

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Application No. 18/2019

Date of institution 15.01.2019

Shamim Begum

VERSUS

A.E.O Mohmand Agency and others

ORDER
31.03.2022

Mr. Taimur Haider Khan, Advocate, for the petitioner present.
Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.


The appellant/petitioner has filed the instant petition for restoration of Service Appeal bearing No. 671/2014, which was dismissed in default vide order dated 31.12.2018.

Learned counsel for the petitioner stated at the bar that the needful has been done i.e pensile/withheld salaries of the petitioner have been paid, therefore, he wants to withdraw the instant restoration application. In this respect, written endorsement of learned counsel for the petitioner obtained at margin of the order sheet as token of proof.

In view of the above, the restoration application in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.03.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

with proposed restoration. The needful has been done i.e pensile/withheld salaries have been paid. Hence Petitioner withdraws of the instant appeal. Sameer Haider Advocate Supreme

14.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 29.07.2021 for the same as before.


Reader

29.07.2021

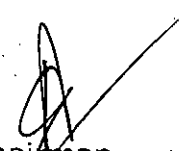
Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 16.12.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

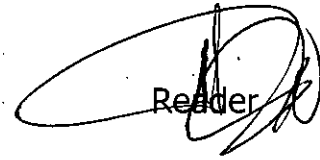
16-12-21

DB is on Tour case to come up
For the same on Dated. 31-3-22

\$
Reader

24.08.2020


Due to summer vacation case to come up for the same on 28.10.2020 before D.B.


Reader

28.10.2020

Junior to counsel for the petitioner and Addl. AG alongwith Umar Zada, B&A.O for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 04.01.2021 for further proceedings before the D.B.


(Atiq-ur-Rehman Wazir)
Member



Chairman

04.01.2021

Nemo for appellant.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

Notice be issued to appellant/counsel for arguments for 14.04.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

15.01.2020

Petitioner absent. Learned counsel for the petitioner absent. Irfan Assistant representative of the respondents absent. Notice be issued to the respondents and absent representative for reply. Adjourn. To come up for reply and arguments on 24.03.2020 before D.B. Petitioner be also put to notice for the date fixed.



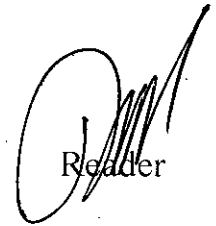
Member



Member

24.03.2020


Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 10.06.2020 before D.B.



Reader

10.06.2020


Bench is incomplete as one learned Member (J) is on leave. Therefore, the case is adjourned. To come up for the same on 24.08.2020 before D.B.



Reader

02.07.2019 Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for further proceeding on 28.08.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.08.2019 Clerk to counsel for the appellant present. Asst. AG for respondents present. Clerk to counsel for the appellant submitted an application for adjournment. Adjourn. Case to come up for arguments on 13.11.2019 before D.B.


Member


Member

13.11.2019 Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for arguments on 15.01.2020 before D.B.





Member


Member

FORM OF ORDER SHEET

Court of _____

Misc. Application No. 18/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	21/1/19	03
<p style="text-align: center;">1</p> <p style="text-align: center;">2-</p>	<p style="text-align: center;">15/01/2019</p> <p style="text-align: center;">09.05.2019</p>	<p>The application for restoration of Appeal No. 671/2014 submitted by Mst. Shamim Begum through Mr. Taimur Haider 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</p> <p>This Misc. application be put up before DB-II Bench on <u>9-5-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant. Mr. Usman Ghani learned District Attorney for the respondents present. The learned Member (Executive) Mr. Hussain. Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on restoration application for 02.07.2019 before D.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

①

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

**Khyber Pakhtukhwa
Service Tribunal**

Restoration App No. 18 /2019 In Appeal No.671/2014

Diary No. 87

Dated 15-1-2019

Shamim Begum **V/S** A.E.O Mohmmand Agency and others

**APPLICATION FOR RESTORATION OF
APPEAL NO 671/2014 WHICH HAS BEEN
DISMISSED IN DEFAULT VIDE ORDER DATED
31.12.2018 BY THIS HONORABLE TRIBUNAL
AS THAT DAY THE ATTORNEY OF THE
APPELLANT WAS BUSY IN THE FUNERAL OF
HIS FAMILY MEMBER.**

Prayer:-

It is therefore, most humbly prayed that by acceptance of this application the instant appeal No. 671/2014 may kindly be restored for the best administration of justice and fair play.

RESPECTFULLY SHEWETH:

1. That the instant appeal was pending adjudication before this Honorable Tribunal and as expounded above, due to the non availability of the appellant/attorney, this honorable Tribunal has been pleased to dismiss the same on the basis of non-prosecution vide order dated: 31.12.2018. **(Copy of the order dated: 31.12.2018 is attached).**
2. That as mentioned in the subject, the attorney of the appellant was busy in the funeral of his family member and was unable to appear before this Honorable Tribunal.
3. That for the best interest of justice there is no legal embargo to restore the instant appeal and the appellant/attorney as well as his counsel will be careful in future.

(2)

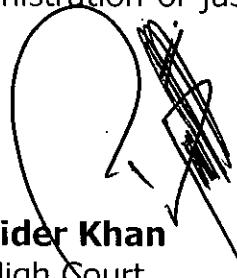
4. That any other ground may be raised at the time of arguments for the best assistance of this Honorable Tribunal.

Prayer:

It is therefore, most humbly prayed that by acceptance of this application the instant appeal No. 671/2014 may kindly be restored for the best administration of justice and fair play.

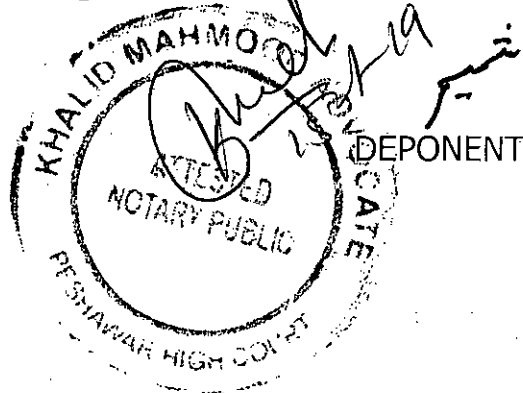
Through: APPELLANT

Taimur Haider Khan
Advocate, High Court
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0332-5813142



AFFIDAVIT

It is affirmed and declares that the contents of application are true and correct to the best of my knowledge and belief.

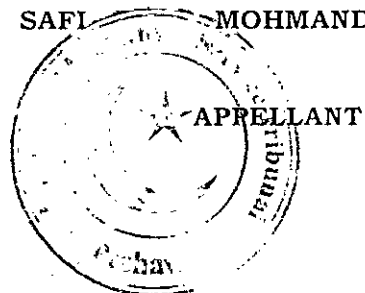

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal no 671/2014

540
09/14/2014

MST: SHAMIM BEGUM W/O SAEED KHAN, (CALLER CLASS IV)
PERMANENT EMPLOYEE OF GOVT GIRLS PRIMARY SCHOOL TOR KOR,
HAJI DILAWAR QANDARI SAFI MOHMAND
AGENCY.....



VERSUS

1. AGENCY EDUCATION OFFICER, MOHMMAND AGENCY GALLANAI
2. DIRECTOR OF EDUCATION(FATA) KPK , FATA SECRETARIAT PESHAWAR
3. POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI
4. ADDITNIOL CHIEF SECRETARY, FATA SECRETARIAT, PESHAWAR

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 19-07-2010 OF RESPONDENT NO.1 DESPITE THE FACTS THAT APPELLANT HAS NOT TERMINATED & EVEN HER NAME WAS NOT MENTIONED IN THE TERMINATION ORDER DATED 19-07-2010 BUT THE RESPONDENTS IN COMPLIANCE WITH ABOVE TERMINATION ORDER ILLEGALLY AND UNLAWFULLY HAS STOPPED THE SALARY OF THE APPELLANT SINCE MARCH, 2010, AND HER DEPARTMENTAL APPEAL DATED 04-08-2010 & 26-12-2013 BEFORE RESPONDENT NO.2 HAS NOT YET BEEN DECIDED WITHIN THE STATUTORY PERIOD OF 90 (NINTY) DAYS.

Handwritten signature
9/4/14

no submitted to court and filed.

PRAYER IN PETITION:

BY ACCEPTING THIS APPEAL, THE IMPUGNED ORDER DATED 19-07-2010 OF RESPONDENT NO 1 MAY KINDLY BE SETASIDE, BEING UNLAWFUL, UNCONSTITUTIONAL, BIASED, AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK BENEFITS WITH RETROSPECTIVE EFFECTS, (SINCE MARCH, 2010).

Handwritten signature
12/5/14

Certified true copy

Handwritten signature
Khyber Pakhtunkhwa Service Tribunal, Peshawar

019

31.12.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Case called but neither the appellant nor her counsel turned up. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



Member
[Signature]

[Signature]
Member

ANNOUNCED.
31.12.2018

Certified to be true copy

[Signature]
Khayal-e-Khushnawa
Service Tribunal,
Peshawar

Date of Presentation of Application	11-12-18
Number of Words	800
Copying Fee	6/-
Urgent	2/-
Total	8/-
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	11-12-18
Date of Delivery of Copy	11-12-18