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**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

C.M. No \_\_\_\_\_/2022

In

Service Appeal No 206/2017

Khyber Pakhtunkhwa  
Service Tribunal

Page No. 1690

Date 25-10-2022

Abdul Munaf.....Petitioner/Appellant.

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary and 3 others.....Respondents

**APPLICATION FOR THE RESTORATION OF TITLED SERVICE APPEAL**

**Respectfully Submitted:-**

1. That the above titled Service Appeal alongwith other connected/ identical nature cases were fixed on 13.10.2022 before this honorable Tribunal which were dismissed in default on 13-10-2022.

(Attested copy of the judgment and Order dated 13.10.2022 is attached as Annexure A).

2. That the petitioner humbly prays this Hon'ble Tribunal for restoration of the appeal on the following grounds:-

**Grounds:-**

A. That the petitioner counsel namely Naqib Ullah Khattak, due to illness was not present perhaps on the date of hearing i.e. 13.10.2022.

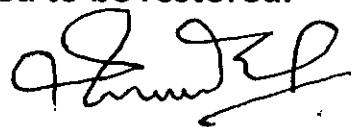
B. That as told by the petitioner he himself was present on the date of hearing in the early hours before this Hon'ble Tribunal in Court Room premises but at the time of calls, he was locating/ contacting his counsel's whereabouts but due to mobile low signals problem could

not be contacted and standing outside the Court room premises. Hence, repeated calls of this Hon'ble Tribunal in the above titled appeals could not be heard due to hearing problem and old age factor.

- C. That instant application is well within time and the valuable rights of the petitioner are involved besides there is no bar on restoration of titled appeal.
- D. That absence of the petitioner was not willful and deliberate but due to some misunderstanding, which was beyond the control of the petitioner.
- E. That the petitioner will care in future and will regularly attend and appear before this Hon'ble Tribunal in future dates.
- F. That petitioner offers an unconditional apology for the inconvenience caused to this Hon'ble Tribunal, which may kindly be waived off.
- G. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
- H. That the petitioner may also be allowed to raised certain other points in support of the instant application with prior permission of this Hon'ble Tribunal.

It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.

Dated:--24.10.2022



Applicant/Appellant

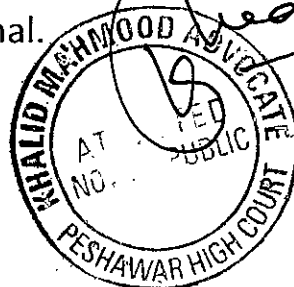
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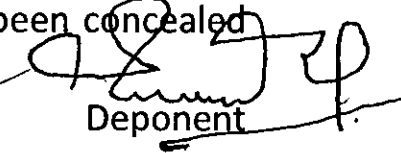
ANWAR SHAH  
Advocate, High Court  
Peshawar.

**A F F I D A V I T:-**

I, Abdul Munaf, (the applicant/appellant) do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.



Deponent



BEFORE THE HONRABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

In Re S.A. 206 /2017

Duly forwarded by Peshawar High Court Peshawar on 28-03-2012

1. Abdul Munaf S/O Safi Ullah, Medical Technologist (BPS- 17), LRH Peshawar.

Appellant: Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 212

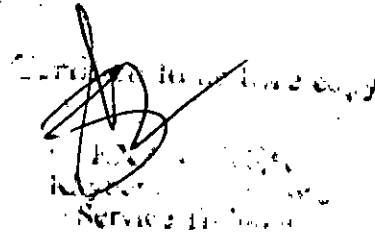
Dated 28-2-2017

Versus

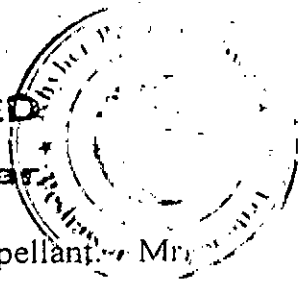
1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary Health Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Sectary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. The Sectary Establishment, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

Respondents.


SERVICES APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT-1974 AGAINST THE FAILURE OF THE RESPONDENTS IN NON PROMOTION OF THE APPELLANT IN THE LIGHT OF RESPONDANT NO. 2, NOTIFICATION NO. SOH-III/ 8-60/05 (PARAMEDICS) DATED 10<sup>TH</sup> MAY 2006 AND NOFICATION NO. SOH-III/8-60/05 (PARAMEDICS) DATED 25<sup>TH</sup> AUG 2006 AND THE DEPARTMENTAL APPEAL OF APPELLANT DATA 10/09/2011 IS AS YET UNACTIONED MEANING THERE BY THAT THE SAME HAS BEEN REJECTED AS A RESULT OF WHICH THE APPELLANT ALONG WITH FIVE OTHERS COLEGUES FILED WRIT PETITION NO. 182/P/2012 ON 20/01/2012 WITH PESHAWAR HIGH COURT PESHAWAR WHICH WRIT PETITION WAS SENT ON 28/03/2012 BY THE D.B HEADED BY CHIEF JUSTICE IN ORIGINAL TO THIS HONORABLE TRIBUNAL FOR DISPOSAL.

  
Khyber Pakhtunkhwa  
Service Tribunal

SCANNED  
KPST  
Peshawar



- 13<sup>th</sup> Oct., 2022
01. None present on behalf of the appellant, Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.
02. Called several times, till last hours of the court but nobody turned up on behalf of the appellant. The appeal is, therefore, dismissed in default, Consign.
03. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 13<sup>th</sup> day of October, 2022.

  
(Kareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

Date of Pr

Number

800

17-10-22

10/-

10/-

Certified true and correct copy

  
MEMBER

Service Tribunal

Copy of Delivered Copy

18-10-22  
18-10-22

قیمت  
50 روپے

45807



ایڈووکیٹ: Anwar Shah

بار کونسل/ایسوسی ایشن نمبر: DC-10-7760

رابطہ نمبر: 0324-5850011

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: In the Khyber Pakhtunkhwa Service Tribunal Peshawar

منجانب: عبدالمناف	دعویٰ نمبر: 10-10-2022
عبدالمناف صاحب	موزی: 21-10-2022
صیغہ	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کے قریب کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز کوکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائرہ کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو کوئی جملہ مذکورہ با اختیار است حاصل ہوں گے اور اس کا ساتھ پر دستخط منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر اجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المقوم: PESHAWAR BAR ASSOCIATION KHYBER PAKHTOONKHWA

نوٹ: اس وکالت نامہ کو کوئی ناقابل قبول ہوگی۔

Handwritten signatures and names: Anwar Shah, Anwar Shah