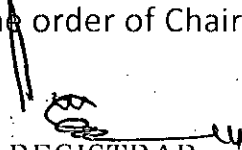


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 729/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.12.2022	<p>The application for restoration of Appeal No. 986/2018 submitted today by Mr. Yasir Saleem 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 KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Restoration Appli. no. 729/2022

CM No. _____/2022

In Re:

Appeal No. 1487/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2294

Dated 13-12-2022

Zabita Khan

..... Petitioner

VERSUS

Government

..... Respondents

**APPLICATION FOR RESTORATION OF ABOVE
TITLED WRIT PETITION DISMISSED ON THE
BASIS OF NON PROSECUTION VIDE ORDER
DATED 08.12.2022.**

Respectfully Sheweth:

1. That the above titled Writ petition was dismissed on the basis of non prosecution vide Order dated 08.12.2022. (Copy of Order is attached as Annexure "A").
2. That the non attendance of the counsel was not intentionally, as the counsel for petitioner was busy before this Hon'ble Peshawar High Court, Peshawar in some

other cases due which the case in hand was dismissed due to non prosecution.

3. That the valuable rights of the petitioner is involved in the instant Writ petition in hand.
4. That any other grounds may be raised with the permission of the Court during the course of the arguments.

It is, therefore, humbly prayed that on acceptance of the present Application, the titled case may kindly be restored and be decided on merit, in the best interest of justice.

Any other remedy which is not specifically mentioned, may also graciously be granted.

Applicant/Petitioner

Through

Yasir Saleem
Advocate, High Court.

Dated: 13.12.2022

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 1487 /2019

Khyber Pakhtunkhwa
Service Tribunal

Zabita Khan, S/o Khan Muhammad,
R/o Khudrazi, Mohallah Samandar Gari,
presently Reader CJ-VI, District Nowshera

Diary No. 1558

Dated 05/11/2019
Appellant

Versus.

1. District & Session Judge, Nowshera.
2. Registrar, Peshawar High Court, Peshawar.

Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 19/06/2019 WHEREBY MAJOR PENALTY WAS IMPOSED ON THE APPELLANT IN TERMS (I) REVERSION TO LOWER GRADE I.E. DEMOTED FROM THE SCALE OF SENIOR CLARK (BPS-14) TO JUNIOR CLARK (BPS-11), WHICH WILL OPERATE FOR THREE YEARS, (II) DURING THIS PERIOD THE APPELLANT WILL NOT BE ENTITLED FOR ANY INCREMENTS, (III) AND TO POSTPOIE FURTHER INCREMENTS FOR THE PERIOD OF ONE YEAR AFTER RESTORATION AND (IV) AFTER RESTORATION THE APPELLANT WILL BE PLACED ON HIS ONW ORIGINAL SENIORITY AND AGAINST NOT TAKING ANY ACTION OR DECISION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 19/06/2019 MAY BE SET ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS ORIGINAL SCALE/GRADE WITH ALL DUE INCREMENTS / BENEFITS FOR ALL BACK AND CONSEQUENTIAL PURPOSES.

ANY OTHER RELIEF WHICH HAS NOT SPECIFICALLY BEEN PRAYED FOR BUT IS MORE CONDUCIVE IN THE FACTS AND CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED IN THE BEST INTEREST OF JUSTICE, EQUITY AND THE LAW.

RESPECTFULLY SHEWETH: -

ATTEST:

FACTS: -

1. That the Appellant is law abiding citizen of the Islamic Republic of Pakistan having all the fundamental rights guaranteed under the Constitution of the Islamic Republic of

Filed to-day

Registrar

05/11/19

Appeal No. 1487/2018
Zabita Khan vs Govt



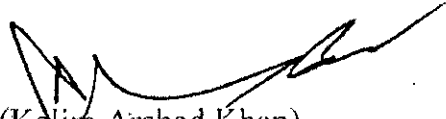
08th Dec 2022


1. Nobody is present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 8th day of December, 2022.


(Farzha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

Certified to  true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 12/12/2022
Number of ~~Words~~ ^{page} 2 pages
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Date of Completion of Copy 12/12/2022
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