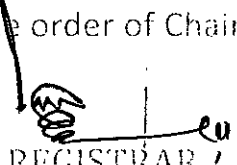


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 255/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.04.2023	<p>The application for restoration of Appeal no. 6221/2020 submitted today by Syed Noman Ali Bukhari Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ .Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

original (1)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

R.A NO: 255 /2023
IN

APPEAL NO.6221/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4909

Dated 17/4/2023

Tauheed Anjum PSHT (BPS-15)
GPS, Shalmal, Dir Lower.

.....Appellant

Versus

1. The secretary E&SE Education, KP, Peshawar.
2. The Secretary Finance department, KP, Peshawar.
3. The Director E&SE Education, KP, Peshawar.
4. The District education officer (female), District dir lower.
5. The District account officer, district Dir Lower.

APPLICATION FOR RESTORATION OF APPEAL NO.
6221/2020 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 05/04/2023.

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 6221/2020 was filed before this Honorable Tribunal against the order dated 20/09/2019.
2. That the instant appeal was in Argument stage at principle Bench Peshawar, on previous date and next date was given to the appellant as 05/04/2023 but Counsel for the appellant was unaware regarding the fixation of case At Camp Court Swat bench and busy before this Honorable Tribunal at principal Seat Peshawar. The appeal was dismissed on default on 05.04.2023.
3. That when the counsel got knowledge about the Appeal then immediately filed application on 15/09/2022 for copy of the order dated 14/04/2023, which was handed over to the counsel for appellant on same date. **Copy of the order is attached as annexure-A.**
4. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 6221/2020 may be restore on the acceptance of this application.

APPELLANT
Tauheed Anjum

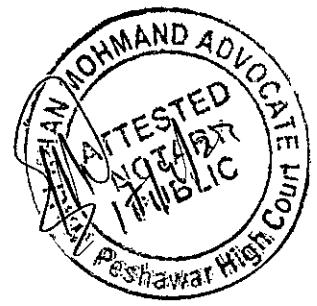
Through:

Tauheed Anjum
SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

Tauheed Anjum
DEPONENT





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 6221 / 2020

Mst. Tawheed Anjum, PSHT (BPS-15),
GPS, Shalmai, Dir Lower **APPELLANT**

VERSUS

- 1- The Secretary E&S Education, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director E&S Education, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (Female), District Dir Lower.
- 5- The District Account Officer, District Dir Lower.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20-09-2019 WHEREBY THE APPELLANT HAS BEEN PROMOTED WITH IMMEDIATE EFFECT I.E. WITHOUT BACK BENEFITS AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTERY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 20-09-2019 may very kindly be rectified/ modified to the extent of back benefits including seniority i.e. by promoting the appellant to the post of PSHT (BPS-15) from the date when her colleagues and junior colleagues were promoted. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

That the appellant was initially appointed as PST and was terminated vide order dated 19-12-2008 on the grounds of willful absence.

That feeling aggrieved from the said termination order dated 19-12-2008 the appellant preferred departmental appeal followed by service appeal No. 1347/2010 which was decided on 10-03-2014 whereby the department was directed to decide the departmental appeal of the appellant one way or the other. (Copy of the judgment dated 10-03-2014 is attached as annexure.....A).

Terminated in the future
K. ANJUM
Service Tribunal
Peshawar

4

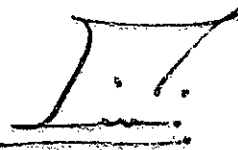



05th April, 2023

1. None present on behalf of the appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Hashmatullah, Superintendent and Mr. Muhammad Usman, ADEO for the respondents present.

2. On previous date learned counsel for the appellant sought adjournment. Today nobody is present on behalf of the appellant till rising of the court, therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 05th day of April, 2023*


(Salah-ud-Din)
Member (J)
Camp Court Swat


(Kalim Arshad Khan)
Chairman
Camp Court Swat

Certified to be true copy

EX-11111111
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 14-04-2023
Number of Words Page 2
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Urgent 5/-
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