

25.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Arguments on application heard. Record perused.

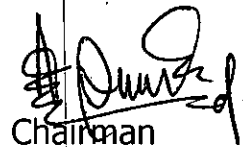
Application in hand was filed for restoration of appeal No.952/2018 which was dismissed in default on 10.07.2019.

Learned counsel stated that he was in Saudia Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj and due to the said reason, he could not put appearance in the instant case on the date fixed.

In view of submission made by the learned counsel for petitioner, instant application is accepted and main appeal stands restored on payment of cost of Rs.2000/-. It be properly registered. This application stands consigned to the record room, copy whereof be placed on original file. To come up for arguments in the main appeal on 27.10.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

18/3/21

Due to COVID, 19 case is
adjourned to 25-06-2021.

W

Am
Readw

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.08.2020 before D.B.



Reader

28.08.2020

Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.



Reader

04.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member



Chairman

14.01.2021

Due to COVID-19, the case is adjourned for the same on 18.03.2021 before D.B.




READER

12.12.2019

Appellant absent. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 17.02.2020 before D.B. Reply of the respondents not submitted. ^{Respdts of} Arshid Ali ADEO representative of the respondent department be noticed for reply. Appellant be also put to notice for the date fixed.


Member


Member

17.02.2020

Counsel for the petitioner present. Asst: AG alongwith Mr. Fazal Subhan, SO for respondents no. 1 to 3 present. Reply on restoration application not submitted. Learned Asst: AG seeks time to submit the same. Adjourned. To come up for reply on application for restoration of appeal on 10.03.2020 before D.B.


Member


Member

10.03.2020

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General present and submitted reply. Adjournment requested. Adjourn. To come up for further proceedings/arguments on 01.04.2020 before D.B.


Member


Member

me

W. J. J. J.

nit


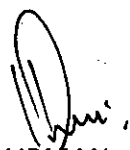
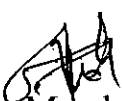

e

B.

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 352/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.09.2019	<p>The application for restoration of appeal No. 952/2018 submitted by Mr. Taj Muhammad Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 20/9/19</p>
2	01.10.2019	<p>This restoration application is entrusted to D. Bench to be put up there on <u>01-10-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner absent. Notice of the present application be issued to the respondents for reply for 12.12.2019. Adjourn. To come up for reply and arguments on the date fixed before S.B. Notice be also issued to the petitioner for the next date.</p> <p style="display: flex; justify-content: space-around;"> Member Member</p>

1

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
AT PESHAWAR

SERVICE APPEAL No. 952/18

SAEEDA AKHTAR VS CHIEF SECRETARY AND OTHERS

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974.



APPLICATION FOR RESTORATION OF APPEAL.

Sir,

The petitioner submit as under:

1. That the appeal titled above was pending before your honour on 10.07.2019 for arguments.
2. That the appeal has been dismissed in default.
3. That the appellant and her Counsel were in Saudi Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj. (Copies of Passport/Visas attached).
4. That the Assistant was directed to appear before your honour and submit the request for adjournment.
5. That the Assistant as per his version had marked his presence but could not bring it in your kind notice that the appellant and her Counsel are at Saudi Arabia.
6. That the absence of the Counsel and appellant is not deliberate but they were not available in Pakistan on the date fixed.
7. That the appellant got knowledge of the order of dismissal 03 September 2019 and the application is being submitted which is well in time.

It is, therefore, prayed that the dismissal order may please be set aside and the application for restoration of appeal may be accepted, and the appeal may graciously be restored and decided on merits.

dated: 03/09/2019

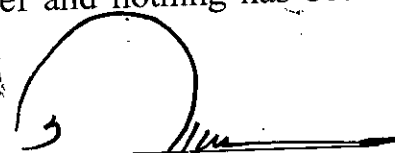
DAVIT

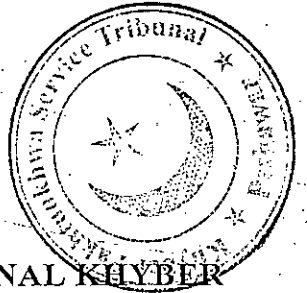

Through Counsel
for the Petitioner.

Petitioner hereby state and verify and solemnly affirm that whatever stated is correct to the best of my knowledge and belief and nothing has been stated from this honorable Tribunal.

03/09/2019

Oath Commissioner
Fazal Gitafoor
Advocate
Mardan


SAEEDA AKHTAR
Petitioner



BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

Appeal no. 952/2018 CS. Appeal No.
SEEDA AKHTAR PRINCIPAL GOVT: GIRLS HIGHER SECONDARY
SCHOOL NO.1 MARDAN.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11

Dated 19/8/18

VS

1. Chief Minister through Chief secretary to Govt: of Khyber Pakhtunkhwa Peshawar Secretariat Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary Education Department Khyber Pakhtunkhwa Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa Education Department
4. Comptroller of Accounts District Mardan / District Account Officer Mardan

Appeal U/S4 of Khyber Pakhtunkhwa service-tribunal Act, 1974 read with rule 19 Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary rules 2011, against the order No. SO(S/F)E&SED.4-17/2015/Inquiry/DEO/Female/Mardan dated 30-01-2018, Whereby the appelland was awarded penalty of (With holding of One increment for one Year) and Order No. SO(S/F)E&SED/ 4-17 / 2015 / Inquiry / DEO / Female/Mardan dated 05-06-2018, whereby departmental appeal of the appelland was rejected.

10.07.2019

Nemo for appelland. Addl: AG for respondents present.

It is already past 2:00PM while the appelland is not represented today despite repeated calls.

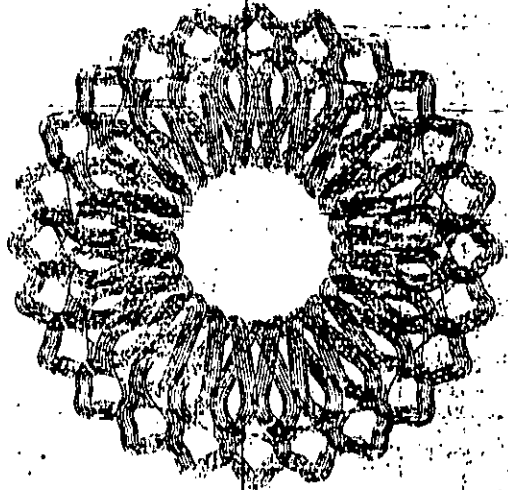
Dismissed for non-prosecution. File be consigned to the record room.

Announced:
10.07.2019

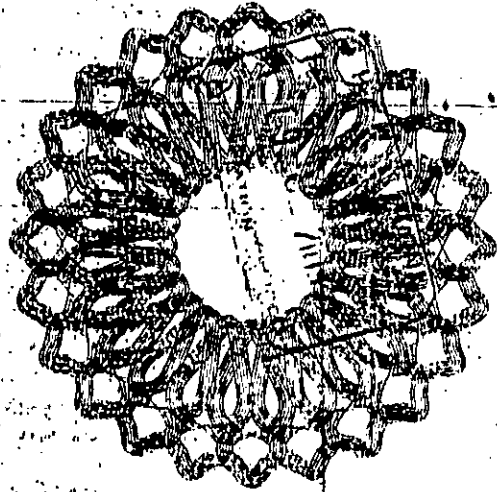
Chairman

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

VISAS / 121

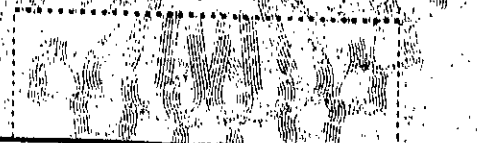


VISAS / 121



ANNOTATIONS

Religion
ISLAM
Previous Passport
N/A



HOLDER'S SIGNATURE OR THUMB IMPRESSION

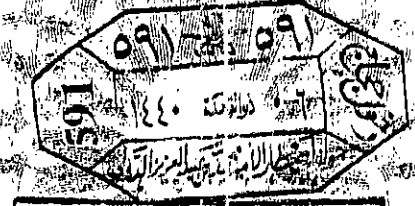
حامل ہذا کا دستخط یا نشان اگوتھا

NOT VALID WITHOUT SIGNATURE OR THUMB IMPRESSION

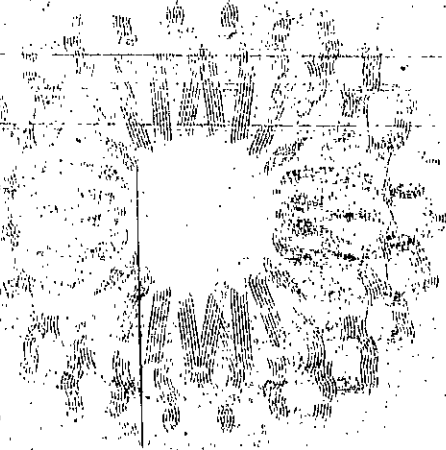
یہ پاسپورٹ بغیر دستخط یا نشان اگوتھا ناقابل استعمال ہے۔



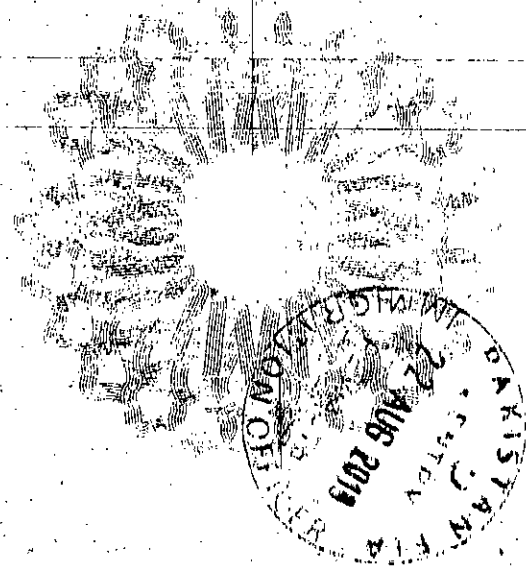
یہ پاسپورٹ تمام ممالک کے لیے قابل ہے
THIS PASSPORT IS VALID FOR ALL COUNTRIES OF
THE WORLD EXCEPT ISRAEL

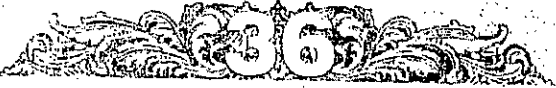


ملاحظات
OBSERVATIONS



ملاحظات
OBSERVATIONS





ضوابط

- ۱۔ یہ پاسپورٹ حکومت پاکستان کی ملکیت ہے۔
- ۲۔ بیرونی ملک میں رائج ایکٹریشن ضوابط کی پابندی برعاصف پاسپورٹ برلازم ہوگی جن ممالک میں داخلہ کے لئے ویزا حاصل کرنا ضروری ہو وہاں جانے سے پہلے ویزا حاصل کرنا چاہئے۔
- ۳۔ منسوج شدہ یا زائد البیاد یا پاسپورٹ دو سال تک نے پاسپورٹ کے ساتھ رکھنا چاہیے کہ کوئی اور پاسپورٹ کے لئے وقت دیتے وقت شخص متعلقہ کو اس کی ضرورت پڑے گی۔
- ۴۔ اگر پاسپورٹ کو باضائع ہو جائے تو پولیس اور پاکستان کے پاسپورٹ جاری کرنے والے قریب ترین دفتر میں فوراً اطلاع کرنی چاہئے۔ بیرونی ملک میں ایسی اطلاع قریب ترین پاکستان سفارت خانہ یا قنصل خانہ کو دی جائے۔
- ۵۔ پاسپورٹ میں تبدیلی یا اضافہ اور تصحیف یا مزاحمتی کارکنیا سے قانوں کی رو سے ایسے انحصار موجب تدارک دینے چاہئے ہیں جو پاسپورٹ میں کسی قسم کی تبدیلی یا رد و بدل کریں۔ نیز ایسے ایک ہی سبب کے استحقاق میں کسی قبضے میں ہمارے طور پر ایسا پاسپورٹ ہو جو انحصار قانوں کے طور سے نہ رہا گیا ہو۔
- ۶۔ ملک سے باہر ایک پاسی اور طریقے سے پاسپورٹ کسی دوسرے ملک میں لانا قانوناً مجرم ہے۔

رجسٹریشن

بیرونی ملک میں تیس ماہت زیادہ قیام کرنے والے پاکستانی شہریوں پر لازم ہے کہ وہ خود رجسٹریشن پاکستان سفارت خانہ کے تحت ہر ماہ اپنا نام قریب ترین پاکستان سفارت خانہ یا قنصل خانہ میں رجسٹر کر لیا کریں۔ یہ کی تبدیلی اور ملک سے روائی کی اطلاع سفارت خانہ یا قنصل خانہ کو دی ضروری ہے۔ نیز یہ کہ اگر بیرون ملک پاکستانی شہری کے کوئی بچہ پیدا ہو تو اس کا نام بھی قریب ترین پاکستان سفارت خانہ یا قنصل خانہ میں مندرجہ بالا قواعد کے تحت رجسٹر کرانیں تاکہ وقت ضرورت انحصار سفارت خانہ کی امداد اور مشورہ حاصل ہر سکے۔

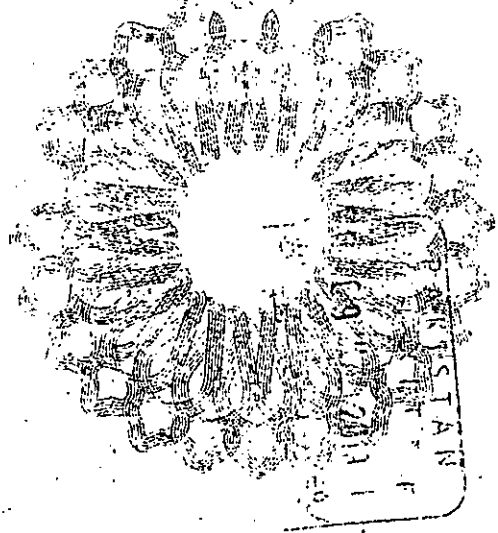
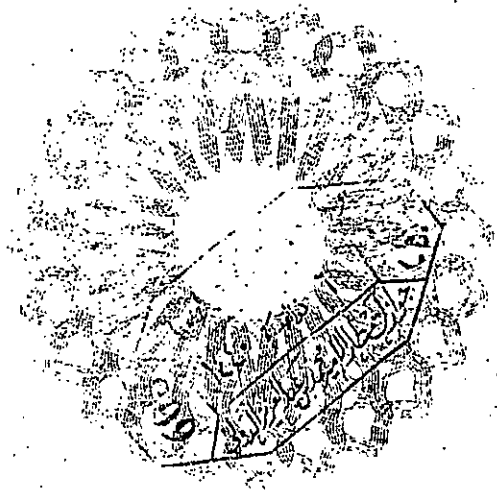
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VISAS/1/23

VISAS/1/23



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8

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
AT PESHAWAR

SERVICE APPEAL No. _____

SAEEDA AKHTAR VS CHIEF SECRETARY AND OTHERS

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974.

APPLICATION FOR RESTORATION OF APPEAL.

APPLICATION FOR CONDONATION OF DELAY.

Sir,

1. The appeal titled above has been dismissed in default by the Honorable Tribunal on 10.07.2019.
2. That the Counsel for the appellant was at Saudi Arabia since 08.07.2019 till 22.08.2019 for performance of Hajj.
3. That the Assistant was directed to appear before your honour but he marked his presence but could not bring it in your kind notice.
4. That the petitioner got knowledge of the order of dismissal today 03.09.2019 and filed an application for restoration.
5. That the application is within time, yet if your honour consider it otherwise then application for condonation is submitted for the reason that the appellant and her Counsel were not available and the petitioner got knowledge of the same on 03.09.2019.

It is, therefore, prayed that the delay may please be condoned.

Dated: 03/09/2019

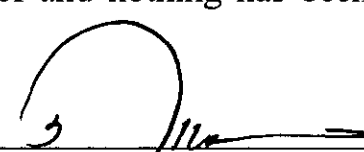


Through Counsel
for the Petitioner.

AFFIDAVIT

I, the petitioner hereby state and verify and solemnly affirm that whatever stated above are correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 03/09/2019



SAEEDA AKHTAR
Petitioner


Jeth Commission
Fazal Ghaffar
Advocate
Jeth Commission

WAKALATNAMA

IN THE COURT OF Chairman Service Tribunal KPK at Pesh

In Re: _____ of 20 _____

Saeeda Akhtar

VERSUS

Chief Secretary KPK and Others

Counsel for the petitioner

I/We, the petitioner

Hereby appoint Mr. **TAJ MUHAMMAD KHAN ADVOCATE** Mr. _____

Advocate & Mr. _____ Advocate, in the above mentioned matter to do all the following acts, deed or things or any of them, that is to say:

1. To act, appear and plead in the above mentioned case, and to file for bail on my / our behalf in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its proceedings until final decision.
2. To present pleadings, appeal, cross objections or petitions for execution, review, revision, withdrawal, compromise or other petitions of affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case at all its stages.
3. To withdraw or compromise the said cause or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.
4. To receive money and grant receipts therefore and do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.
5. To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate(s), whereby he/they may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate(s), or their substitutes shall do in the case.

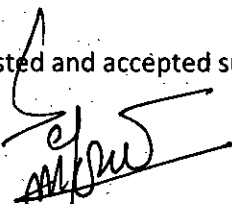
And I/We hereby agree not to hold the Advocate(s), or their substitutes responsible for the result of the said case in the consequences of his/their absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate(s), remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid.

And I/We hereby agree that the Advocate(s), would only appear at the place of institution of the case and her/they would be at liberty to withdraw from the case in case it is transferred to some other place.

IN WITNESS WHEREOF I/We set my/our hand(s) to these presents the contents of which have been explained to and understood by me/us this the 3rd day of Sep 2019 at Mardan

Attested and accepted subject to the terms regarding fees.



TAJ MUHAMMAD KHAN

LL.M

Advocate High Court, Mardan



EXECUTANT(S)

0336-9985782

Before the Hon'ble Panchajanya Justice Tribunal
Punjab

Saeeda Akhtar vs Chief secretary.

Reply to application for
restoration

Respectfully Submitted,

- ① Para need no comments.
- ② Para pertains to record.
- ③ Para Subject to proof.
- ④ Para is correct. The order dated 10-7-2019 is very much clear.
- ⑤ Incorrect. No one appeared before the tribunal on the date fixed hence the appeal was rightly dismissed w default.

⑥ Para 6 is incorrect. The appellant and his counsel deliberately failed to appear before the Tribunal on the date fixed.

⑦ incorrect. The restoration application is badly barred by time. No specific reason has been shown for condonation of delay. The appellant has not explained ~~worded~~ ~~delay~~ delay through cogent reason.

It is requested that the application may very kindly be dismissed
through AAG ^{Respondent} P. Man