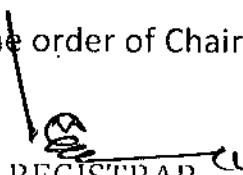


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 22/2023

S No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.01.2023	<p>The application for restoration of appeal No. 101/2015 submitted today by Mr. Amjad Ali Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Restoration Appli. no 22/2023

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

INDEX

Sr #	Documents & Description	Annexure	Page
1.	Application for restoration		1-2
2.	Copy of order dated 20.12.2022		3-4

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**

*Restoration Application NO. 22/2023*

In Service Appeal No. 101/2015

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 2922

Date 12/01/2023

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.**


**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.

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

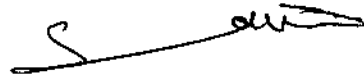
(2)

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



3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR



Appeal No. 101 /2015

**H.W.P. Peshawar**  
No. 89  
Date 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.

*[Handwritten signature]*  
3/2/15

RC-submitted to-day  
REC-100

*[Handwritten signature]*  
Registrar  
11/2/15

**Certified to be true copy**  
*[Handwritten signature]*  
EXAMINER  
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

  
(Farzha Paul)  
Member (E)

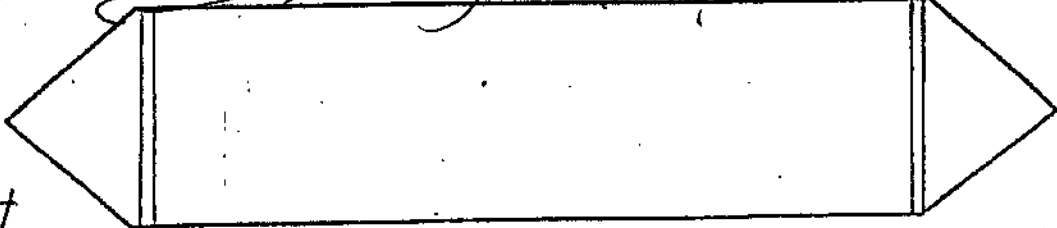
  
(Rozina Rehman)  
Member (J)

Date of Presentation of Application 11-01-2023  
Number of Words Page 2-P  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 11-01-2023  
Date of Delivery of Copy 11-01-2023

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

# بعد التصاب رسوں طرہوں سے اسلاف



2023ء پنجاب ہائی کورٹ  
بنام

موزعہ مقدمہ Restoration Applica  
دعویٰ جرم  
8A tot/2015

## باعث تحریر آئندہ

مرحومہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثتہ فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
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 لانا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

المرقوم 12  
ماہ صول 2023ء

واہ العی

کے لئے منظور ہے۔

12

بمقام

Amjad Ali  
Advocate

BC 105506  
16101-3470298-3  
amjadali@asc.com