

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Appli. 370/18

C.M No _____ /2018

in

In re-Service Appeal No 846 /2015

Dr **Qaiser Zaman**

Versus

Govt of KP & others

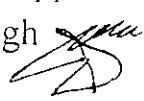
**Application for restoration of the title Service Appeal
dismissed in default vide order dated 25-09-2018**

Respectfully Sheweth,

The applicant submits as follows:

1. That the title Service Appeal was pending adjudication and is dismissed in default vide order dated 25-09-2018.
2. That the non appearance of the appellant was because of the fact that he was stuck in traffic because of the construction of BRT Project and the counsel was ill. Despite illness, the counsel appeared before the court on the date fixed wherein he was informed that the title Appeal is dismissed in default.
3. That the default is neither willful nor deliberate but was due to unavoidable aforesaid reasons and the application is well within time.
4. That it is a well settled principle laid down by August Supreme Court of Pakistan and this Honorable Tribunal that the cases should be decided on merits and not on technicalities. Furthermore the applicant has got a good case and valuable rights of the applicant are involved.
5. That the applicant craves permission of this learned Tribunal to rely on other grounds and produced any document in support of the instant application at the time of arguments.

It is, therefore, prayed that on acceptance of the instant application, the order dated 25-09-2018 whereby the title Appeal is dismissed in default may kindly be set aside and the appeal may kindly be decided on merits.

Applicant,
Through 
Counsel

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In re service appeal No.846/2015

Dr. Qaiser Zaman.....Petitioner

VERSUS

Govt of KPK through Secty & othersRespondents

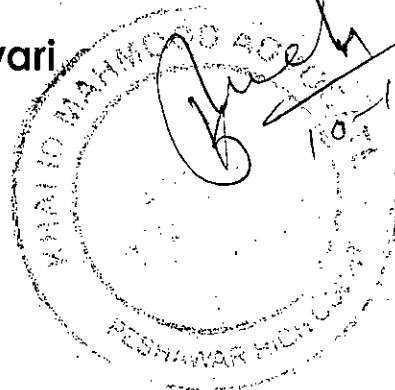
AFFIDAVIT

I, Dr. Qaiser Zaman S/o Hijab Gul, (herein appellant) , do hereby solemnly affirm and declare on oath that the contents of the accompanying restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


Muhammad Ayub Khan Shinwari
Advocate, Peshawar


DEPONENT



IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 846 /2015

Dr Qaiser Zaman S/o Hijab Gul,
Lecturer, Khyber Girls Medical College,
Peshawar



A.W.F. Province
Service Tribunal
Diary No. 884
Dated 28-7-2015

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Department of Health, Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Secretary to Government of Khyber Pakhtunkhwa, Department of Finance, Peshawar.
5. Secretary to Government of Khyber Pakhtunkhwa, Department of Establishment, Peshawar.

.....Respondents

Service Appeal under Section 4 of Khyber Pakhtunkhwa
Service Tribunal Act, 1974 against the impugned
seniority list.

[Handwritten signature and date]
28/7/15

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Appellant was appointed as Medical Officer (BPS-17) in the respondent Department on contract basis for a period of one year or till the availability of the Public Service Commission Selectee/return of the original incumbent from leave/deputation whichever is earlier by the competent authority in the prescribed manner after fulfilling all the codal formalities on 28-11-1995. (Copy of the appointment order is attached herewith as **Annex-A**)
2. That the said contract was extended from time to time without any break. Meanwhile the appellant qualified Public Service Commission exam and was appointed as Medical Officer (B-17) in the Health Department vide Notification dated 19-10-2000. (Copy of the Notification is attached herewith as **Annex-B**)

ATTESTED

[Handwritten signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

25.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan Learned Deputy District Attorney present. Case called time again but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

Sd-

M-Hamid Mughal
member

Sd-

Hussain Shah
member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	25-9-2018
Number of _____	800
Copying fee _____	6-0
Urgent _____	_____
Total _____	6-0
Name of Officer _____	Sif
Date of Completion _____	5-10-2018
Date of Delivery of Copy _____	5-10-2018