

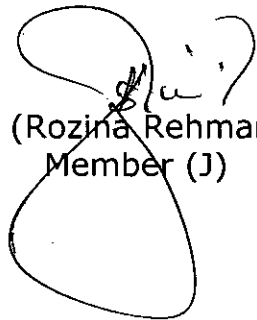
ORDER
24.03.2022

Mr. Asad Mahmood, Advocate, for the petitioner present.
Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 850/2013 titled "Dr. Ali Raza Versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and two others", was dismissed in default vide order dated 24.06.2021. According to the learned counsel for the petitioner, he was engaged in other cases before the august Peshawar High Court, Peshawar and his junior had appeared before the Tribunal but adjournment was not sought due to having no power of attorney. The petitioner has submitted application for restoration of appeal on 01.07.2021 which is well within time. The application for restoration of service appeal is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities.

In light of the above discussion, the application in hand is allowed and the Service Appeal bearing No. 850/2013 stands restored on its original number. Copy of this order be placed on file of Service Appeal bearing No. 850/2013. File be consigned to the record room after necessary completion and compilation.

ANNOUNCED
24.03.2022


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

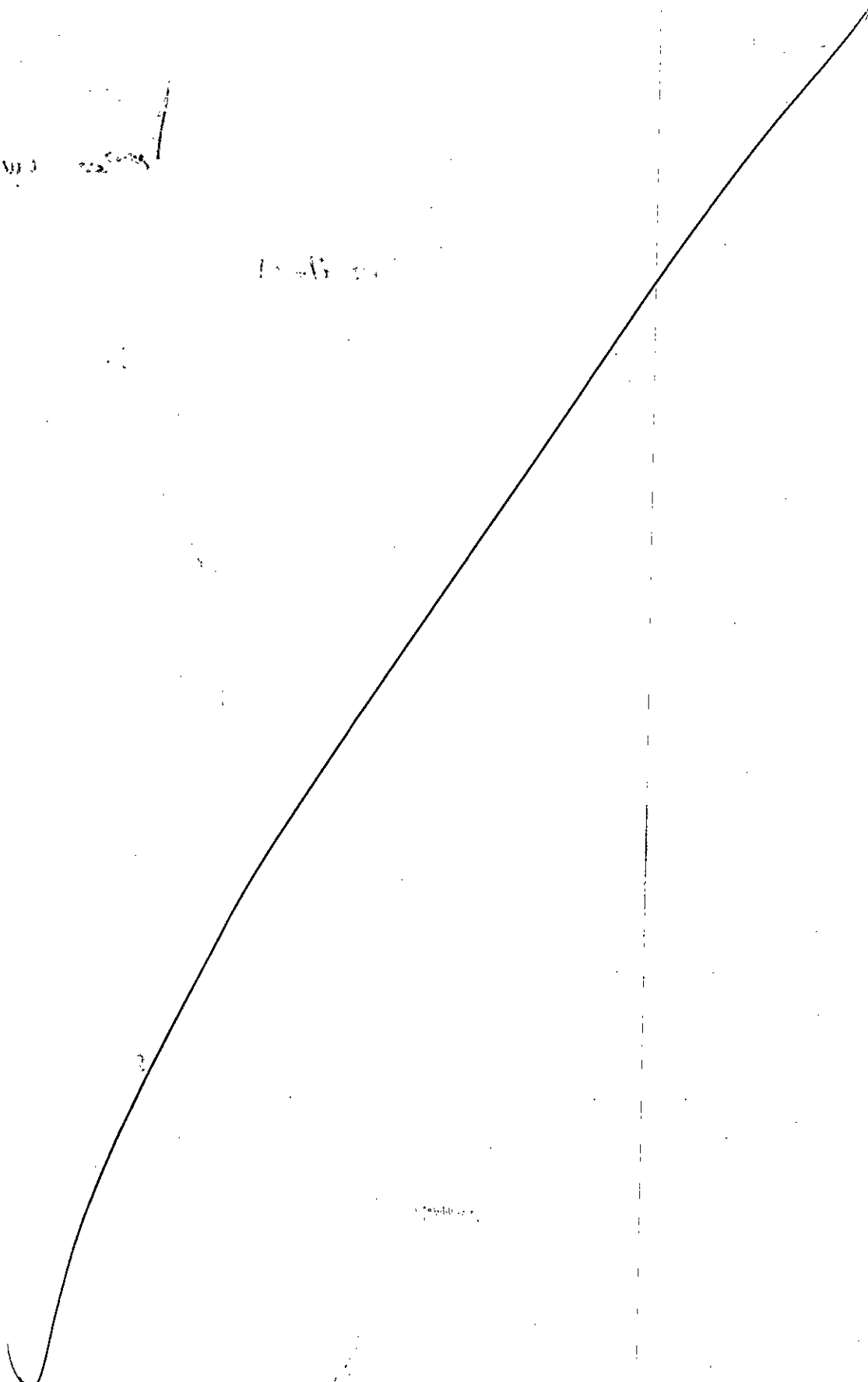
17.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.03.2022 for the same as before.


Reader.

17/3/22



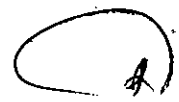
17/3/22



Form-A

FORM OF ORDER SHEET

Court of 123
 Restoration Application No. /2020.

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1.	2	3
1	01.07.2020	<p>The application for restoration of appeal No. 850/2013 submitted by Mr. Asad Mahmood Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p>
2	26.11.2021	<p>This restoration application is entrusted to D. Bench to be put up there on <u>26-11-21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned on 17.03.2022 before D.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

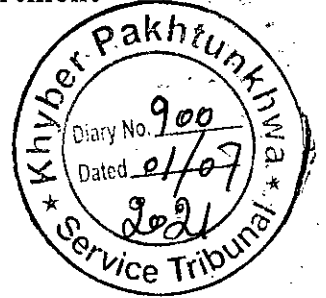
R. A. No. 123/21 Service Appeal No. 850/13

Dr. Ali Raza

Versus

Health Department

APPLICATION FOR RESTORATION OF
APPEAL DISMISSED IN DEFUALT DUE
TO NON-APPEARANCE OF COUNSEL.



Respectfully Sheweth,

Applicant humbly submits as under:

1. That the captioned service appeal was pending for adjudication before this hon'ble Tribunal which was fixed for arguments dated 24th June, 2021.
2. That counsel for the appellant was engaged in different cases before Peshawar High Court, Peshawar and junior of the counsel for the appellant was appeared but adjournment was not sought for having no power of attorney attested by appellant in favour of undersigned.
3. That due to inability of junior of the counsel for appellant, request for adjournment by junior of the counsel for appellant was turned down and ultimately case was dismissed in default.

It is, therefore, most humbly prayed that this application may kindly be accepted; the instant appeal may kindly be restored and appellant may kindly be provided an opportunity of fair trial to promote justice.

Dated: 30th June, 2021


Applicant

Through


Asad Mahmood
Advocate High Court

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 850/13

Dr. Ali Raza

Versus

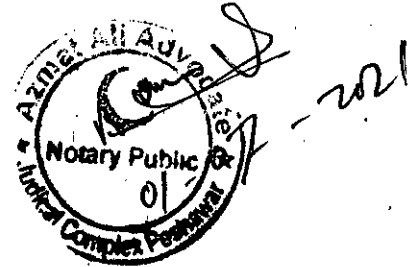
Health Department

AFFIDAVIT

It is solemnly affirm that contents of this application for restoration is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

ATTESTEL





**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Res No 123/21

Appeal No. 850/2013

Case No. 875
Date 06-5-13

Dr. Ali Raza S/O Asghar Ali Khan R/O House No. 3, Eid Gah Colony Charsadda Road, Peshawar City.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa, through its Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt of Health Department Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa, Khyber road Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Notification No SO (E) H-II / 3-18 / 2011 dated 11/12/2012, whereby the appellant has been terminated from service, with immediate effect against which the Departmental Appeal dated 09.01.2013 has not been replied despite the lapse of 90 days.

Prayer in Appeal:

On acceptance of this appeal the impugned Order dated 11.12.2012, may graciously be set-aside being illegal and void ab-initio and the appellant may kindly be re-instated into service with consequential and all benefits.

Respectfully Submitted:

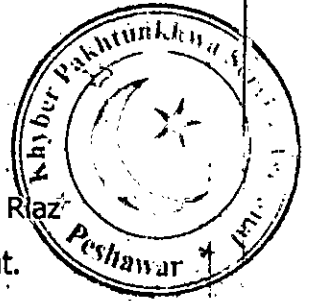
1. That the appellant was appointed as Medical Officer BPS-17 on adhoc basis for a period of one year or till the arrival of regular selectees of Public Service Commission vide notification dated 25.10.2011 and was posted at DHQ Hospital Nowshera, the appellant assumed the charge of his post on 01.11.2011 & performed his functions / duties honestly and satisfactorily. (Copies of the notification of appointment dated 25.10.2011 & Office Order dated 4.11.2011 are attached as Annexure A & B).

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Take F.I.R in collaboration with local police

Appeal No. 850/2013
Dr. Ali Raza vs Govt



25.03.2021

Junior to counsel for the appellant present. Mr. Riaz
Khan Painsdakhel learned Asst. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case
is adjourned to 24.06.2021 for arguments before D.B.

(Atiq-Ur-Rehman Wazir)
Member (E)

ORDER
24.06.2021

None present for the appellant. Mr. Jaffar Ali, Assistant
alongwith Mr. Kabirullah Khattak, Additional Advocate General
for the respondents present.

The appeal in hand was called on for hearing after various
interval, however neither the appellant nor anyone else appeared
on his behalf till closing time of the ^{Tribunal} court, therefore, the appeal
in hand stands dismissed in default. Parties to bear their own
costs. File be consigned to the record room.

ANNOUNCED
24.06.2021

(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Certified in the true copy
F. A. R.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 30-6-21
Number of Words 800
Copying Fee 10.00
Urgent —
Total 10.00
Name of Copyist —
Date of Completion of Copy 01-07-21
Date of Delivery of Copy 01-07-21

with local police

بعدالت

سرورس ٹریبونل پشاور

Dr. Ali Raza
بنام

Vs

Health Deptt.

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے

کیلئے

آن مقام پشاور

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 و تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی 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 برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا 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 لکھدیا کہ سند ہے۔

Accepted
Accepted

Ali

20

ماہ

المرقوم

ASAD MAHMOOD
Advocate

کے لئے منظور ہے۔

مقام