

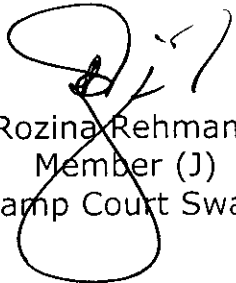
ORDER
04.10.2022


Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 279/2020 titled "Bahadar Khan Versus Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar and three others", was dismissed in default vide order dated 05.07.2022. According to learned counsel for the petitioner, he was busy in the august Peshawar High Court, Peshawar as well as Principal bench of this Tribunal at Peshawar, therefore, he could not appear before the Tribunal on the said date. The petitioner has submitted an application for restoration of appeal on 22.07.2022, which is well within time. The application for restoration of service appeal is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities.

The application in hand is, therefore, accepted and Service Appeal bearing No. 279/2020 stands restored on its original number. To come up for arguments on 09.11.2022 before the D.B at Camp Court Swat.

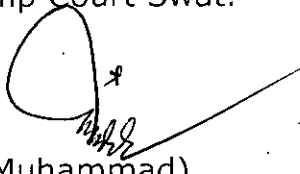
ANNOUNCED
04.10.2022


(Rozina Rehman)
Member (J)
Camp Court Swat

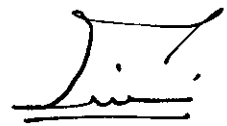

(Salah-Ud-Din)
Member (J)
Camp Court Swat

05.09.2022

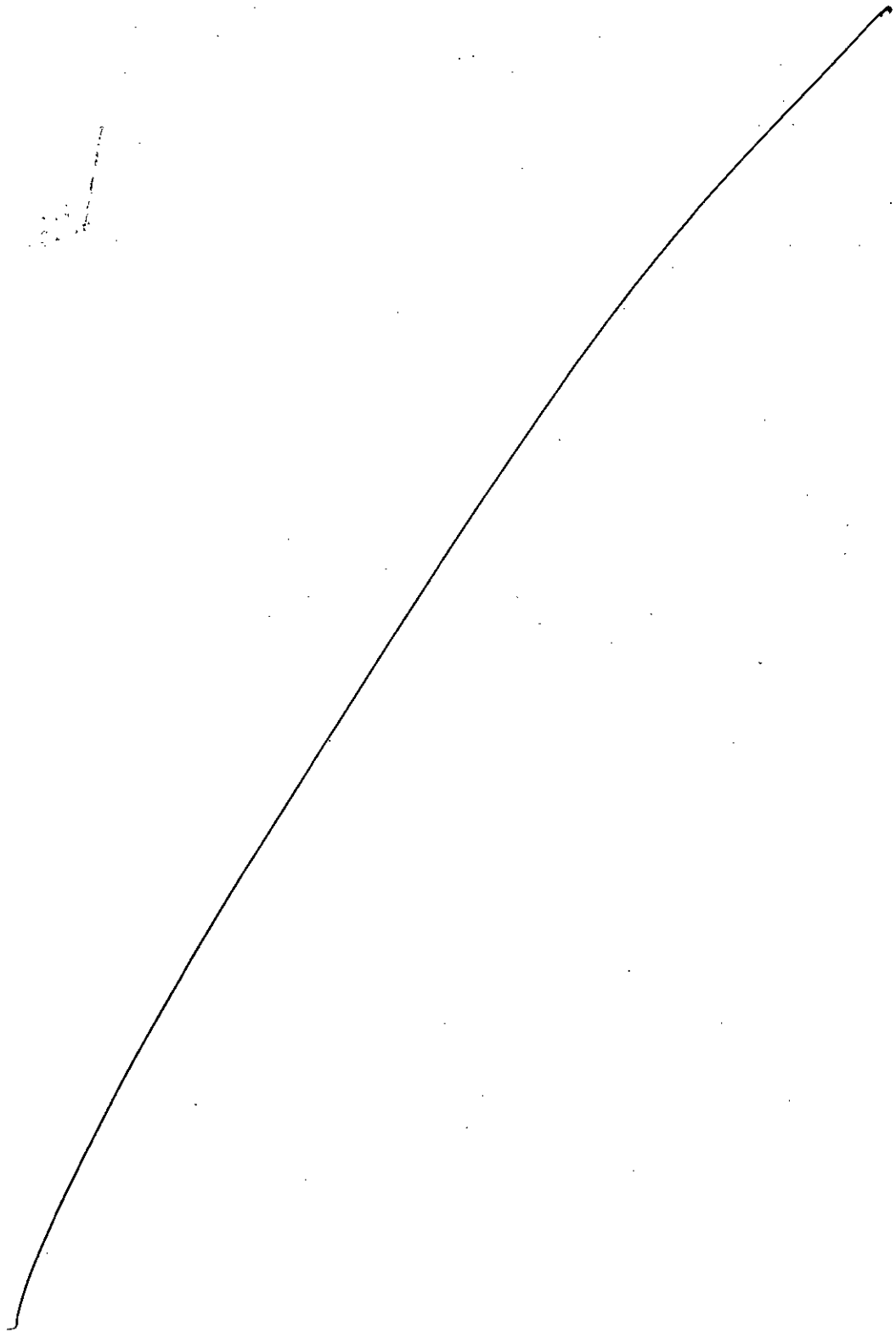
Clerk of learned counsel for the applicant present. Notice be issued to the respondents for submission of reply as well as arguments on restoration application on 04.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



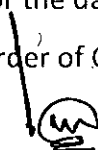
(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat



Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 412/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.07.2022	<p>The application for restoration of appeal No. 279/2020 submitted today by Mr.Noor Muhammad Khattak Advocate. It is fixed for hearing before touring Division Bench at Swat on <u>5-9-22</u> .Original file be requisitioned. Notices to the applicant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

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

Restoration Appli. no. 412/2022

CM. NO. _____/2022

IN

APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

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0334-5277323

APPELLANT

THROUGH:

**NOOR MUHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration appli. no. 412/2022
Khyber Pakhtunkhwa
Service Tribunal

CM. NO. _____/2022

IN

APPEAL No. 279/2020

Diary No. 760

Dated 22/7/2022

BAHADAR KHAN

VS

EDUCATION DEPT.

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05-07-2022.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this honourable tribunal at Peshawar. That it is also worth mentioning that the subject appeals were not noted in the diary on that date.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 05.07.2022. Copy of the order sheet 05.07.2022 attached as annexureA.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

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

Dated:

PETITIONER/APPLICANT

Through:

NOOR MUHAMMAD KHATTAK
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

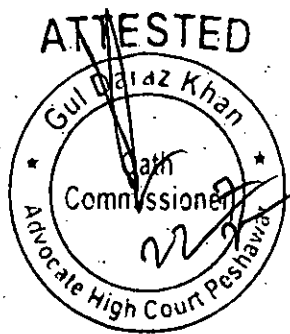
BAHADAR KHAN

VS

EDUCATION DEPT.

AFFIDAVIT

I, Noor mohammad khattak advocate, do hereby solemnly affirm that the contents of this **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 279 /2019

Slary No. 288

Mr. Bahadar Khan, PST BPS-12,
GPS Karkabanj, District Dir Upper.....



Date 09/11/2019

APPELLANT

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN BPS-12 w.e.f. 30-11-1995 I.E. FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF PST AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 30-11-1995 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to Registrar
09/01/2019

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as PTC now PST vide order dated 30/11/1995 as stop gap arrangement.
- 2- That later on the appellant was appointed against regular post vide order dated 09/04/1996 w.e.f. the date of his first appointment i.e. 30/11/1995. (Copy of second appointment order is attached as annexure..... **A**)

Certified to be true copy

[Handwritten signature]
Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

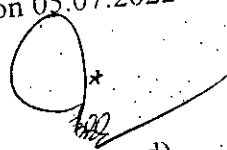
- 3- That it is worth mentioning here, that in 1997 the services of the appellant along with others were dispensed with on the ground that their services were no more required to the Department.


07.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
arguments on 05.07.2022 before D.B at camp court Swat.




(Mian Muhammad)
Member (E)
Camp Court Swat


(Kalim Arshad Khan)
Chairman
Camp Court Swat


05.07.2022

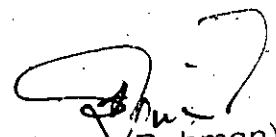
Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith
Nasim Khan Section Officer for respondents present.

Case was called time and again but neither the appellant nor
his counsel turned up till rising of the Bench. Consequently, instant
service appeal is hereby dismissed in default for non-prosecution.
Parties are left to bear their own costs. File be consigned to the
record room.

Announced.
05.07.2022

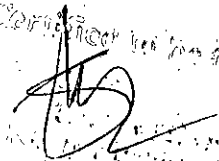

(Fareeha Paul)
Member(E)
Camp Court, Swat


(Rozina Rehman)
Member(J)
Camp Court, Swat

Number of Pages
Number of Bundles 800
Court Fee 10/-
Stamp 10/-
Date of
Date of
Date of
Date of
Date of
Date of

05/07/22

20/7/22
20/7/22


District Attorney
Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

R-A-NO-419/2022
CM. NO. _____/2022

IN
APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

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APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05-07-2022.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this honourable tribunal at Peshawar. That it is also worth mentioning that the subject appeals were not noted in the diary on that date.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 05.07.2022. Copy of the order sheet 05.07.2022 attached as annexureA.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

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

Dated:

PETITIONER/APPLICANT

Through:

NOOR MUHAMMAD KHATTAK

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

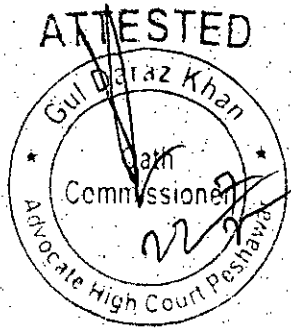
BAHADAR KHAN

VS

EDUCATION DEPT.

AFFIDAVIT

I, Noor mohammad khattak advocate, do hereby solemnly affirm that the contents of this **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 279 / 2019

Slary No. 288

Mr. Bahadar Khan, PST BPS-12,
GPS Karkabanj, District Dir Upper.....



Dated 09/11/2019

APPELLANT

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

RESPONDENTS

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN
BPS-12 w.e.f. 30-11-1995 I.E. FROM THE DATE OF INITIAL
APPOINTMENT TO THE POST OF PST AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY
DAYS.**

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 30-11-1995 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to Registrar
09/01/20

**RESUBMITTED:
ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as PTC now PST vide order dated 30/11/1995 as stop gap arrangement.
- 2- That later on the appellant was appointed against regular post vide order dated 09/04/1996 w.e.f. the date of his first appointment i.e. 30/11/1995. (Copy of second appointment order is attached as annexure..... **A**)

Certified to be true copy

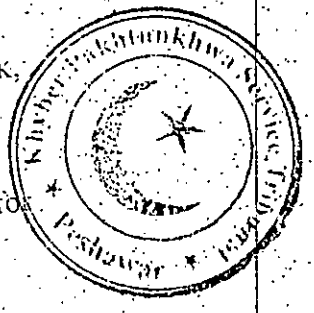
3- That it is worth mentioning here, that in 1997 the services of the appellant along with others were dispensed with on the ground that their services were no more required to the Department.

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
arguments on 05.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith
Nasim Khan Section Officer for respondents present.

Case was called time and again but neither the appellant nor
his counsel turned up till rising of the Bench. Consequently, instant
service appeal is hereby dismissed in default for non-prosecution.
Parties are left to bear their own costs. File be consigned to the
record room.

Announced.
05.07.2022

(Fareeha Paul)
Member(E)
Camp Court, Swat

(Rozina Rehman)
Member(J)
Camp Court, Swat

Date of Disposal of Application 05/07/22
Number of Words 800
Charging Fee 10/-
Hesent 10/-
Total 10/-
Name of Applicant _____
Date of Completion of Copy 20/7/22
Date of Delivery of Copy 20/7/22

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

R.A. no. 412/2022
CM. NO. _____/2022

IN
APPEAL No. 279/2020

BAHADAR KHAN VS EDUCATION DEPT.

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APPELLANT

THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05-07-2022.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this honourable tribunal at Peshawar. That it is also worth mentioning that the subject appeals were not noted in the diary on that date.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 05.07.2022. Copy of the order sheet 05.07.2022 attached as annexureA.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

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

Dated:

PETITIONER/APPLICANT

Through:

NOOR MUHAMMAD KHATTAK

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

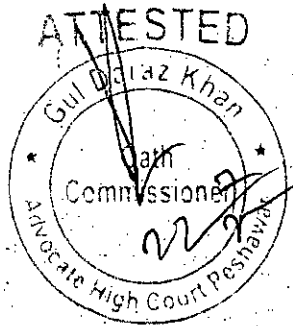
BAHADAR KHAN

VS

EDUCATION DEPT.

AFFIDAVIT

I, Noor mohammad khattak advocate, do hereby solemnly affirm that the contents of this **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 279 /2019

Khyber Pakhtunkhwa
Service Tribunal

Slary No. 288

Mr. Bahadar Khan, PST BPS-12,
GPS Karkabanj, District Dir Upper.....



Date 09/11/2019

APPELLANT

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

RESPONDENTS

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN
BPS-12 w.e.f. 30-11-1995 I.E. FROM THE DATE OF INITIAL
APPOINTMENT TO THE POST OF PST AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY
DAYS.**

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 30-11-1995 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
Registrar

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as PTC now PST vide order dated 30/11/1995 as stop gap arrangement.
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Certified to be true copy

- 3- That it is worth mentioning here, that in 1997 the services of the appellant along with others were dispensed with on the ground that their services were no more required to the Department.

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 05.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

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Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith Nasim Khan Section Officer for respondents present.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for non-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced.
05.07.2022

(Fareeha Paul)
Member(E)
Camp Court, Swat

(Rozina Rehman)
Member(J)
Camp Court, Swat

Date of Deposition of the Plaintiff 05/07/22
Number of Words 800
Copying Fee 10/-
Amount 10/-
Total 10/-
Name of Copyist _____
Date of Completion of Copy 20/7/22
Date of Delivery of Copy 20/7/22

Certified to be true copy
KABIRULLAH KHATTAK
JUDGE
Khuzdar District Court
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

R.A - No. 412/2022
CM. NO. _____/2022

IN
APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

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APPELLANT

THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

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Dated:

PETITIONER/APPLICANT

Through:

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Advocate, Peshawar

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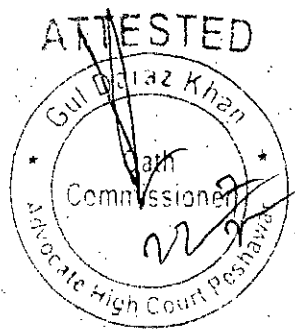
BAHADAR KHAN

VS

EDUCATION DEPT.

AFFIDAVIT

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DEPONENT

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 279 / 2019

Entry No. 288

Mr. Bahadar Khan, PST BPS-12,
GPS Karkabanj, District Dir Upper.....



Dated 09/1/2019

APPELLANT

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

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**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN
BPS-12 w.e.f. 30-11-1995 I.E. FROM THE DATE OF INITIAL
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PRAYER:

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Filed to date
Registrar

**R/SHEWETH:
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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak.
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
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Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

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Noor Zaman Khan Khattak, learned District Attorney alongwith
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Parties are left to bear their own costs. File be consigned to the
record room.

Announced.
05.07.2022

(Fareeha Paul)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

Date of Birth: _____
Number of Words: 800
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Date of Completion of Copy: 20/7/22
Date of Delivery of Copy: 20/7/22

Certified to be true copy
Khuzdar District Service Tribunal
Peshawar

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

R-A. no. 412/2022
CM. NO. _____ /2022

IN
APPEAL No. 279/2020

BAHADAR KHAN VS EDUCATION DEPT.

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APPELLANT

**THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

BAHADAR KHAN

VS

EDUCATION DEPT.

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05-07-2022.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this honourable tribunal at Peshawar. That it is also worth mentioning that the subject appeals were not noted in the diary on that date.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 05.07.2022. Copy of the order sheet 05.07.2022 attached as annexureA.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

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

Dated:

PETITIONER/APPLICANT

Through:

NOOR MUHAMMAD KHATTAK

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2022

IN

APPEAL No. 279/2020

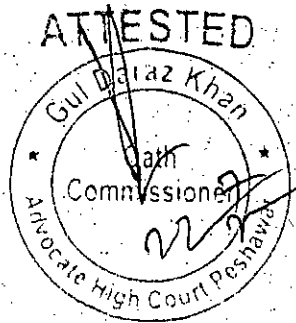
BAHADAR KHAN

VS

EDUCATION DEPT.

AFFIDAVIT

I, Noor mohammad khattak advocate, do hereby solemnly affirm that the contents of this **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 279 / 2019

Case No. 288

Mr. Bahadar Khan, PST BPS-12,
GPS Karkabanj, District Dir Upper.....



Dated 09/11/2019

APPELLANT

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN BPS-12 w.e.f. 30-11-1995 I.E. FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF PST AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 30-11-1995 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to date
Registrar

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as PTC now PST vide order dated 30/11/1995 as stop gap arrangement.
- 2- That later on the appellant was appointed against regular post vide order dated 09/04/1996 w.e.f. the date of his first appointment i.e. 30/11/1995. (Copy of second appointment order is attached as annexure..... **A**)

Certified to be true copy

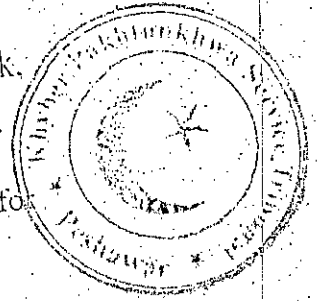
- 3- That it is worth mentioning here, that in 1997 the services of the appellant along with others were dispensed with on the ground that their services were no more required to the Department.

(Handwritten signature)
Registrar

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
arguments on 05.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith
Nasim Khan Section Officer for respondents present.

Case was called time and again but neither the appellant nor
his counsel turned up till rising of the Bench. Consequently, instant
service appeal is hereby dismissed in default for non-prosecution.
Parties are left to bear their own costs. File be consigned to the
record room.

Announced.
05.07.2022

(Fareeha Paul)
Member(E)
Camp Court, Swat

(Rozina Rehman)
Member(J)
Camp Court, Swat

State of P... 05/07/22
Number of Words 800
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Deposit 10/-
Name of Applicant
Date of receipt of copy 20/7/22
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Khyber Pakhtunkhwa
Service Tribunal
Peshawar