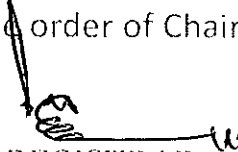


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 268/2023

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 28.04.2023 | <p>The application for restoration of Appeal no. 365/2023 submitted today by Mr. Munfat Ali Yousafzai 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

R. A. NO-268/2023

In Service Appeal No. 365/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4980

Mr Muhammad Sheraz CT GHSS Gajai (Gadoon) District Swabi 26/4/2023

..... Appellant

VERSUS

1. Secretary to Government of KPK Elementary & Secondary Education Department Peshawar
2. Director Elementary & Secondary Education Department Peshawar.
3. District Education Male District Swabi.
4. Rab Nawaz CT GHSS Kalo Khan District Swabi.

..... Respondent

APPLICATION FOR RESTORATION OF THE ABOVE SERVICE APPEAL WAS DISMISSED IN DEFAULT BY THIS HON'BLE SERVICE TRIBUNAL VIDE ORDER DATED 07/04//2023.

Respectfully Sheweth:

- 1) That the above mention Service Appeal was pending before this Hon' able Tribunal in which on 07/04/2023 date was fixed for preliminary hearing.
- 2) That instant Service Appeal was dismissed in default due to the non-availability of appellant and his counsel.
- 3) That due to non-appearance of the council for the appellant on the date mentioned above the Service Appeal of the appellant has been dismissed and default by this Hon' able Tribunal vide order dated 07/04/2023. (Copy of the order sheet is attached).

- 4) That on the same date council of the appellant was not available due to illness while the appellant was unaware about the date of hearing and due to that reason appellant and his council could not appear before this august Service Tribunal on the date fixed.
- 5) That no notice whatsoever had been served to the appellant.
- 6) That non-appearance of the appellant and council was neither intentionally but due to the above mention reason.

It is, therefore, humbly prayed that on acceptance of this application, the Service Appeal may be restored and fixed for preliminary hearing.

Dated 26/04/2023

Applicant / appellant

Through



**Munfat Ali Yousaf Zai
Advocate High Court,
Peshawar**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Service Appeal No. 365/2023

Mr Muhammad Sheraz CT GHSS Gajai (Gadoon) District Swabi

..... Appellant

VERSUS

Education Department

..... Respondent

AFFIDAVIT

I, Munfat Ali Yousafzai on the instruction of my client Mr Muhammad Sheraz CT GHSS Gajai (Gadoon) District Swabi do hereby solemnly affirmed and declare that the contents this comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



DEPONENT



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



Appeal No. 365/2023

Muhammad Sheraz CF, GHSS Gajal (Gadoon) District Swabi,

..... Appellant

VERSUS

1. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer Male District Swabi.
4. Rab Nawaz ^{C.T.} GHSS Kalo Khan District Swabi.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE PARTIAL IMPUGNED ORDER NO. 7008/15 DATED 18/08/2022 WHEREBY THE APPELLANT WAS POSTED AT GOVERNMENT HIGH SCHOOL GAJA (GADOON) DISTRICT SWABI AGAINST MERIT TO FAR PLONG AREA AND AGAINST THE APPELLATE ORDER NO. 1213 DATED 26/01/2023 THROUGH WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD GROUNDS.

PRAYER:

On acceptance of the instant Service Appeal the partial impugned appointment order dated 18/08/2022 may kindly be set aside to the extent of

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 365/2023
M. Sheraz vs Govt



7th April, 2023 Nemo for the appellant. Last chance was given to the appellant for preliminary hearing. Today no one is present on behalf of the appellant despite repeated calls. The appeal is dismissed in default. Consign.

Pronounced in open Court at Peshawar and signed under my hand and the seal of the Tribunal on this 7th of April, 2023.


(PARVISHA PAUL)
Member (E)

Certified to be true copy

EX-115/R
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19-4-2023
Number of Words Page 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copy _____
Date of Completion 26-4-23
Date of Delivery of Copy 26-4-23