


12.04.2023

Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel for appellant is not available today. Adjourned. To come up for arguments on 20.06.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
Peshawar

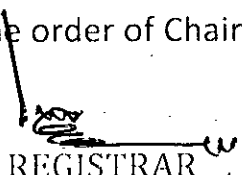



(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 117/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.03.2023	<p>The application for restoration of Appeal no. 13295/2020 submitted today by Mufariq Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>3-3-23</u>. Original file be requisitioned. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> <p>3rd Mar, 2023</p> <p>None for the applicant present.</p> <p>Let a fresh notices be issued to the applicant and his counsel. To come up on 12.04.2023 before D.B. P.P given to the parties.</p> <p> (Rozina Rehman) Member (J)</p> <p> (Kalim Arshad Khan) Chairman</p>

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Peshawar

①

Before the Service Tribunal, Peshawar, Khyber Pakhtunkhwa

CM (Restoration Application) no. 117 /2023

Khyber Pakhtunkhwa
Service Tribunal

In Service Appeal No. 13295/2020

Diary No. 3961
Dated 01/3/23

Jehanzeb Khan _____ Applicant/Appellant

VERSUS

Secretary Tourism, Sports, Archeology etc & others _____ Respondents

Application for Restoration

Respectfully Sheweth,

1. That in the above-mentioned titled appeal was instituted vide Diary No. 14289 Dated 09-11-2020.
2. That dated 10-01-2023 was fixed for hearing but the same got dismissed in default, hence this application for restoration. (Copy of suit along with dismiss in default order is annexed)
3. That the case was dismissed in default on dated 10-01-2023, the clerk applied for the attested copy of the order on dated 25-01-2023, while the date of completion of the copy is 14-02-2023 and date of delivery of the copy is 27-02-2023, hence the instant application is duly within time.
4. That in order to decide the case on merits, justice demands that the case/appeal shall be decided on merits which would only be possible after hearing both the parties. Also article 10-A of the constitution mandates that there shall be a fair trial.

It is therefore, humbly prayed, that by allowing and accepting this application, the suit may kindly be restored.

Applicant/Appellant

Through Mufariq Shah
Mufariq Shah Advocate

BC# 11-1902
MUFARIQSHAH@hotmail.com
17301-1208650-7

Certificate:

No such like application is being filed before this or any other court having same subject matter in between the same parties. Nothing stated in here is concealed or deposed falsely.



Deponent

2



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 13295/2020

Diary No. 14289

Dated 09/11/2020

Jehanzeb Khan S/O Saif ud Din R/O Mohallah Terai Payan,
District Peshawar.....(Appellant)

VERSUS

1. Secretary Tourism, Sports, Archaeology, Museums, Culture
Youth Affairs Department, Khyber Pukhtunkhwa, Peshawar
2. Director Youth Affairs, Khyber Pukhtunkhwa, Peshawar
3. Chief Secretary Khyber Pukhtunkhwa.....(Respondents)

Appeal U/S 4 of the Khyber Pakhtunkhwa Services
Tribunal Act 1974 for considering the Appellant for
promotion against the available vacant posts Junior
Clerk (BPS-11) as per rules, the Appellant being senior
most on the seniority list is entitled to be promoted

Filed to-day
09/11/2020
Registrar

PRAYER:

On acceptance of the instant Service Appeal in hand, the
Respondents be directed to consider the Appellant for
promotion to the post of Junior Clerk (BPS-11) under the
rules.

Respectfully Sheweth:-

The facts giving rise to the instant appeal:

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3



Service Appeal No. 13295/2020

Jehanzeb Khom

ORDER
10.01.2023


Nemo for the appellant. Mr. Muhammad Jan, District Attorney


for the respondents present.

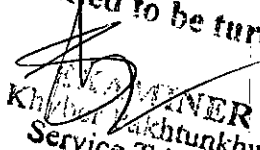
The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

SCANNED
KPS ST
Peshawar

ANNOUNCED
10.01.2023

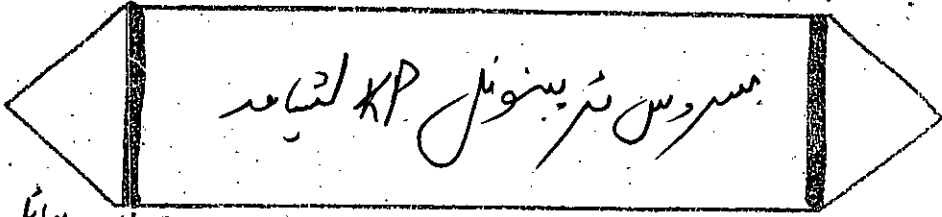

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25-01-2023
Number of Pages 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of _____
Date of Completion of Copy 14-2-2023
Date of Delivery of Copy 27-2-2023

بجدرالت



2 جناب سائل
Jehanzeb Khan Secretary Tourism

مذبحہ
مقدمہ
دعویٰ
چرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لٹیمت کیلئے عقدہ سہ ماہہ ایڈووکیٹ
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راشنی نامہ کرنے و تقریر ثالثہ فیصلہ مرحلہ دینے جو جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ یا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوا نے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ لکھنا یا کہ مندر ہے۔

لکھنا یا کہ مندر

المرقوم 01 - 03 2023

بمقام لٹیمت کے لئے منظور ہے۔

Accept
BCA 11-1902