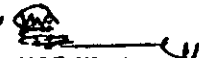


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 227/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.04.2023	The application for restoration of Appeal no. 7841/2021 submitted today by Mr Mansoor Salam Advocate. It is fixed for hearing before Division Bench at Peshawar on .Original file be requisitioned.
		By the order of Chairman
		 REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application No. 227/2023
IN SERVICE APPEAL NO. 7841/2023

Hidayat Ullah Senior Clerk BPS-14 Deptt of Archives & Libraries R/o
Village & P/o Dello Khel, Tehsil & District Lakki Marwat

Khyber Pakhtunkhwa
Service Tribunal

V/S

Diary No. 4773

Dated 05/4/2023

1. Secretary Higher Education Department Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Director Archives & Libraries, Peshawar Museum, Peshawar.

APPLICATION FOR RESTORATION OF SERVICE
APPEAL WHICH WAS DISMISSED IN DEFAULT
08.03.2023 DUE TO NON-PROSECUTION.

RESPECTFULLY SUBMITTED:

1. That the instant appeal was pending before this August Tribunal which was fixed for arguments on 08.03.2023.
2. That the counsel of the appellant is renal transplant patient and regularly visiting to hospital in Karachi for their medical follow-up, due to which the counsel for the appellant could not attend the case on 08.03.2023 and that's why the appeal was dismissed in default due to non-prosecution. (Copy of the Hospital card of Counsel is Annexure-A)
3. That on return from Karachi the counsel got the knowledge on dated 04.04.2023 when inquired about the next date in the instant appeal, noted that counsel never left any dated unattended.
4. That the appellant has good prime facie case, if decide on merit.

It is, therefore, most humbly prayed that on acceptance of this application, the appeal may kindly be restored which was dismissed in default due to non prosecution and decides the same on merit.

Any other remedy which this August Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant

THROUGH:

Dalam
(MANSOOR SALAM) 05/04/23
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the above Application/Petition are true and correct to the best of my knowledge and belief and nothing has been withheld from this Hon'ble Tribunal.

Faw
DEPONENT

Salam
Identified by:
Mansoor Salam
Counsel of Appellant



Shafiq

05/04/23

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**



In S.A. 7841 /2021

Hidayat Ullah (Senior Clerk - BPS 14) S/o Abdul Jalil R/o Mohallah Jandar Khel, Village & Post Office Dallo Khel, Tehsil & District Lakki Marwat.

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education Department at Civil Secretariat, Peshawar.
2. Director General Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.
3. Director, Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.

-----Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER NO. 1033/3/10/DA DATED 30-07-2021, OF THE OFFICE OF RESPONDENT NO. 03 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT LAKKI MARWAT TO DISTRICT HARIPUR IN UTTER VIOLATION TO THE LAW AND POLICY OF TRANSFER & POSTING GOVERNING THE SUBJECT, AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Lakki Marwat.
2. That after going through the mandatorily required criteria, the Appellant got onto the rolls of the Respondent Department years back.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

08.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt, learned Additional Advocate General alongwith Farhan Ahmad Assistant for respondents present.

SCANNED
KPST
Peshawar

Reply not submitted. Representative of the respondents sought time for submission of written reply. Last chance is given. To come up for written reply/comments on 24.01.2023 before S.B.



(Rozina Rehman)
Member (J)

24.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Several opportunities have been given to the respondents including the last chance for submission of reply/comments, however they have failed to submit reply/comments even today. Learned Assistant Advocate General is seeking further time for submission of reply/comments, therefore, last opportunity is further extended subject to payment of cost of Rs. 10000/-, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for arguments on 08.03.2023 before the D.B.

TESTED
EX-MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



(Salah-Ud-Din)
Member (J)

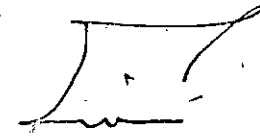


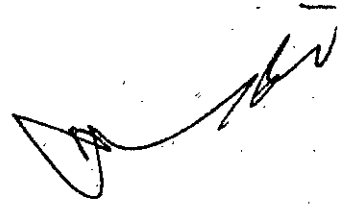
08th Mar, 2023

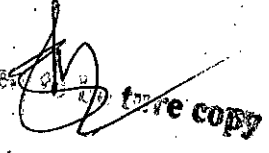
1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 8th day of March, 2023.*


(Salah Ud Din)
Member (J)


(Kalim Arshad Khan)
Chairman


Certified true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04-04-2023
Number of Words Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist _____
Date of Completion of Copy 04-04-23
Date of Delivery of Copy 04-04-23

بعدالت

سروس ٹریڈ مارک رجسٹریشن

مورخہ 05/04/2023

2 منجانب

مقدمہ Restoration Application

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام مشورہ کیلئے منسوخ رسید و پٹریٹ کی کوری

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بزمانگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی 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 مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سبب سے 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 لکھ دیا کہ سند ہے۔

Accepted & verified Salim

2023

ماہ اپریل

05

المرقوم

العبد د گ د واہ العبد

کے لئے منظور ہے۔

سید

مقام