

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Application no 372/18

C.M No \_\_\_\_\_ /2018

In re-Service Appeal No \_\_\_\_\_ in  
845 /2015

Dr Sajjad Ahmad

Versus

Govt of KP & others


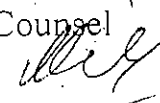
Application for restoration of the title Service Appeal  
dismissed in default vide order dated 25-09-2018

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 

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

In re service appeal No. \_\_\_\_\_/2015

Dr. Muhammad Sajjad Ahmad.....Petitioner

VERSUS

Govt of KPK through Secty & others .....Respondents

**AFFIDAVIT**

I, Dr. Sajjad Ahmad S/o Abdul Khaliq, (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.

DEPONENT

Identified by:

**Muhammad Ayub Khan Shinwari**  
Advocate, Peshawar

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 845



Province  
Service Tribunal  
Diary No. 885  
28/7/15

Dr Sajjad Ahmad S/o Abdul Khaliq,  
S.M.O, H.M.C, Peshawar

..... 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]*  
28/7/15

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

**ATTESTED**

*[Handwritten signature]*

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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 23-11-1995. (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 15-09-1997. (Copy of the Notification is attached herewith as Annex-B)

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

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation	25-9-2018
Number of Pages	800
Number of Copies	6-3
Upward	—
To	6-2
Name of Applicant	<i>[Signature]</i>
Date of Filing	5-10-2018
Date of Delivery of Copy	5-10-2018