


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 669/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.11.2022	<p>The application for restoration of Appeal No. 327/2017 submitted today by Mr. Taj Muhammad Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA

SERVICES TRIBUNAL PESHAWAR

Restoration Appli-no. 669/2022

Service Appeal No.327/2017

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 1908

R.Application No. _____

Date 10-11-2022

Said Kamal Khan VERSUS Chief Secretary & Others

**APPEAL UNDER SECTION-4 OF KPK
SERVICE TRIBUNAL ACT 1974.**

**APPLICATION OF RESTORATION OF
APPEAL**

Respectfully Sheweth;

1. That the above mentioned appeal was pending adjudication before this Hon'ble Tribunal and has been dismissed for non-prosecution vide impugned order dated: 05/10/2022.
2. That the petitioner counsel was ill and bed ridden, two weeks before and a week after the date fixed and his cases pending in Peshawar High Court and Darul Qaza were adjourned by the said reason
3. That the petitioner was also ill so the clerk was instructed to appear before the Hon'ble Court and request for adjourned due to illness of the appellant and his counsel.
4. That in response the clerk informed the counsel that he has marked his presence and will get the date later on.
5. That today the counsel for appellant inquired about the date but he was told that the case has been dismissed and default.

6. That absence of the petitioner and his counsel was not deliberate but due to illness.
7. That the appeal have remained pending for the last five years.
8. That precious civil right of the petitioner ~~for~~^{are} involved in the appeal in hand.
9. That the august superior courts have held dicta that the cases shall be decided on merits.
10. That the petitioner got knowledge of the dismissal order today and is going to submit the petition today.

It is, therefore, humbly prayed that on acceptance of the instant petition, the captioned appeal may graciously be restored and be decided on merits.

Dated: 10/11/2022

Through

Petitioner

Counsel

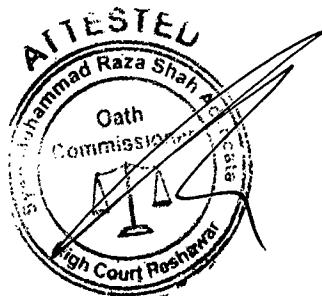
Taj Muhammad Khan
Advocate, High Court
Peshawar.

AFFIDAVIT

I, **the petitioner**, do hereby solemnly affirm & declare that all content of the instant Petition, are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Said Kamal Khan



FILED

10 NOV 2022

BEFORE THE HONOURABLE CHAIRMAN KPK SERVICE TRIBUNAL

PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 327/2017

CS: Appeal No.

Diary No. 289

Dated 27-3-2017

Said Kamal Khan Ex. Assistant Director I&HRD&M Forest Department

Resident of House No.3 Qazi Bashir Road Mardan Cantt: Mardan.

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa Environment Department.
3. Chief Minister Khyber Pakhtunkhwa through Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar.
4. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.

Filed to-day

Registrar

Appeal u/s 4 of khyber paktunkhwa service tribunal

act 1974, against the Order No. SO(Estt:) FE&WD/1-50 PF Said

Kamal Khan/2016 of Chief Secretary Khyber Pakhtunkhwa dated,

15-07-2016 whereby the appellatant was removed from service

Re-submitted to -day
and filed.

Registrar

10/4/17

Appeal No. 329/2017
Said Kamal Khan

28.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 05.10.2022 before the D.B.



(Rozina Rehman)
Member (J)




(Salah Ud Din)
Member (J)

5th Oct, 2022

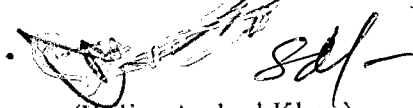
1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5th day of October, 2022.*



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

pages

2 Pages

10-11-2022

10/-

10-11-2022

10-11-2022

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No.327/2017

R.Application No. _____

Said Kamal Khan **VERSUS** Chief Secretary & Others

APPEAL UNDER SECTION-4 OF KPK SERVICE
TRIBUNAL ACT 1974.

APPLICATION OF RESTORATION OF APPEAL

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

1. That the above titled Appeal was dismissed in default by this Hon'ble court on 05.10.2011.
2. That on the said date the petitioner and his counsel were ill and could not attend the court.
3. That the clerk of the counsel was instructed to mark the presence and request this Hon'ble Tribunal for adjournment due to illness of the petitioner of his counsel.
4. That per version of the clerk he marked the presence but could not bring it in your honors notice.
5. That the absence of the petitioner and his counsel was not intentional and celebrate but due to reasons mentioned above.

6. That the petitioner came to know about the impugned order today and is going to submit the petition today.

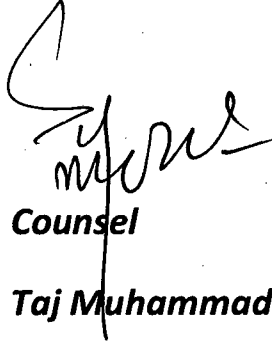
7. That though the petition is well within time yet a month as allegedly been passed so the application for condonation is submitted.

It is, therefore, most humbly prayed that on acceptance of the application the delay may kindly be condoned.

Dated: 10/11/2022

Petitioner

Through



Counsel

Taj Muhammad Khan

Advocate, High Court

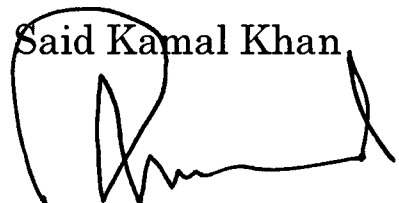
Peshawar.

AFFIDAVIT

I, **the petitioner**, do hereby solemnly affirm & declare that all content of the instant Petition, are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Said Kamal Khan



10 NOV 2022