

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

C.M. No. _____/2022
In
Service Appeal No.803/2022

Khyber Pakhtunkhwa
Service Tribunal
Registry No. 3707
Dated 22/2/2023

Zafar Iqbal.....Appellant

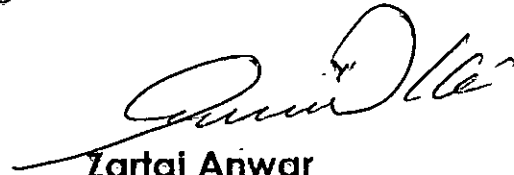
VERSUS

Govt. of Khyber Pakhtunkhwa & othersRespondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 09.02.2023		4-7

Appellant
Through



Zartaj Anwar
Advocate
Supreme Court of Pakistan
Cell no.0331-9399185

Dated 21.02.2023

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

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Zafar Iqbal.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & othersRespondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL,
DISMISSED IN DEFAULT VIDE ORDER
DATED 09.02.2023.**

Respectfully Sheweth:-

The petitioner submits as under:-

1. That the above noted service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 09.02.2023.
2. That on the date fixed the counsel for the appellant was busy before the Hon'ble Peshawar High Court Peshawar, it is also worth to mentioned here that the case was previously heard by Hon'ble Member Salah Din & Hon'ble Member Miss Rozina Rehman and due to above reason the counsel for the appellant did not appeared.

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3. That the absence of the counsel for the appellant is neither intentional nor deliberate but due reason mentioned above.
4. That law requires that case should be decided on merits rather than on technicality.
5. That valuable rights of the appellant is involved in the present Appeal and there is no legal bar while accepting this application.

It is, therefore most humbly prayed that on acceptance of this application the service appeal may kindly be restored and be decided on merit in the best interest of justice.

Appellant
Through



Zarfaj Anwar
Advocate
Supreme Court of Pakistan
Cell no.0331-9399185

Dated 21.02.2023

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AFFIDAVIT

I, Zafar Iqbal (Private Secretary BPS-17) to Deputy Commissioner Dir Upper, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Handwritten signature]
21-2-23
[Handwritten signature]
DEPONENT

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 803 / 2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy
Commissioner Dire Upper.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa civil secretariat Peshawar.
3. Secretary, Board of Revenue, Civil secretariat Khyber Pakhtunkhwa Peshawar.
4. Commissioner, Makand Division Saidu Sharif Swat.
5. Deputy Commissioner Upper Dir.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned transfer order dated 11.02.2022 whereby the appellant is prematurely transferred, against the Posting transfer Policy, against which the appellant filed departmental appeal dated 15.02.2022, which is not yet responded.

Prayer in appeal

On acceptance of this appeal the impugned order dated 11.02.2022 may kindly be set aside and the appellant may kindly be allowed to continue his service on the Post of Private Secretary BPS-17) to Deputy Commissioner Dire Upper, the pre-mature transfer order of the appellant is against the posting transfer policy and the secure and granted rights of the appellant. Or any other remedy which is not specifically asked for may also be awarded in favor of appellant.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar




A. No. 803/2022
Refer Inbal vs Govt


05.01.2023 Nemo for the appellant. Mr. Muhammad Jan, District
Attorney for the respondents present.

*Counsel was
informed
Telephonically
on 23/1/23*

Preceding date was adjourned through Reader note, therefore,
notices be issued to appellant and his learned counsel for the next
date. To come up for arguments on 09.02.2023 before the D.B at
camp court, Swat.

COPIES
FOR
PESHAWAR


(FAREEHA PAUL)
Member (E)
(Camp Court, Swat)



(ROZINA REHMAN)
Member (J)
(Camp Court, Swat)

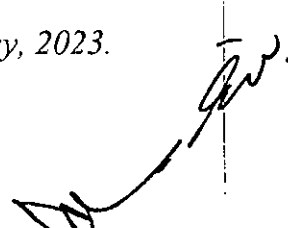
09th Feb, 2023

None present on behalf of the appellant. Mr. Muhammad Riaz
Khan Paindakhel, Assistant Advocate General for the respondents
present.

2. According to the office report, the learned counsel for the
appellant was informed telephonically for today date but neither
appellant nor his counsel is present despite making repeated calls at
different intervals till closing hours. Dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under our hands
and seal of the Tribunal on this 09th day of February, 2023.*


(Salah Ud Din)
Member (Judicial)
Camp Court Swat


(Kalim Arshad Khan)
Chairman
Camp Court Swat

Certified to be true copy
Khalid Iqbal
-Service Tribunal
Peshawar

Date of Presentation of Application 10/2/2023
Number of ~~Words~~ Page 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of _____
Date of Completion 16/2/2023
Date of Delivery of Copy 16/2/2023

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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**



Service Appeal No. 803 / 2022.

Zafar Iqbal (Private Secretary BPS-17) to Deputy
Commissioner Dire Upper.

(Appellant)

VERSUS

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civil secretariat Peshawar.
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(Respondents)

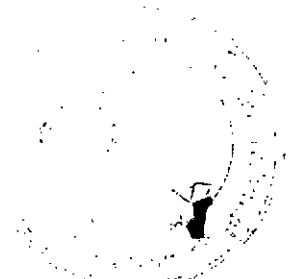
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appellant.

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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05.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant submitted rejoinder, which is placed on file and copy of the same is handed over to learned Assistant Advocate General. Appellant also sought adjournment for arguments on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.

(Mian Muhammad)
Member (Executive)
Camp Court Swat

(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

04.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

After hearing arguments at certain length, it was observed that the impugned order dated 11.02.2022 has been passed upon the recommendations of placement committee, therefore, learned Assistant Advocate General shall intimate the respondents to produce the said recommendations on the next date and to come up for arguments on 06.10.2022 before the D.B at Camp Court Swat.

(Rozina Rehman)
Member (J)
Camp Court Swat

(Salah-Ud-Din)
Member (J)
Camp Court Swat

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4/10/22
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02/01/23

02/01/23
02/01/23