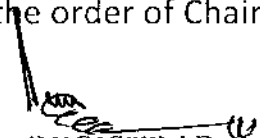


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 57/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.02.2023	<p>The application for restoration of Appeal No. 1542/2022 resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for hearing before Single 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. 57/2023*

C.M. No. \_\_\_\_\_ /2023

IN

APPEAL ON. 1542/2022

MUHAMMAD SALMAN

V/S

AGRICULTURE DEPTT

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S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of application	.....	1.
2.	Affidavit	.....	2.
3.	Order/judgment	A	3- 4.
4.	Wakalat Nama	.....	5.

APPELLANT

THROUGH: 

MIR ZAMAN SAFI  
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

*Restoration* **PESHAWAR**  
*APPLI. NO. 57/2023*

C.M. No. \_\_\_\_\_/2023

IN

APPEAL ON. 1542/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3365

Dated 1-2-2023

MUHAMMAD SALMAN V/S AGRICULTURE DEPTT

**APPLICATION FOR RESTORATION OF THE ABOVE  
MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That, the above mentioned appeal was pending adjudication before this Honorable Tribunal in which 16-01-2023 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 09.06.2020.
- 3- That the above mentioned service appeal was fixed for hearing on 16.01.2023 before this august Tribunal at D.I Khan Bench for preliminary hearing.
- 4- That during pendency of the above mentioned appeal the appellant was transferred from Office of the Principal Research Officer/Regional Director, Veterinary Research & Disease Investigation Centre, D.I Khan to Office of the Principal Research Officer/Regional Director, Veterinary Research & Disease Investigation Centre, Kohat vide order dated 30/11/2022.
- 5- That after transfer order dated 30/11/2022 the appellant filed application for transfer of appeal to the principal bench of this august Tribunal at Peshawar but it came into the knowledge to the Counsel of appellant on 31.01.2023 that the above mentioned appeal was fixed for hearing on 16.01.2023 at D.I-Khan bench and the same has been dismissed in default on the date fixed. **Copy of the order sheet is attached.**
- 6- That non-appearance of the appellant and Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 31-01-2023.

APPELLANT  
THROUGH:  
MIR ZAMAN SAFIR  
ADVOCATE

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

C.M. No. 1542/2022 /2023

IN

APPEAL ON. 1542/2022

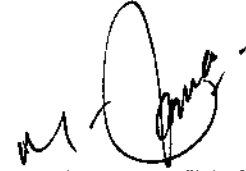
MUHAMMAD SALMAN

V/S

AGRICULTURE DEPTT

**AFFIDAVIT**

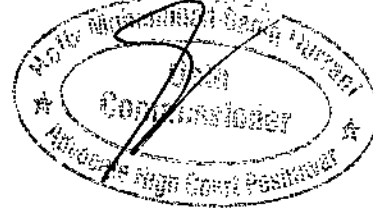
I Mir Zaman Safi Advocate, High Court, do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



MIR ZAMAN SAFI  
ADVOCATE

01 FEB 2023

ATTESTED



A - 3



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

SERVICE APPEAL NO. 1542/2022

Mr. Muhammad Salman, Senior Clerk (BPS-14),  
O/O the Principal Research Officer/Regional Director, Veterinary Research &  
Disease Investigation Centre, D.I. Khan.

.....APPELLANT

**VERSUS**

- 1- The Secretary, Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General (Research), Livestock & Dairy Development Authority, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Veterinary Research Institute, Khyber Pakhtunkhwa, Peshawar.
- 4- The Principal Research Officer/Regional Director, Veterinary Research & Disease Investigation Centre, D.I. Khan.
- 5- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 6- The District Account Officer, D.I. Khan.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 09/06/2022 WHEREBY THE APPELLANT HAS BEEN RE-INSTATED INTO SERVICE WITH EFFECT FROM 08.03.2022 RATHER THAN RETROPECTIVE DATE i.e. 11.03.2021 AND THE INTERVENING PERIOD WITH EFFECT FROM 21.03.2021 TO 07.03.2022 IS HEREBY TREATED AS EXTRAORDINARY LEAVE WITHOUT PAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

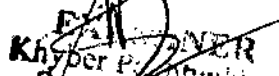
That on acceptance of this service appeal the impugned order dated 09.06.2022 may very kindly be modified/rectified to the extent of re-instatement into service w.e.f 21.03.2021 and the intervening period w.e.f 21.03.2021 to 07.03.2022 be treated as medical leave with full pay with all other consequential benefits. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of respondent Department and is serving as Senior Clerk (BPS-14) quite efficiently and up to the entire satisfaction of his superior.

**Certified to be true copy**

  
**Chairman**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No. 1542/2022

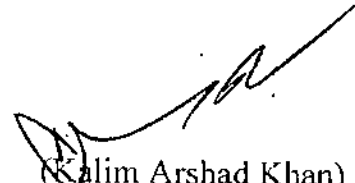
16<sup>th</sup> January, 2023

Nemo for the appellant.

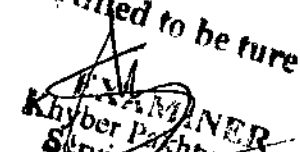


02. The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Consign.

03. Pronounced in open court at camp court D.I Khan and given under my hand and seal of the Tribunal this 16<sup>th</sup> day of January, 2023.

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 31-01-2023  
Number of Words Page 27  
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Service Tribunal  
Peshawar