

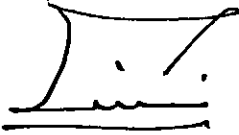
ORDER
16.01.2023

Mr. Noor Muhammad Khattak, Advocate, for the petitioner present. Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 7791/2021 titled "Shamsher Ali Versus The Secretary Local Government and Rural Development Department Khyber Pakhtunkhwa, Peshawar and 02 others", was dismissed in default vide order dated 02.12.2022. According to learned counsel for the petitioner, he was busy in the august Peshawar High Court, Peshawar and the date in the instant appeal was also not noted in his diary, therefore, he could not appear before the bench on the relevant date. The petitioner has submitted application for restoration of appeal on 12.12.2022 which is well within time. The application for restoration of service appeal is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities.

The application in hand is, therefore, accepted and Service Appeal bearing No. 7791/2021 stands restored on its original number. To come up for preliminary hearing on 02.03.2023 before the S.B. Original record also be requisitioned for the date fixed.

ANNOUNCED
16.01.2023


(Salah-ud-Din)
Member (J)