


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 691/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.11.2022	<p>The application for restoration of Appeal No. 177/2017 submitted today by Mr. S.M Ilyas 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>By the order of Chairman</p> <p> REGISTRAR.</p>

BEFORE THE SERVICE TRIBUNAL PESHAWAR*Restoration Appls. NO. 691/2022*

C.M No. _____ of 2022

Appeal No. 177 of 2017

Sher Ali Vs, Govt of KPK, through chief
 (Appellant) Secretary etc. (Respondents)

RESTORATION APPLICATION**INDEX**

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Appellant,
 Through,
 S.M.Ilyas Advocate

①

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Restoration Appli. no. 691/2022

C.M No. _____ of 2022

In Appeal No. 127 of 2017

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2025

Dated 9/3-11-2022

Sher Ali Vs, Govt of KPK, through chief
(Appellant) Secretary etc. (Respondents)


**APPLICATION FOR RESTORATION OF
ABOVE TITLED APPEAL**

Respectfully Sheweth,

1. That above titled appeal was pending in this Honourable Court, wherein arguments on behalf of the appellant was heard, while respondent request for adjournment and the case was adjourned for order and arguments on behalf of the respondents.
2. That on previous date i.e 19/10/2022 appellant was absent and due to his non appearance the case was dismissed in default. (Order dated 19/10/2022 is attached as annex A)
3. That appellant are residing at Chitral, and he is diabetic patient, appellant noted the dated 19/11/2022 instead of 19/10/2022, when the case adjourned on previous date.
4. That appellant has wrongly noted the next date, therefore applicant remain absent on 19/10/2022, so valuable rights of the appellant are attached in this above titled case.
5. That on 19/11/2022 when appellant appeared this Honourable Court, so he came to know that the above titled case was dismissed in default.

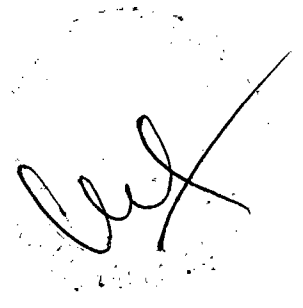
- 6. That this Honourable Court has not decided the case of the appellant on merits. Thus appellant will suffered an irreparable loss if appeal was dismissed in default.
- 7. That primary object of the court is to give justice and to decide the case on merits, while the instant appeal was not decided on merits.

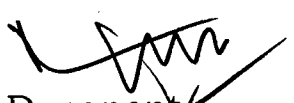
So, it is therefore prayed that on acceptance of this application, above titled appeal may please be retored.

Appellant,
 Through, 
 S.M.Ilyas Advocate

AFFIDAVIT

I Sher Ali Appellant solemnly affirm that the contents of this ~~reference~~ ^{Application} are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.




 Deponent

BEFORE THE SERVICE TRIBUNAL PESHAWAR

C.M No. _____ of 2022

Appeal No. 177 of 2017

Sher Ali Vs, Govt of KPK, through chief
(Appellant) Secretary etc. (Respondents)

RESTORATION APPLICATION**Application for Condonation of delay**

Respectfully Sheweth,

1. That appellant has filed the application for restoration of delay before this Honourable Court, wherein no date has been fixed yet.
2. That on 19/10/2022 appellant was absent and due to his non appearance the case was dismissed in default.
3. That appellant are residing at Chitral, and he is diabetic patient, appellant noted the dated 19/11/2022 instead of 19/10/2022, when the case adjourned on previous date.
4. That appellant has wrongly noted the next date, therefore applicant remain absent on 19/10/2022, so valuable rights of the appellant are attached in this above titled case.
5. That on 22/11/2022 appellant obtained the attested copy from this Honourable Court therefore delay was occurred, primary object of the court is to give justice and to decide the case on merits, while the instant appeal was not decided on merits.

So, it is therefore prayed that on acceptance of this application, delay for filling of application for restoration may please be condoned.

Appellant,

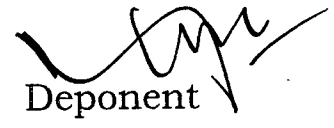
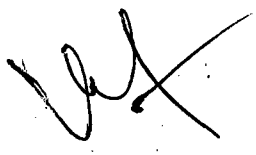
Through,

S.M.Ilyas Advocate



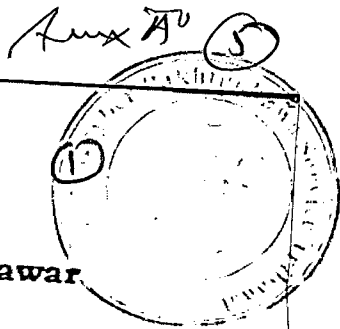
AFFIDAVIT

I Sher Ali Appellant solemnly affirm that the contents of this ~~rejoinder~~ ^{Applicant's} are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Deponent

Before The Khyber PuktoonKhwa Serive Tribunal Peshawar



Appeal No/77 of 2017

Khyber Pukhtunkhwa
Service Tribunal

Diary No. 81

Dated 23-01-2017

Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral.

(Appellant)

Versus;

1. Government of Khyber Pukhtonkhwa, through chief Secretary/ Civil Secretariat, Peshawar.
2. Secretary Food department Peshawar.
3. Director Food Khyber PukhtoonKhwa Peshawar.
4. Deputy Director Food (A&C) Khyber PukhtoonKhwa Peshawar.
5. District Food Controller Chitral.
6. Assistant Director Food Malakand Division at Saidu Shareef Swat. (Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTONKHWA SERVICE TRIBUNAL ACT
1974, AGAINST ORDER DATED 10/10/2016
VIDE WHICH THE APPELLANT WAS
DISMISSED FROM SERVICE BY THE
RESPONDENT NO.3 WHICH ILLEGAL
AGAINST LAW AND FACTS AND RECORD
INEFFECTIVE UPON THE RIGHT OF THE
APPELLANT.**

Filed to be sure copy
Khyber Pukhtunkhwa
Service Tribunal,
Peshawar

Filed to-day Respectfully Sheweth,

Registrar
23/1/17

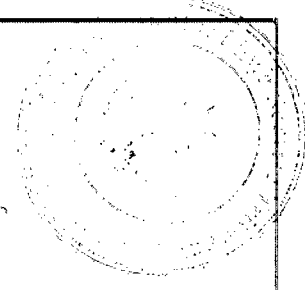
Re-submitted to -day
and filed.

Registrar
9/2/17


1. That appellant was initially appointed on 01/06/1986 as clerk in the office of Deputy Commissioner Chitral and thereafter appellant was transferred in Food Department as Godown clerk in PR center shagram, further served as Food Grain Inspector Yarkhun, Broghil & Torkhow Food department at Chitral.
2. That charge sheet was issued to the appellant that the DFC Chitral during physical verification

177/2017


Sher Ali vs Govt



- 19th 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 19th day of October, 2022.

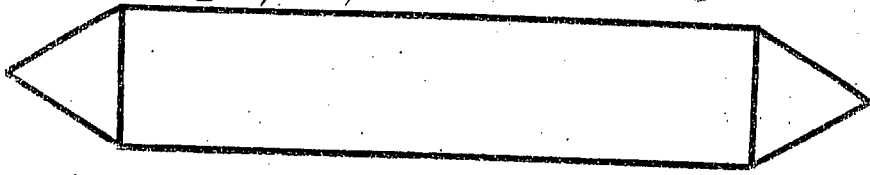

 (Fareeha Paul)
 Member (E)


 (Kalim Arshad Khan)
 Chairman



22-11-2022
 Page 2-Pages
 10/-
 4/-
 14/-
 22-11-2022
 22-11-2022

بعدالت کا سرسٹریٹیجی



Appellate

2022-11-22

مورثہ

بنام حکومت

مقدمہ

Restoration Appellate

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام پشاور سے اس کے واسطے کیلئے سند محمد اس کے واسطے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ ہوں گے
 سب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
 کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 22 ماہ نومبر 2022ء

العبد د گ واہ العبد

کے لئے منظور ہے۔

مقام سرسٹریٹیجی

BC. No 105509
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