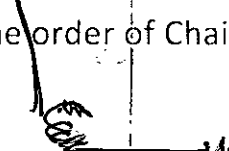


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. _____

146/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.03.2023	<p>The application for restoration of Appeal no. 1183/2022 submitted today by Mr. Bashir Khan wazir Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned. Parcha Peshi is given to appellant/Counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration Appli. no. 146/2023

Service Appeal No. 1183/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *4039*

Dated *03/3/2023*

Sami Ullah
VERSUS

District Education Officer & others


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 28.02.2023	A	4-5

Applicant/ Appellant

Through

Dated: 03.03.2023


BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration Appli. no 146/2023

Service Appeal No. 1183/2022

Sami Ullah
VERSUS

District Education Officer & others

APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 28.02.2023.

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 28.02.2023
2. That the counsel of the Appellant was busy in Hon'ble Peshawar High Court Peshawar and the appellant is residing at Bannu and due to some unavoidable circumstances was unable to appear before this Hon'ble Tribunal and the case was dismissed in default on 28.02.2023. **(Copy of Order dated 28.02.2023 is attached as annexure A)**
3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

- A. That the absence of the Appellant was neither willful not intentional.
- B. That valuable rights of the Appellant is involved in the case in question.

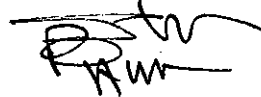
- C. That the law otherwise favour the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.
- F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Dated: 03.03.2023

Through

Applicant/ Appellant



BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

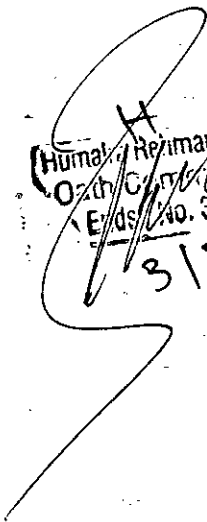
BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1183/2022

Sami Ullah
VERSUS
District Education Officer & others

AFFIDAVIT

I, **Bashir Khan Wazir Advocate**, as per instructions of my client, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


(HUMAN RIGHTS) Human Rights Advocate
Oath Commission
E/No. 3370-76

3/3/2023


ADVOCATE



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

Service Appeal No 1183 /2022

Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir Laluzai
Surani Tehsil & District Bannu.

.....Appellant

VERSUS

1. District Education Officer, (Male) Bannu.
2. Principal Govt Higher Secondary School Sikander Khel
Bala, Bannu.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 08.02.2017, WHEREBY THE
APPELLANT WAS IMPOSED MAJOR PENALTY
OF REMOVED FROM SERVICE AGAINST WHICH
THE DEPARTMENTAL APPEAL WAS FILED,
WHICH WAS REJECTED BY RESPONDENTS ON
07.07.2022.**

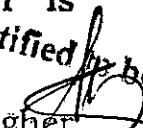
Prayer in Appeal:

On acceptance of this Appeal, the Order dated 08.02.2017, whereby the Respondent No 2 has illegally terminated/removed the Appellant from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is the Law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That briefly stated the fact relevant for the purpose of this Appeal are that, Appellant was initially appointed by the Respondents as Chowkidar after fulfilling all codal formalities. (Copy of Appointment order is attached as annexure A)
3. That after submitting joining report in Govt Higher Secondary School Sikander Khel Bala, the
4. That after appointment, the Appellant took over the charge against the above mentioned Sanctioned Post,

Certified by  to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



26.01.2023

Clerk of learned counsel for the appellant present

SCANNED
KE-27-1
Peshawar

and requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for preliminary hearing on 28.02.2023 before the S.B.

(Salah-Ud-Din)
Member (J)

28th Feb, 2022

1. None for appellant present.
2. On the previous date, clerk of learned counsel for the appellant was present and sought adjournment but today nobody put appearance on behalf of the appellant till closing hours of the court, therefore, the instant appeal is dismissed in default. Consign.
3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 28th day of February, 2023.*

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 02/03/2023
Number of Pages Page 2
Copying Fee 10/-
Urgent 15/5/-
Total 15/5/-
Name of Counsel _____
Date of Completion of Copy 02/03/2023
Date of Delivery of Copy 02/03/2023

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar