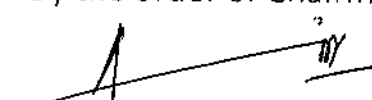


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 35/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.01.2023	<p>The application for restoration of Appeal No. 7900/2021 submitted today by him. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Parcha Peshi is given to applicant/counsel.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Restoration Application No. 35 /2023

In

Service Appeal No. 7900/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3032

Dated 17-1-2023

Muhammad Rafiq Khattak. Ex- Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar. ... (Applicant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and
others.

... (Respondents).

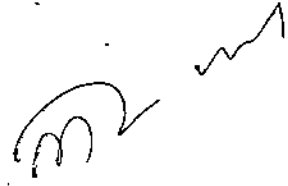
**APPLICATION FOR RESTORATION OF SERVICE APPEAL NO.
7900/2021, DISMISSED IN DEFAULT ON 05.01.2023.**

RESPECTFULLY SHEWETH

FACTS:

1. That the above mentioned service appeal was fixed for arguments before the
D.B on 17.11.2022 on which date, lawyers were on strike and it was
adjourned to 05.01.2023.
2. That on 05.01.2023, learned counsel for the appellant was busy in the Khyber
Pakhtunkhwa Bar Council while the appellant was seriously ill and the
appeal was dismissed in default. Certified copy of order is attached.
3. That absence of the appellant as well as his learned counsel was not
intentional but due to the reason mentioned above.
4. That the application is within time and in the interest of justice, the appeal is
liable to be restored.

It is, therefore, requested that on acceptance of the instant application, Service Appeal No. 7900/2021 may very kindly be restored and fixed for regular hearing.



(Muhammad Rafiq Khattak)
Applicant.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Restoration Application No. _____/2023.

In

Service Appeal No. 7900/2021

Muhammad Rafiq Khattak, Ex- Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar. ... (Applicant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and
others.

... (Respondents).

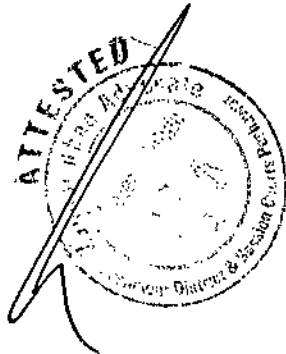
**APPLICATION FOR RESTORATION OF SERVICE APPEAL NO.
7900/2021, DISMISSED IN DEFAULT ON 05.01.2023.**

AFFIDAVIT

I, Muhammad Rafiq Khattak, applicant do hereby solemnly affirm and
declare that the contents of the application are true and correct to the best of my
knowledge.



DEPONENT.




17.11.2022

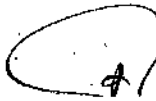
Clerk of counsel for the appellant present.

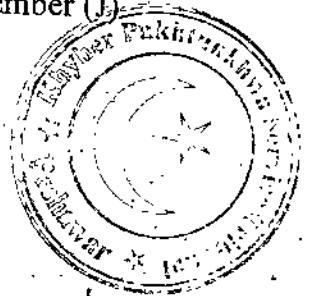
Naseer Uddin Shah learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2023 for arguments before D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)




5th Jan, 2023


1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Fahim Khan, Assistant 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 5th day of January, 2023.*

SCANNED
KPST
Peshawar

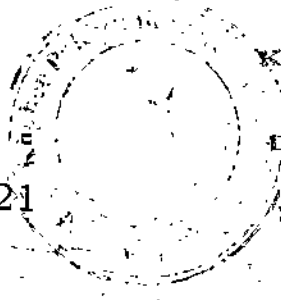

(Mian Muhammad)
Member(E)


(Kalim Arshad Khan)
Chairman


Secretary
Service Tribunal
Peshawar

Page 2-P
10/-
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15/-
17-01-23
17-01-2023
17-01-2023

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



Diary No. 2048

Dated 17-12-2021

Service Appeal No. 7900 /2021

Muhammad Rafiq Khattak, Ex-Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar. **APPELLANT**

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar. **RESPONDENTS**

Filed to-day

Registrar

17/12/21

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS TO AWARD BPS-21, ON MERITORIOUS SERVICE AND ORDER OF DEPARTMENTAL APPELLATE AUTHORITY DATED NIL, WHEREBY HE DID NOT PASS ANY ORDER OVER THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY (90) DAYS.

Re-submitted to -day and filed.

Registrar

21/12/2021

LISTED

PRAYER:

By accepting this appeal, the impugned inaction of the respondents to award BPS-21, on meritorious service, to the appellant and the order of the departmental appellate authority may please be set aside and consequently the appellant may please be awarded BPS-21, on meritorious service.

Respectfully Sheweth:

1. That the appellant was initially appointed as School Teacher, way back on 09.08.1978 in the Elementary & Secondary Education Department. (Copy of Appointment Order is attached as annexure "A").
2. That after serving the respondents Department for twenty (20) long years, the appellant was appointed as Principal BPS-18, through Public Service Commission, on 23.11.1998. (Copy of Order is attached as annexure "B").
3. That, thereafter, the appellant was promoted to BPS-19 on 13.09.2004 and lastly the appellant was appointed as Executive District, Officer (EDO) Elementary & Secondary Education, in Management Cadre, after his selection and recommendation by the Public Service Commission, on 24.02.2011. (Copy of Notification is attached as annexure "C").

TESTED

EXAMINER
Government of Punjab
Service Tribunal
Peshawar