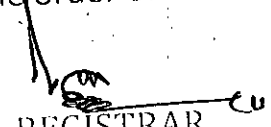


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. \_\_\_\_\_

181/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.03.2023	<p>The application for restoration of Appeal no. 2820/2021 submitted today by Mr. Ibad ur Rehman Advocate. It is fixed for hearing before touring Division Bench at A.Abad on _____ . Original file be requisitioned. Notices be issued to applicant and his counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

C.M. No \_\_\_\_\_/2023

Restoration Appli. No. 181/2023

In

Service Appeal No :2820 /21

Dr. Tahir Aziz.....Appellant.

VERSUS

Govt & others.....Respondents

INDEX

S.No	Description of documents	Annexure	Pages
1	Restoration application with affidavate		1-2
2	Copy Of order 23-02-2023	A	3-4

Dated:- 21-03-2023

1313  
Applicant

Through

Baseer Ahmad Shah

&

Ibad Ur rehman

Advocates peshawar

SCANNED  
KPST  
Peshawar

21/3/23

Khyber Peshawar  
Service Tribunal

Diary No. 4484

Dated 21/3/2023

Baseer Ahmad Shah  
&  
Ibad Ur rehman  
Advocates peshawar

①

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

C.M. No \_\_\_\_\_/2023

In

*Restoration Appli. 181/2023*

Service Appeal No :2820 /21

Dr. Tahir Aziz.....Appellant.

**V E R S U S**

Govt & others.....Respondents

**APPLICATION FOR THE RESTORATION OF TITLED APPEAL**

**Respectfully Submitted:-**

1. That the above titled Appeal was pending before this honorable Tribunal which has been dismissed in default on 23-02-2023.
2. That the appellant earne to know of the dismissal of subject appeal on 19-03-2023 and obtained copy of the order on 20-03-2023.(Copy Of Order is attached)
3. That even the petitioner had filed application for the fixation of subject appeal at Peshawar bench of this honourable tribunal but before the filed appeal has been dismissed prior to the decision of mentioned application.
4. That the absence was not willful and deliberate rather the same was due to the mentioned circumstances.
5. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
6. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

**It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.**

**Dated:-21-03-2023**

*Tziz*  
Appellant

Through

*Baseer*  
Baseer Ahmad shah

&

*IS Rah*  
Ibad Ur Rehman

Advocate Peshawar.

2

**A F F I D A V I T:-**

I, Dr Tahir aziz, senior medical officer (BPS-18) district Head quarter Haripur, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

Identified by

Baseer Ahmad Shah

Advocate Peshawar

*Shah  
Baseer*

*13/3*  
**DEPONENT**



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service appeal No. 2820/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2769

Dated 16/2/2021



Dr. Tahir Aziz, Senior Medical Officer (BPS-18) District Head Quarter Haripur.....**Appellant.**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
2. Director, General Health Services Khyber Pakhtunkhwa Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
4. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE NON-COUNTING THE PVIOUS CONTRACT SERVICE W.E.F 21-11-2003 TO 16-03-2005 OF THE APPELLANT AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

On acceptance of this appeal the respondents may kindly be directed to count the previous contract service w.e.f 21-11-2003 to 16-03-2005 rendered by the appellant for the purpose of pay protection and pension etc. with all back benefits.

Filed to-day  
11/2/2021

Respectfully Submitted:-

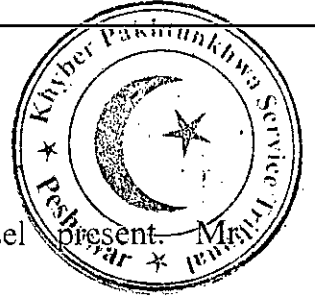
1. That the appellant was appointed as Medical Officer (BPS-17) on contract basis in the Ministry of Health, Govt. of Pakistan vide order/letter dated 21-11-2003 initially for a period of one year or till the availability of regular incumbent. Accordingly the appellant reported arrival since appointment the appellant performed his duties with honesty and full devotion with spotless service career and to the entire satisfaction of his high ups. **(Copy of Appointment Order dated 21-11-2003 is enclosed as Annexure A).**

2. That in the meanwhile the Provincial Government advertised the post of medical officer and the appellant being perfectly fit and eligible also applied for the same through proper channel. The appellant was accordingly appointed as Medical Officer (BPS-17) in March 2005 where he reported arrival on 16-03-

Certified to be true  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

03.01.2023

Appellant alongwith clerk of his counsel present.



Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General requested that the appellant belongs to Hazara Division, therefore, the appeal in hand may be fixed at Camp Court Abbottabad. Adjourned. To come up for arguments on 23.02.2023 before the D.B at Camp Court Abbottabad.

SCANNED  
KPS  
Peshawar

(Mian Muhammad)  
Member (E)

(Salah-Ud-Din)  
Member (J)

23<sup>rd</sup> Feb, 2023

None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Abid Ullah, Computer Operator for the respondents present.

2. Today nobody put appearance on behalf of the appellant despite repeated calls at different intervals till rising of the court, therefore, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 23<sup>rd</sup> day of February, 2023.*

(Salah Ud Din)  
Member (Judicial)  
Camp Court Abbottabad

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 20/3/23  
Number of ~~Words~~ Page 2  
Copying Fee 10/-  
Urgent \_\_\_\_\_  
Total 15/-  
Name of Copy \_\_\_\_\_  
Date of Completion of Copy 20/3/23  
Date of Delivery of Copy 20/3/23

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