

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. _____/2023

IN

APPEAL No. 1283/2022

MUHAMMAD TAYYAB ABBAS

VS HEALTH DEPTT:

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APPLICANT

THROUGH:



NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM. NO. _____/2023
IN
APPEAL No. 1283/2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 4886

Dated 14/4/2023

Mr. Muhammad Tayyab Abbas Chief Drug Inspector (BS-19 a.c.b), O/O the Services Hospital Peshawar.

VS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Health Department, Govt. of KPK Khyber Pakhtunkhwa, Peshawar.
3. The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa Peshawar.

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 27.03.2023.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar.
- 3- That the mentioned service appeal was dismissed for non-prosecution vide order dated 27.03.2023. Copy of the order sheet dated 27.03.2023 is attached as annexure**A**.
- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 11.04.2023


PETITIONER/APPLICANT

Through:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Muhammad Tayyab Abbas the applicant, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

-2- 7A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

SERVICE APPEAL No. 1283 /2022

Muhammad Tayyab Abbas Chief Drug Inspector (BS-19 a.c.b),
O/O the Services Hospital Peshawar under Promotion to the Post of Chief
Drug Inspector (BS-19).

.....**APPEALANT**

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa.
- 2- The Secretary to Government of Khyber Pakhtunkhwa, Health
Department, Khyber Pakhtunkhwa Peshawar.
- 3- The Director General Drug Control & Pharmacy Services, Khyber
Pakhtunkhwa Peshawar.
- 4- Aurangzeb Khan Chief Drug Inspector (BS-19 a.c.b) *Per Bath*
- 5- Imran Ullah Chief Drug Inspector (BS-19 a.c.b) currently posted as
Senior Drug Analyst Drug Testing Laboratory Peshawar.
- 6- Mehtab Afsar Senior Drug Inspector Peshawar. *Bath Pesh.*

.....**RESPONDENTS**

**APPEAL UNDER SECTION -4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
PROCESS OF PROMOTION IN PERSUANCE TO LETTER VIDE DATED
18.05.2022 WHEREBY THE APPELLANT HAS BEEN IGNORED/NOT
CONSIDERED FOR PROMOTION TO THE POST OF CHIEF DRUG
INSPECTOR (BS-19) IN THE HEALTH DEPARTMENT IN UTTER
VIOLATION OF SECTION 9 OF THE CIVIL SERVANT ACT, 1973
READ WITH RULE-7 OF APPOINTMENT, PROMOTION & TRANSFER
RULES, 1989 AND AGAINST NO ACTION TAKEN ON THE
DEPRATMENTL APPEAL OF THE APPELLANT WITHIN STATUTORY
PERIOD OF NINETY DAYS.**

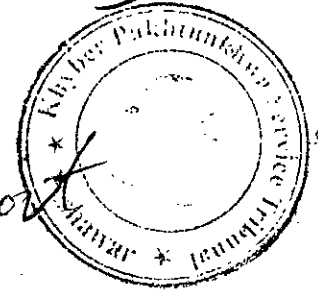
PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS
MAY KINDLY BE DIRECTED TO INCLUDE/ CONSIDER THE
PROMOTION CASE OF THE APPELLANT FOR PROMOTION TO THE
POST OF CHIEF DRUG INSPECTOR (BS-19) IN THE UPCOMING
PROVINCIAL SELCETION BOARD MEETING SHEDULED TO BE
HELD IN THE 1st OF WEEK OF SEPTEMBER 2022, ON REGULAR
BASIS.

Attested


"A" -3-

Appeal No. 1283/2022
M. Tayyab Abbas vs Govt



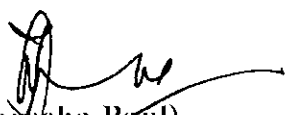
27th Mar. 2023

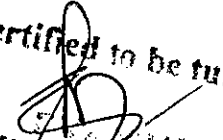
Clerk of learned counsel for the appellant present. Mr.

Fazal Shah, Addl. A.G for respondents No. 1 to 3 present.

02. On 10.02.2023, learned counsel for the appellant was present and requested for adjournment in order to further prepare the brief. Last opportunity was granted for preliminary arguments for 27.03.2023. Today neither appellant nor his counsel is in attendance despite repeated calls. The appeal is, therefore, dismissed in default. Consign.

03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 27th day of March, 2023.


(Farzha Paul)
Member (E)

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 27-3-2023
Number of Works Page 2
Copying Fee 10/-
Urgent
Total 10/-
Name of Copyist
Date of Completion of Copy 10-4-23
Date of Delivery of Copy 10-4-23

-4-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2023

M. Fayyub Abbass

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt

(RESPONDENT)
(DEFENDANT)

I/We

Appellant



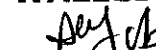
Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____/_____/2022


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
-(15401-0705985-5)
KAMRAN KHAN

UMAR FAROOQ MOHMAND

WALEED ADNAN

& **MUHAMMAD AYUB**

ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)