

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

In Service Appeal No.101/2015

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 2922

Date 12-1-2023

Dr. Salah-ud-Din Ayubi .....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through  
Secretary Health, & another.....Respondents

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Dated: 11.01.2023

  
Appellant

through

  
**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

(1)

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

In Service Appeal No.101/2015

Dr. Salah-ud-Din Ayubi S/o Ghulam Qadir  
Demonstrator BKMC Mardan (BPS-17)  
R/o House No.476, Street No.15, Sector-S  
Phase-II, Sheikh Maltoon, Mardan.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health,  
Civil Secretariat, Peshawar.
2. Chief Secretary, KPK, Peshawar.  
.....Respondents

**APPLICATION FOR RESTORATION OF  
THE ABOVE APPEAL AND ITS DECISION  
ON MERITS.**

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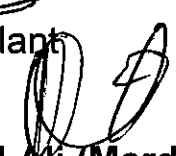
**Respectfully Submitted:**

1. That the above titled execution petition was fixed for hearing on 13.12.2022 and was dismissed in default for non-prosecution.
2. That absence of counsel for the appellant on the date fixed was neither intentional nor deliberate, but due to the reason that, diary of the counsel was misplaced from the clerk, due to which the counsel was not in knowledge regarding fixation of the case.
3. That valuable rights of appellant are involved in the case in hand, which requires decision on merit.

(2)

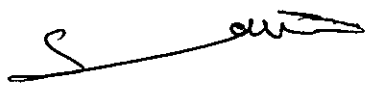
4. That superior Courts of the country has time and again held that the cases should be decided on merit rather on the basis of technicalities

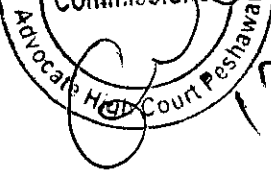
It is, therefore, prayed that on acceptance of this application the titled appeal may kindly be restored.

Appellant  
Through   
**Amjid Ali (Mardan)**  
Advocate, Supreme Court

**AFFIDAVIT**

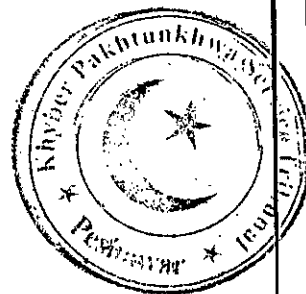
I, do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble Court.

  
Deponent

ATTESTED  
C. U. D. Khan  
Commissioner  
Advocate High Court Peshawar  
  
12/01/23

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR



Appeal No. 101 /2015

**101**  
**88**  
**03/02/2015**

Dr. Salah-ud-Din Ayubi s/o Ghulam Qadir  
Demonstrator BKMC Mardan (BPS-17)  
R/O H.No.476, Street No.15, Sector-S, Phase-II  
Sheikh Maltoon, Mardan.....Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
- 2) Chief Secretary KPK, Peshawar.....Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL  
ACT, 1974 AGAINST TERMINATION  
ORDER DATED 10.07.2014 PASSED BY  
RESPONDENT NO.1 AND FINAL  
APPELLATE ORDER DATED 09.01.2015  
WHICH ARE ILLEGAL, AGAINST LAW  
AND FACTS

Prayer:

On acceptance of this appeal, order dated 10.07.2014 and order 09.01.2015 may please be set aside and appellant may please be reinstated in service with all back benefits.

Any other relief which this hon'ble Tribunal deems appropriate in the circumstances of the case may kindly also be granted.

**600**  
**3/2/15**

Re-submitted to-day  
MDG

**11/2/15**  
Registrar

**Certified to be true copy**  
**SECRETARY**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

(4)

13.12.2022

Nemo for appellant.


Naseer Ud Din Shah learned Assistant Advocate

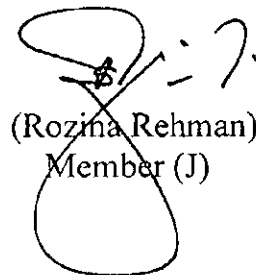
General Muhammad Tufail S.O for respondents present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

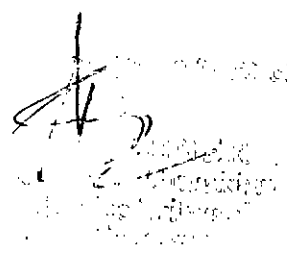
SCANNED  
KPST  
Peshawar

Announced  
13.12.2022

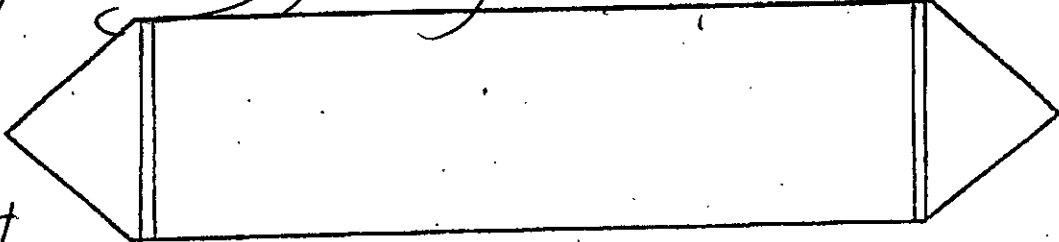
  
(Farzeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

page 2-p 11-01-2023  
10/-  
15/-  
11-01-2023  
11-01-2023



# بعد التصاب سروس ٹریبونل لسٹاف



2023 پنجاب اسٹاف  
بنام

مقدمہ *Restoration* *Applic*  
دعویٰ  
جرم 8A tot/2015

## باعث تحریر آنکھ

دوران سروس

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام ~~سروس~~ کیلئے ~~اپنی طرف سے~~ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپ یہاں عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے طرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب 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 سندر ہے۔

المرقوم 12  
ماہ صوبی 2023

واہ العب

بمقام

Amjad Ali  
Advocate

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