged in the application is supported by an affidavit.

In light of the above, the instant application is accepted and the restoration application is restored on its old number. To come up for arguments on the restoration application before the D.B on 05.10.2021.

**ANNOUNCED**  
**25.06.2021**

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

31-12-2020

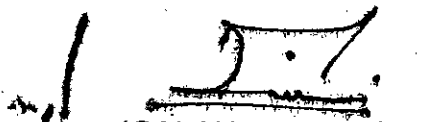
Due to summer vacation, case is adjourned to  
18-3-2021 for the same as before.

  
Reader

18.03.2021

Counsel for appellant and Additional Advocate General for respondents present.

Former requests for time to prepare the <sup>just</sup> further, brief. <sub>to</sub>  
Adjourned to 03.06.2021 for hearing before D.B.

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

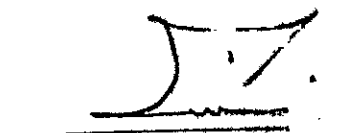
  
CHAIRMAN

03.06.2021

Clerk of learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the petitioner requested that similar nature service appeal titled "Saeeda Akhtar Versus Education Department" is also pending adjudication before the Tribunal, which is fixed for hearing on 25.06.2021, therefore, the appeal in hand may also be fixed on the said date. In this respect he produced written application which is placed on file. Adjourned. To come up for arguments on restoration application before the D.B on 25.06.2021.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

11.06.2020

Counsel for the applicant present. Notices be issued to the respondents for reply on restoration application for 20.08.2020 before D.B.

(Mian Muhammad)  
Member

  
(M. Amin Khan Kundi)  
Member

20.08.2020

Due to summer vacation, the case is adjourned to 30.10.2020 before D.B.

  
Reader

30.10.2020

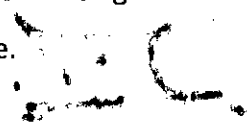
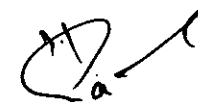

Due to public holiday, the matter is adjourned to 31.12.2020 for the same before the D.B.

  
Reader

Form-A  
FORM OF ORDER SHEET

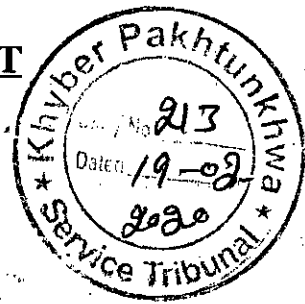
Court of \_\_\_\_\_

Appeal's Restoration Application No. 58 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.02.2020	<p>The application for restoration of appeal No.327/2017 submitted by Mr.Muhammad Jamil 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 19-2-2020</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>1-4-2020</u>.</p> <p style="text-align: right;"> MEMBER</p>
	01.04.2020	<p>Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK AT PESHAWAR**

R. APP NO 58/2020  
Service Appeal No. 327/2017



Said Kamal Khan VS Chief Secretary and others

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974**

**APPLICATION FOR RESTORATION OF APPEAL**

**Sir,**

That petitioner submits as under:

1. That the above noted appeal was fixed for hearing on 18/02/2020 in this Honourable Court.
2. That the petitioner is a patient of disease of paralysis and cannot walk smoothly.
3. That as on 18/02/2020 when the appellant proceed this Honourable Court the said appeal was dismissed in default.
4. That the delay coming to the court was not intentionally but due to appellant deteriorated health position.

It is, therefore, most humbly prayed that the application may be restored.

Petitioner

Through

*M. Jamil Khan*  
**Muhammad Jamil Khan**

Advocate, Peshawar

Date: \_\_\_/\_\_\_/2020

**AFFIDAVIT**

I, the petitioner hereby state and verify and solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*M. Jamil Khan*  
**DEPONENT**

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK  
AT PESHAWAR**

R-APP No 58/2020  
SERVICE APPEAL No. 327/2017

SAID KAMAL KHAN VS CHIEF SECRETARY AND OTHERS

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974.**

**APPLICATION FOR RESTORATION OF APPEAL.**

Sir,

The petitioner submit as under:

1. That the appeal titled above was pending before the Honorable Member II Tribunal on 19.07.2019 for arguments.
2. That the appeal has been dismissed in default.
3. That Counsel for the appellant was in Saudi Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj. (Copy of Passport/Visa attached).
4. That the Assistant was directed to appear before your honour and submit the request for adjournment.
5. That the Assistant as per his version had marked his presence but could not bring it in your kind notice that the Counsel is at Saudi Arabia.
6. That the absence of the Counsel and appellant is not deliberate but the Counsel was not available in Pakistan.

7. That the appellant got knowledge of the order of dismissal 03 September 2019 and the application is being submitted which is well in time.

It is, therefore, prayed that the dismissal order may please be set aside and the application for restoration of appeal may be accepted and the appeal may graciously be restored and decided on merits.

Dated: 03/09/2019

Through Counsel  
for the Petitioner.

**AFFIDAVIT**

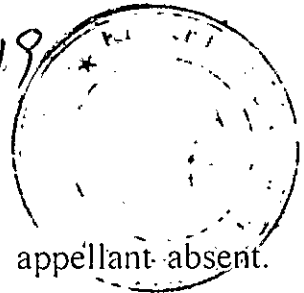
I, the petitioner hereby state and verify and solemnly affirm that whatever stated above are correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 03/09/2019

Commissioner,  
Fazal Ghaffoor  
Advocate

SAID KAMAL KHAN  
Petitioner

Restoration Application No. 351/2019  
Said Kamal Shah vs Govt



18.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Painsdakhel learned Assistant AG alongwith Mr. Muhammad Shoaib Assistant Director for the respondents present. Case called for several time but no one appeared on behalf of the appellant. Consequently the present restoration application is dismissed in default. No order as to costs. File be consigned to the record room.

(Hussain Shah)  
Member

(M. Amin Khan Kundi)  
Member

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Announced  
18.02.2020

Date of Present. 19-02-2020  
Number of Word 800  
Copying Fee 10-00  
Urgent  
Total 10-00  
Name of Applicant  
Date of Completion of Copy 19-02-2020  
Date of Delivery of Copy 19-02-2020

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK AT  
PESHAWAR**

R. APP No 58/2020  
Service Appeal No.327/2017

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Through *M. Jamil Khan*  
**Muhammad Jamil  
Khan**  
Advocate, Peshawar

Date: \_\_\_/\_\_\_/2020

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*M. Jamil Khan*  
**DEPONENT**



**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK**  
**AT PESHAWAR**

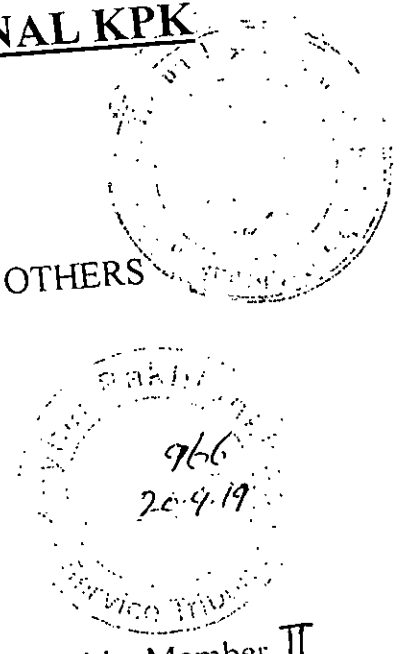
R APP. No 58/2020

SERVICE APPEAL No. 327/2017

SAID KAMAL KHAN VS CHIEF SECRETARY AND OTHERS

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Filed for the copy  
of the appeal  
Service Tribunal  
Peshawar

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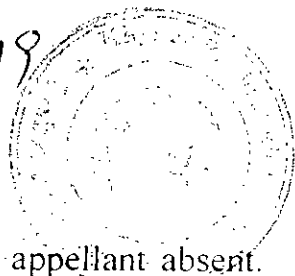
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Dated: 03/09/2019

Joint Commissioner,  
Fazal Ghaffoor  
Peshawar

SAID KAMAL KHAN  
Petitioner

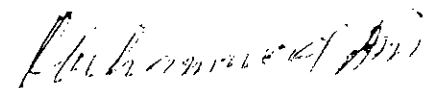
Restoration Application No. 351/2019  
Said Kamal Shah vs Govt

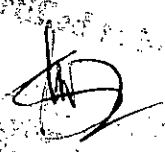


18.02.2020

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(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

Certified to be true copy  
  
Said Kamal Shah  
Restoration

Announced  
18.02.2020

Date of the report .....  
Number of pages ..... 800  
Copying fee ..... 10-00  
Urgent .....  
Total ..... 10-00  
Name of the reporter .....  
Date of report ..... 19-02-2020  
Date of delivery ..... 19-02-2020

لہذا انتہائی مختصر اور جامع طور پر اس کی رپورٹ ۱۹۲۲ء میں

درخواست گزار کو مطلع کیا گیا

سید جمال شاہ EDU

صبا - عالی

یہ کہ صدر ایجنڈہ کے عدالت کے درجہ سے ۱۶ نومبر ۲۰۲۱ء  
پر صبح ساٹھ بجے دوپہر آٹھ بجے ۲۵ جون ۲۰۲۱ء میں فیصلہ ہے  
صباح ۸ بجے سے ۱۲ بجے EDU ہے۔ دونوں  
ایک فیصلہ ہے کہ اگر سید جمال شاہ کے ایجنڈہ کے صدر ایجنڈہ  
کو تاریخ تبدیل کر کے ۲۵ جون میں فیصلہ کر لیا جائے تو دونوں  
کیوں سے Argument لیا جائے گا اور یہ فیصلہ ہے۔

سید جمال شاہ

Handwritten signature

۳/۶/۲۱

جو کاتب علی محمد خان  
Tasmeemahad  
Admet