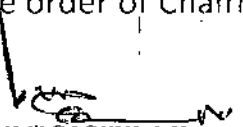


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. **98/2023**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.02.2023	<p>The application for restoration of appeal no. No.1300/2022 submitted today by Mr. Muhammad Yousaf Advocate. It is fixed for hearing before Single touring Bench at D.I.Khan on . Original file be requisitioned. Notices be issued to appellant and her counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Restoration Application # 98/2023
CM No /2023

In Service Appeal No: 1300/ 2022

Wajeeha Farid Ex.PST

(Appellant)

VERSUS

Govt of KPK, through Secretary E & SE Department Peshawar
and Others

(Respondents)

INDEX

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3.	Copy of Judgment / Order dated 16-02-2023 Passed by this Honorable Tribunal	"A"	5-6

Applicant / Appellant:



Muhammad Yousaf
Advocate Supreme Court

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Restoration Application # 98/2023
CM/No 12023

Khyber Pakhtunkhwa
Service Tribunal

In Service Appeal No: 1300/2022

Diary No. 3792

Dated 23/2/2023

Wajeeha Farid Ex.PST Government Girls Primary School
Pai, Tehsil & District Tank (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Tank
4. Sub Divisional Education Officer (Female) Tank
5. District Account Officer Tank (Respondents)

APPLICATION FOR RESTORATION OF ABOVE MENTIONED APPEAL WHICH WAS DISMISSED AT AT CAMP COURT D-I KHAN IN DEFAULT VIDE ORDER DATED 16/02/2023 BY THIS HONORABLE TRIBUNAL AND THE SAME MAY KINDLY BE DECIDED ON MERIT.

RESPECTFULLY SHEWETH:-

The applicant submits as under:-

1. That the above noted appeal was filed by the applicant / appellant, and after institution of the above mentioned appeal, the same was send to Camp Court at D I Khan.
2. That as such the counsel for the applicant was from Peshawar and the applicant was also residing at Peshawar after the impugned order, therefore the applicant also filed an application for fixation of the case at principal seat but the same was turn down by this Honorable Tribunal on 10-10-2022 and the case

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was fixed for hearing at Camp Court D I Khan and thereafter the case was adjourn time and again for different reason and lastly the case was fixed for 16-02-2023 but the same was not conveyed to the applicant.

3. **That** on the date fixed, the newly engaged counsel namely Muhammad Yousaf was busy at Supreme Court of Pakistan.
4. **That** it is pertinent to mentioned here that the applicant was also not informed by the concern officials about the fixation of the case.
5. **That** thereafter the applicant inquired about the fixation of the case and its came to the notice of the applicant that the case of the applicant has been dismissed for non-prosecution on 16-02-2023.
6. **That** the applicant request for setting aside the order dated 16/02/2023 regarding the dismissal of his appeal for non-prosecution and request to restore the same on the following grounds.

GROUND

- A. **That** in the above titled appeal valuable a rights of applicant is involved therefore the dismissal of appeal for non-prosecution of the appeal is illegal, unwarranted, unjustified.
- B. **That** as such the counsel for the applicant was busy at Supreme Court of Pakistan and the applicant is also residing at Peshawar after the impugned order.
- C. **That** the applicant was not informed by the concern official about the date fixed nor conveyed the next date of hearing to the applicant.
- D. **That** the applicant has a very good, strong and prima facie case against the respondent and the livelihood of the applicant is involved in the instant matter, therefore without hearing & deciding the case on merit is amount to condemned unheard.

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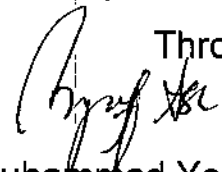
- E. That before dismissal of the appeal, no notice has been served on the applicant by this Honorable tribunal, therefore the dismissal of the appeal of the appellant for non-prosecution is not legal and justified in the circumstances of the case.
- F. That the dismissal of the appeal for non-prosecution on technical ground of non-appearance of Counsel in the light of law enunciated by the august Court is not warranted and justified, as the impugned order of dismissal from service of the applicant is totally illegal and against the settle procedure of law.
- G. That the law favour adjudication of case on merits rather than to dismiss the same for non prosecution and it is also in the interest of justice and fair-play to decided the case on merits.
- H. That the application of the applicant is also well within time, therefore the above mentioned appeal is liable to restored for the end of justice.
- I. That this Honorable tribunal has ample power to restore the appeal of the applicant and to decide the matter on merit instead of technicality.

Prayer:-

It is, therefore, prayed that on acceptance of this application, the impugned order dated 16/02/2023 of dismissal of appeal in default passed by this Tribunal may kindly be set aside and the appeal of the appellant may graciously be restored and be decided on merits.

Applicant / Appellant: Wajeeha Farid

Through



Muhammad Yousaf

Advocate Supreme Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

CM No /2023
In Service Appeal No: 1300/ 2022

Wajeha Farid Ex.PST

(Appellant)

VERSUS

Govt of KPK, through Secretary E & SE Department Peshawar
and Others (Respondents)

AFFIDAVIT

I Wajeha Farid Ex.PST Government Girls Primary School Pai,
Tehsil & District Tank do hereby declare that the contents of
this application is true and correct to the best of my knowledge
& belief and nothing has been concealed from this Honorable
Tribunal.



Wajeha Farid
DEPONENT

0331 579 0888

CNIC 12201-4267210-6



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1802 /2022

Wajeha Farid Ex.PST Government Girls Primary School Pail
Tehsil & District Tank
(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary
Elementary & Secondary Education Department, Peshawar
2. Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Tank
4. Sub Divisional Education Officer (Female) Tank
5. District Account Officer Tank
(Respondents)

Service Appeal Under Section 4 Of Khyber
Pakhtunkhwa Service Tribunal Act 1974 against the
office order Endst No 3478-81 dated 23/04/2022
whereby the appointment order of Appellant was
withdrawn, And the Departmental Appeal of the
Appellant has not been responded & decided in the
statutory / stipulated period.

PRAYER

On acceptance of this Service Appeal on behalf of
Appellant, the impugned office order Endst No 3478-
81 dated 23/04/2022 whereby the appointment order
of Appellant was withdrawn be declared illegal
against the service rules and is liable to be set-aside
and the Appellant be reinstated to her service along
with back benefits, including the unpaid salaries from
May 2021 till now may also be released to the
Appellant.

Any other remedy which this August Tribunal deems fit
and appropriate may also be granted to the Appellant.

EXHIBIT
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
Certified to be true copy

A. No. 1300/2022 (6)
Wajzeha Farid vs Govt




16th Feb, 2023


Nemo for the appellant.

02. Case called several times till last hours of the court but nobody turned up on behalf of the appellant, therefore, the appeal in hand is 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 16th of February 2023.


(Muhammad Akbar Khan)
Member (E)
Camp Court, D.I.Khan

Date of Presentation of Application 22/02/2023
Number of ~~words~~ Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist _____
Date of Completion of Copy 22/02/2023
Date of Delivery of Copy 22/02/2023

Certified to be true copy

MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar