

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Restoration Application No. 143/2019

In Re: Service Appeal No. ⁸⁹⁷~~798~~ of 2015

Fazli Mabood.....Appellant

V E R S U S

District Food Controller, Charsadda & others.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Application for Restoration of Service Appeal alongwith affidavit		1-2
2.	Copy of Order dated 18.02.2019	A	3-4



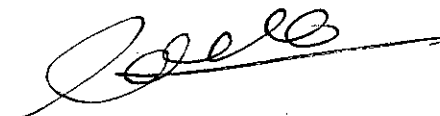
Applicant/Appellant

Through



Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan

&



Saifullah Muhib Kakakhel
Advocate High Court
Cell: 0334-4440744

Dated: *04*/03/2019

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Restoration Application No. 143/2019

In Re: Service Appeal No. ⁸⁹⁷798 of 2015



Fazli Mabood.....Appellant.

VERSUS

District Food Controller, Charsadda & others.....Respondents

**Application for Restoration of the
Service Appeal dismissed in default on
18.02.2019**

1. That the above mentioned case was fixed for 18.02.2019 but the counsel for petitioner/applicant could not appear due to the reason that he was in Islamabad was suffering from severe flu and fever in which it was not possible for him to travel and appear before this Hon'ble Court.
2. That the clerk of the counsel Mr. Syed Mohsin Ali appeared and informed the Reader of the Court but the case got dismissed without considering the request of authorized agent.
3. That the law favour decisions on merit and Apex Courts have laid down the principle that technicalities shall not be avoided as valuable rights of litigants is violated.
4. That there was no ill-will involved in non appearance of the applicant and his counsel.
5. That the application is well within time.

It is, therefore, respectfully prayed that on acceptance of this application, the relief as prayed for in the heading of the application may kindly granted to the application, in the best interest of justice.

Any other order deemed appropriate in the circumstances may also be passed. The Applicant may be allowed to put forward any other arguments / documents at the time of hearing of the case.

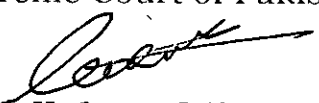
Applicant/Appellant

Through

13

Mian Muhibullah Kakakhel
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Supreme Court of Pakistan

&

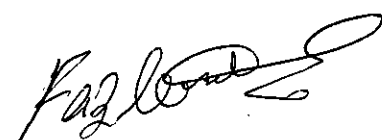
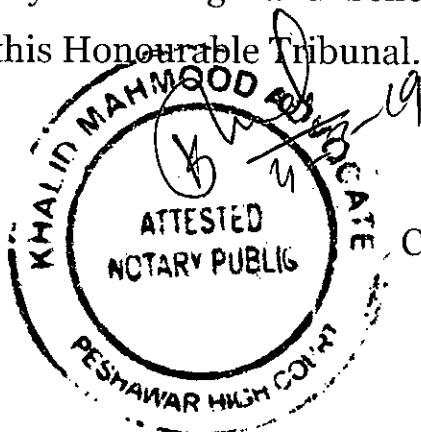


Saifullah Muhib Kakakhel
Advocate High Court
Cell # 0334-4440744

Dated: 04/03/2019

AFFIDAVIT

I, Fazli Mabood (appellant), do hereby solemnly affirm and declare on oath that contents of **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



DEPONENT

CNIC:

Annex-A 4
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BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 897 /2015

A.W.P. Province
Service Tribunal
Diary No. 867
Dated 16-7-2015

Fazli Mabood S/o Gul Rehman,
R/o Street No.6, Afghan Colony, Peshawar.....Appellant

V E R S U S

1. District Food Controller, Charsadda
2. Director Food, KPK, Peshawar
Near General Bus Stand, Govt Godown, G.T.Road, Peshawar
3. Secretary Establishment,
Govt of KPK, Civil Secretariat, Peshawar
4. Secretary Food, Govt of KPK,
Benevolent Fund Building, Peshawar..... Respondents



Appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order of retirement of the appellant dated 18.03.2015, whereby the appellant has been retired in BPS-14 from the office of District Food Controller, Charsadda instead of BPS-17, thus, the appellant suffered a loss of length of service and financially:

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respectfully Sheweth:

1. That the appellant was appointed as Junior Clerk in the Food Department on 06.07.1973, was promoted as Senior Clerk in 1980, was posted as Assistant/ Accountant BPS-11, which is a Head Clerk Post in the District.

re-submitted to ~~the~~
and filed:

[Signature]
10/8/15

8
4

24.12.2018

Junior to counsel for the appellant and Mr. Kabirulah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come for arguments on 18.02.2019 before D.B.



Member



Member

18.02.2019

Nemo for the appellant. Learned Deputy District Attorney for the respondents present.

It is already 4:00 PM and the case has been called more than once. Despite, no one is in attendance on behalf of appellant. Dismissed for want of prosecution. File be consigned to the record room.



Member




Chairman

ANNOUNCED.

18.02.2019

Certified to be true copy


Khyber Pakhtunkhwa
Services Tribunal
Peshawar

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Urgent 200
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