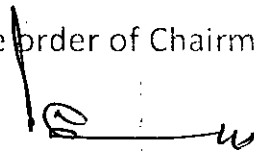


## FORM OF ORDER SHEET

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

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

244/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.04.2023	<p>The application for restoration of Appeal no. 821/2022 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR,**  
*Restoration Application # 244/2023*  
CM. NO. \_\_\_\_\_/2023

IN  
APPEAL No. 821/2021

**ZUBAIR**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S. NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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2.	Order Sheet dated 31-03-2023	"A"	2-3
3.	Vakalatnama	.....	4

**APPLICANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

- 1 -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

*Restoration Appli. 244/2023*  
CM. NO. \_\_\_\_\_/2023

IN

APPEAL No. 821/2022

Mr. Zubair S/o Abdus Sattar,  
Village Shawangi Mame Khel, District Nowshera.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4842

Dated 12/4/2023

**VS**

1. The Director (E & SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (M), Nowshera.

**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 31.03.2023.
- 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 31.03.2023. Copy of the order sheet dated 31.03.2023 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**

*Zubair*

**PETITIONER/APPLICANT**

Through:

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**



**AFFIDAVIT**

I, Zubair 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.

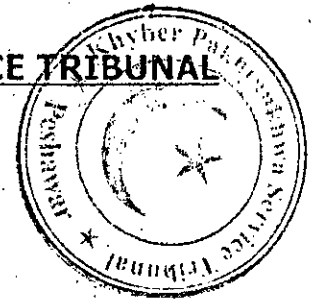
*Zubair*

**DEPONENT**

"A" -2-

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



APPEAL NO. 821 /2021

Mr. Zubair s/o Abdus Sattar,  
Village Shawangi Mame Khel, District Nowshera

..... **APPELLANT**

**VERSUS**

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), Nowshera.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED INACTIONS OF THE RESPONDENTS BY NOT ALLOWING THE APPELLANT TO SUBMIT ARRIVAL REPORT AND NOT PROVIDING THE ADVERSE ORDER IF ANY AND SUBSEQUENT NON ADJUSTMENT AGAINST THE VACANT POST OF SWEEPER FALL VACANT AFTER AVAILAING EARNED LEAVE BY THE APPELLANT

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed to provide the termination order to the appellant if any or the appellant may be allowed to submit arrival report for duty after availing earned leave by the appellant. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise on the present appeal are as under:**

- 1- That the appellant was serving as Sweeper (BPS-01) against a vacant post at GMS Shawangi District Nowshera.

**Copy of appointment order is attached as annexure .....A**

That as evident from the Service Book, the appellant served the respondent department for more than ten years, he was

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal, 2-  
Peshawar

Appal No. 821/2021  
M. Zubair vs Govt. 3-

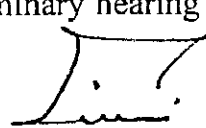


16.01.2023

Learned counsel for the appellant present and

requested for further time for preparation of preliminary hearing. The appeal in hand is pending adjudication for preliminary hearing since the year 2022, therefore, last opportunity given. To come up for preliminary hearing on 17.02.2023 before the S.B.

SCANNED  
KFST  
Peshawar

  
(Salah-Ud-Din)  
Member (J)

17.02.2023

Counsel for the appellant present and requested for short adjournment in order to further prepare the brief. Last chance is given. To come up for preliminary hearing on ~~31.03.2023~~ before S.B.


  
(Rozina Rehman)  
Member (J)

31<sup>st</sup> Mar. 2023

Neither appellant nor his counsel present.

02. As a result of constant adjournments on the request made on behalf of learned counsel for the appellant, on 17.02.2023, last chance was given for preliminary hearing on 31.03.2023. Today neither the appellant nor his counsel was 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 31<sup>st</sup> day of March, 2023.

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
(Faezha Paul)  
Member (E)

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

APPEAL NO: \_\_\_\_\_ OF 2023

Zuber

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education

(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

Zuber  
**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 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)