Form-A

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	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. By the order of Chairman REGISTRAR

SCANNED
KPST
Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

C.M. No /2023 Restoration Appli. No. 181/2023 21/3/23

In

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 4484
Dated 21/3/2023

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

Applicant

Through

Baseer Ahmad Shah

&

Ibad Ur rehman

Advocates peshawarp

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

C.M. No_____/2023 Restoration Appli: 181/2023

In

Service Appeal No :2820 /21

Dr. Tahir Aziz.....**Appellant.**

VERSUS

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

Appellant

Through

Baseer Ahmad shah

&

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.

DEPONENT

Identified by

Baseer Ahmad Shah

Advocate Peshawar

ATTESTED

Advocate High Court Peshawar

-3-

Khyber Pakhtunkhwa Service Tribunal Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Service appeal No. 2820/2021

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 PERVIOUS 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.

Fixed to-day
11/2/2021
Registrar

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).**

Certified to be ture copy
EXAMINER
Khyber Pakhtunkhwa Service Tribunal, Peshawar

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-

(4)

Khyber Pakhtunkhwa Service Tribunal Peshawar

03.01.2023 Appellant alongwith clerk of his counsel present. Mr. 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.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

SCANNED KPST Peshawar

23rd 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 23rd day of February, 2023.*

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

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20/3/23

Number of ~~Words~~ Pgs 2

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Date of Complection of Copy 20/3/23

Date of Delivery of Copy 20/3/23

(5)

بعدالت سروس ٹریبونل KPK پشاور

مورخہ _____
مقدمہ _____
دعویٰ _____
جرم _____

2023ء منجانب: طاہر علی بنام گورنمنٹ وغیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام _____ کیلئے _____ عبدالرحمن مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 21-3-2023 ماہ _____ 2023ء

العبد _____ گواہ العبد _____

بمقام _____ کے لئے منظور ہے۔