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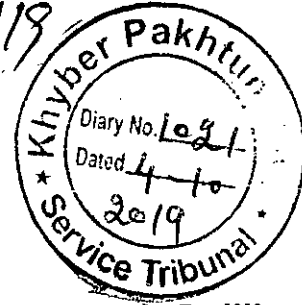
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. No. 373/19

C.M. No. _____/2019

In

Service Appeal No. 885/2019



Masih Ullah.....Petitioner

V E R S U S

Govt. of Khyber Pakhtunkhwa & othersRespondents

APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL,
DISMISSED IN DEFAULT VIDE ORDER
DATED 23.09.2019.

Respectfully Sheweth:-

The petitioner submits as under:-

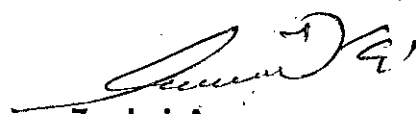
1. That the above titled service Appeal was pending before this Hon'ble Tribunal has been dismissed for non-prosecution vide order dated 23.09.2019.
2. That the bar council had announce strike on 23.09.2019 and due to that reason the counsel was unable to appear before this Hon'ble Tribunal.
3. That law requires that case should be decided on merits rather than on technicality.

4. That valuable rights of the appellant are involved in the present case and there is no legal bar while accepting this application.

It is, therefore most humbly prayed that on acceptance of this application the service appeal may kindly be restored and be decided on merit in the best interest of justice.

Appellant

Through



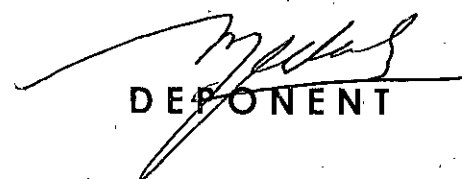
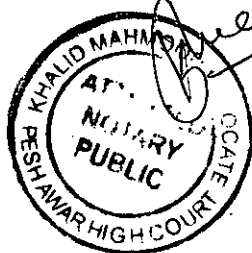
Zartaj Anwar

Advocate High Court

Dated 04.10.2019

AFFIDAVIT

It is stated on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Appeal No. 885 /2019

Khyber Pakhtunkhwa
Service Tribunal

Dinry No. 907

Date 01-07-2019

Masih ullah Assistant BPS 16, Directoriat of Social Welfare,
Special Education, and Women Empowerment Khyber
Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Khyber road, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department Civil Secretariat Khyber road, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Finance Department Civil Secretariat Khyber road, Peshawar
4. Secretary to Government of Khyber Pakhtunkhwa Social Welfare, Special Education, and Women Empowerment Civil Secretariat Khyber road, Peshawar.
5. Director, Social Welfare, Special Education, and Women Empowerment Khyber Pakhtunkhwa Peshawar.

(Respondents)

Filed to-day

Registrar

1/7/19

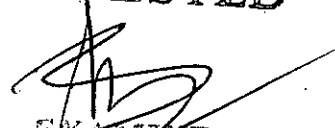
Re-submitted to -day
and filed.

Registrar

8/7/19

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order dated 15.05.2018 whereas to regularize the promotion on acting charge basis of Appellant to the post of Office Assistant (BPS 16) on regular basis with immediate effect, against which his departmental Appeal dated 09.04.2019 has not been regretted on 31.05.2019.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



23.09.2019

Nemo for appellant.

It is now 4:00 P.M and the case has been called several times but no one is in appearance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to record room.

CHAIRMAN

Announced
23.09.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25-9-18
Number of Words 800
Copying Fee 10-00
Urgent -
Total 10-00
Name of Copyist
Date of Completion of Copy 03-10-18
Date of Delivery of Copy 03-10-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M No Restoration Application No 373/19 in Service appeal No. 885/2019

Mr. Masih Ullah

Petitioner

VERSUS

1. Govt of Khyber Pakhtunkhwa & Others

Respondents

Reply on behalf of the respondents

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the Petitioner has got no cause of action
2. That the petition is time barred.
3. That the petitioner is estoppels by conduct to file the present application.


PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 4.


FACTS

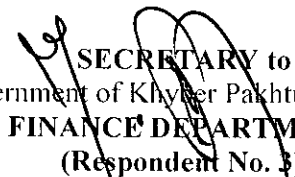
1. No Comments.
2. In reply of para No 2, it is stated that although there was strike of lawyer's but the petitioner was duty bound to appear before the honorable tribunal. The petitioner did not appear which shows the lack of interest of the petitioner, therefore, the appeal was rightly dismissed.
3. In reply of para No 3, it is kept in mind that the law favors the vigilant and not the negligent. The conduct of the petitioner shows lack of interest in the appeal.
4. No comments.


It is therefore most humbly prayed that the restoration application of the petitioner may kindly be dismissed with cost.

Respondents


CHIEF SECRETARY
 Government of Khyber Pakhtunkhwa
 (Respondent No. 1)


SECRETARY to
 Government of Khyber Pakhtunkhwa for
ESTABLISHMENT DEPARTMENT
 (Respondent No. 2)


SECRETARY to
 Government of Khyber Pakhtunkhwa for
FINANCE DEPARTMENT
 (Respondent No. 3)


SECRETARY to
 Govt. of Khyber Pakhtunkhwa for
 Social Welfare, Special Education & Women
 Empowerment
 (Respondent No. 4)


DIRECTOR
 Social Welfare, Special Education & Women Empowerment, Peshawar
 (Respondent No. 5)

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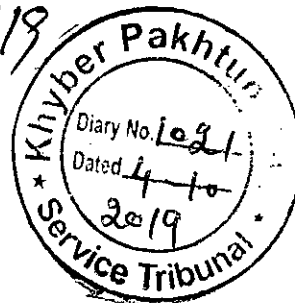
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. no 373/19

C.M. No. _____/2019

In

Service Appeal No.885/2019



Masih Ullah.....Petitioner

V E R S U S

Govt. of Khyber Pakhtunkhwa & othersRespondents

APPLICATION FOR RESTORATION OF
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DISMISSED IN DEFAULT VIDE ORDER
DATED 23.09.2019.

Respectfully Sheweth:-

The petitioner submits as under:-

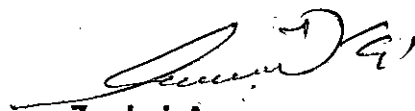
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3. That law requires that case should be decided on merits rather than on technicality.

4. That valuable rights of the appellant are involved in the present case and there is no legal bar while accepting this application.

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Appellant

Through



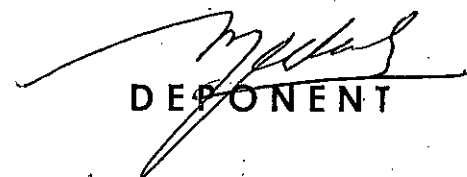
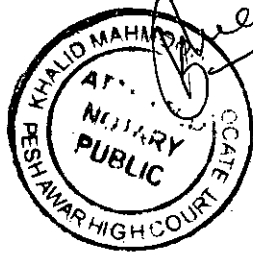
Zartaj Anwar

Advocate High Court

Dated 04.10.2019

AFFIDAVIT

It is stated on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

907

Date

01-07-2019

Appeal No. 885 /2019

Masih ullah Assistant BPS 16, Directoriat of Social Welfare,
Special Education, and Women Empowerment Khyber
Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Khyber road, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department Civil Secretariat Khyber road, Peshawar.
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4. Secretary to Government of Khyber Pakhtunkhwa Social Welfare, Special Education, and Women Empowerment Civil Secretariat Khyber road, Peshawar.
5. Director, Social Welfare, Special Education, and Women Empowerment Khyber Pakhtunkhwa Peshawar.

(Respondents)

Filed to-day

Registrar

17/19

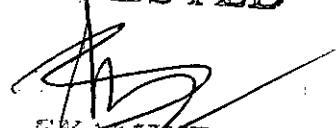
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Registrar

8/7/19

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ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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23.09.2019

Nemo for appellant.

It is now 4:00 P.M and the case has been called several times but no one is in appearance on behalf of the appellant.

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CHAIRMAN

Announced
23.09.2019

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Kyber Pakhtunkhwa
Service Tribunal,
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M No Restoration Application No 373/19 in Service appeal No. 885/2019

Mr. Masih Ullah

Petitioner

VERSUS

1. Govt of Khyber Pakhtunkhwa & Others

Respondents

Reply on behalf of the respondents

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the Petitioner has got no cause of action
2. That the petition is time barred.
3. That the petitioner is estoppels by conduct to file the present application.

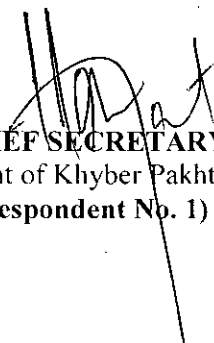
PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 4.

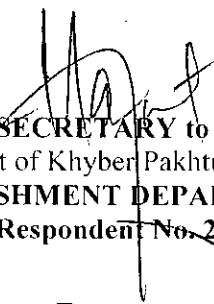
FACTS

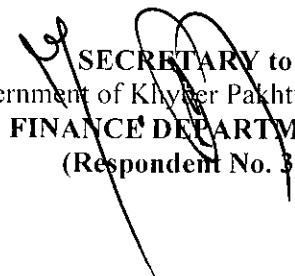
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4. No comments.


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Respondents


CHIEF SECRETARY
 Government of Khyber Pakhtunkhwa
 (Respondent No. 1)


SECRETARY to
 Government of Khyber Pakhtunkhwa for
ESTABLISHMENT DEPARTMENT
 (Respondent No. 2)


SECRETARY to
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FINANCE DEPARTMENT
 (Respondent No. 3)


SECRETARY to
 Govt. of Khyber Pakhtunkhwa for
 Social Welfare, Special Education & Women
 Empowerment
 (Respondent No. 4)


DIRECTOR
 Social Welfare, Special Education & Women Empowerment, Peshawar
 (Respondent No. 5)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Re:
Service Appeal No. *885/2019*.

Masih Ullah.....**Applicant/ Appellant**

V E R S U S

Govt of KPK and others.....**Respondents**


APPLICATION FOR WITHDRAWAL OF
TITLED SERVICE APPEAL

Respectfully Sheweth:

1. That the captioned service appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today i.e. 01.09.2020
2. That as the matter of the appellant has been resolved and the appellant does not want to proceed further in the instant appeal.
3. That the appellant wants to withdraw the titled service appeal, hence this application is being filed.

It is, therefore, most humbly prayed that on acceptance of this application, the captioned service appeal may kindly be withdrawn

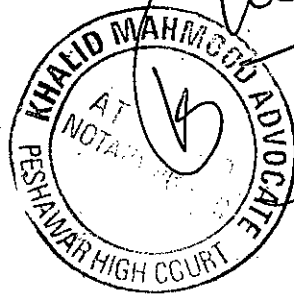
Applicant/ Appellant


Masih Ullah
In person

Dated 01.09.2022

AFFIDAVIT

I, Masih Ullah, do hereby 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 Tribunal.



Masih Ullah
DEPONENT