

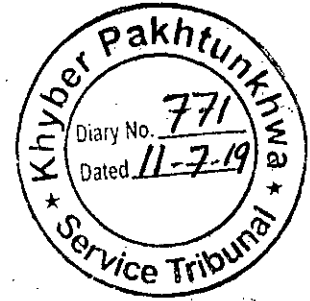
## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

*Restriction Application no. 271/2019*

Misc. Application No \_\_\_\_\_/2019

IN

Service Appeal No. 820/ 2018



Zahir Ullah, PST,  
Office of the District Education Officer,  
District Mardan..... Appellant/ Applicant.

VERSUS

The District Education Officer (Male),  
Mardan & others ..... Respondents.

**APPLICATION UNDER RULES, 19 AND 27 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS  
RULES, 1974 FOR RESTORATION OF THE SERVICE  
APPEAL OF THE APPELLANT.**


Respectfully Sheweth,

That the above titled service appeal was dismissed for non-prosecution vide order dated 14-03-2019. Copy of the order is attached as **Annexure-A**.

Hence this application is submitted on the following **grounds**.

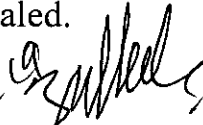
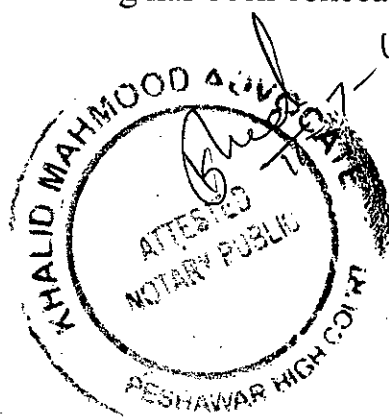
1. That neither any notice was issued to appellant nor his counsel was served / informed through other modes of communication in view of order of this Hon'ble Tribunal dated 29-01-2019 and therefore, their non- appearance on the date fixed for primary hearing was due to lack of knowledge.
2. That the non appearance of the applicant and his counsel on the date fixed was inadvertently because both of them was not served properly as required under the rules.
3. That applicant has good case on merit so it is the demand of justice to decide the case and the technicality should not be hurdle in the way of justice.

It is therefore humbly prayed that on acceptance of this application, the service appeal of applicant may kindly be restored and decided on merit.

Through   
Applicant/Appellant  
**Khush Dil Khan,**  
ASC

**Affidavit**

I, Zahir Ullah, PST, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed.

  
**Deponent**  


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

Zahir Ullah, PST,  
Office of the District Education Officer,  
District Mardan..... Appellant/ Applicant.

VERSUS

The District Education Officer (Male),  
Mardan & others ..... Respondents.

**APPLICATION FOR CONDONATION OF  
DELAY IF ANY IN FILING OF APPLICATION  
FOR RESTORATION OF ABOVE TITLED  
APPEAL.**


Respectfully Sheweth

1. That applicant/appellant filing accompanied application with the request for condonation of delay if any as under.
2. That the delay caused due to non serving of notice regarding the date fixed and the applicant and his counsel have no knowledge about the very date of hearing and as such non submission of application for restoration within time period was not deliberate but due to lack of knowledge.
3. That applicant has good case on merit so it is the demand of justice to decide the case and the technicality should not be hurdle in the way of justice.

It is therefore, humbly prayed that on acceptance of this application, the delay if any in filing the accompanied

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application for restoration may graciously be condoned in the interest of justice.

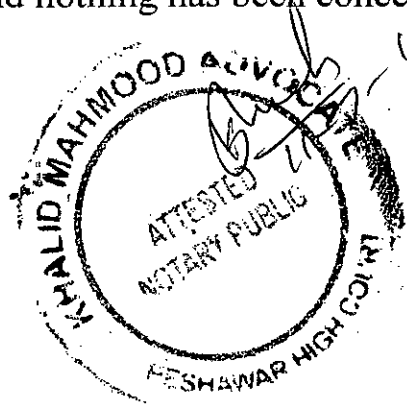
  
Applicant/Appellant

Through

  
**Khush Dil Khan**  
ASC.

**Affidavit**

I, Zahir Ullah, PST, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed.



  
**Deponent**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 820 / 2018

Zahir Ullah,  
PST Teacher,  
Office of the District Education Officer (Male),  
District Mardan,  
R/o Moh: Barshah, Katlang,  
Tehsil & District Mardan.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1051

Dated 13/08/2018

Versus

1. The District Education Officer (Male),  
District Mardan.
2. The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, *(CE&SE) Department,*  
Govt. of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
4. Mr. Arshad Hussain,  
Enquiry Officer/Principal,  
GHS Babu Zai,  
Katlang, Mardan.....Respondents.

Filed to-day ~~13/6/18~~ 13/6/18  
REGISTERED  
No-submitted to-day  
and filed  
Registrar  
5/6/18

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 31.01.2018  
THEREBY APPELLANT WAS AWARDED MAJOR  
PENALTY OF COMPULSORY RETIREMENT FROM THE  
SERVICE WITH EFFECT FROM 17.04.2017 (THE DATE OF  
HIS ABSENCE) AGAINST WHICH HE FILED  
DEPARTMENTAL APPEAL ON 26.02.2018 BEFORE THE  
RESPONDENT NO.2 UNDER REGISTERED POST BUT THE

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Form- A

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FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_

820/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2018	<p>The appeal of Mr. Zahir Ullah resubmitted today by Mr. Khushdil Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2-	06.07.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>6/7/18</u>.</p> <p><i>[Signature]</i> MEMBER</p>
	10.08.2018	<p>Clerk of the counsel for appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 10.08.2018 before S.B.</p> <p><i>[Signature]</i> (Muhammad Amin Khan Kundi) Member</p>
		<p>Neither appellant nor his counsel present. Case to come up for preliminary hearing on 09.10.2018 before S.B.</p> <p><i>[Signature]</i> Chairman</p>

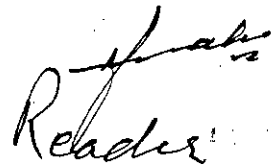
09.10.2018

None present for the appellant. To come up for preliminary hearing on 05.11.2018 before S.B.

  
Chairman

5-11-2018

Due to Retirement of the Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 21-12-2018

  
Reader

20.12.2018


Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 29.01.2019 before S.B

  
Member

29.01.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary arguments for 14.03.2019 before S.B.

**ATTESTED**


  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

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14.03.2019

Appellant absent. Learned counsel for the appellant absent. On the previous dates fixed as 21.12.2018 and 29.01.2019 the appellant and his counsel were also absent. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.



Member

ANNOUNCED

14.03.2019

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar