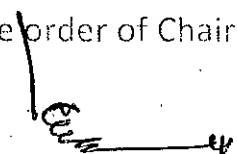


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 277/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	4.05.2023	<p>The application for restoration of Appeal no. 124/2022 submitted today by Mr. Bashir Khan Wazir 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**

*Restoration Application no. 27/23*

**Service Appeal No. 124/2023**

**Shad Ayaz Khan**  
**VERSUS**  
**District Education Officer & others**


**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Application for restoration		1-2
2.	Affidavit		3
3.	<b>Copy of Order dated 17.04.2023</b>	A	4-5

Applicant/ Appellant

Through

Dated: 03.05.2023



**BASHIR KHAN WAZIR**  
Advocate, High Court  
Peshawar

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

*Restoration Application No. 277/2023*  
Khyber Pakhtunkhwa  
Service Tribunal

**Service Appeal No. 124/2022**

Diary No. 5103

Dated 4/5/2023

Shad Ayaz Khan S/o Muhammad Abdul Naz Ali Shah  
R/o Kot Mehtar Dakhli Nauza Ghoriwala, Tehsil &  
District Bannu.

.....**Appellant**

**V E R S U S**

1. District Education Officer (Male) District Bannu.
2. District Account Officer District Bannu.

.....**Respondents**

**APPLICATION FOR RESTORATION OF**  
**THE ABOVE TITLED APPEAL DISMISSED**  
**IN DEFAULT ON 17.04.2023.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 17.04.2023
2. That the counsel of the Appellant was busy in Hon'ble Peshawar High Court Peshawar and the appellant is residing at Bannu and due to some unavoidable circumstances was unable to appear before this Hon'ble Tribunal and the case was dismissed in default on 17.04.2023. **(Copy of Order dated 17.04.2023 is attached as annexure A)**
3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

**GROUNDS:**

- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant are involved in the case in question.
- C. That the law otherwise favours the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.
- F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

**It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.**

Dated: 03.05.2023

Through

Applicant/ Appellant



**BASHIR KHAN WAZIR**  
Advocate, High Court  
Peshawar

3

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

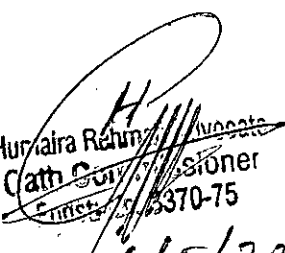
**Service Appeal No. 124/2022**

**Shad Ayaz Khan**  
**VERSUS**  
**District Education Officer & others**

**AFFIDAVIT**

I, **Bashir Khan Wazir Advocate**, as per instructions of my client, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
**ADVOCATE**

  
Huzaira Rehman Advocate  
Clath Commissioner  
Since 1975 3370-75

9/5/2023

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**



Service Appeal No 124 /2023

Shad Ayaz Khan S/o Muhammad Abdul Naz Ali Shah R/o Kot Mehtar  
Dakhli Nauza Ghoriwala, Tehsil & District Bannu.

.....Appellant

**V E R S U S**

1. District Education Officer (Male) District Bannu.
2. District Account Officer District Bannu.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED VERBAL ORDER OF THE RESPONDENTS,  
WHEREBY THE APPOINTMENT OF THE APPELLANT HAS  
BEEN CONSIDERED CANCEL / WITHDRAWN AND  
CONSEQUENTLY THE SALARIES OF THE APPELLANT HAS  
BEEN STOPPED / WITHHOLD AGAINST WHICH THE  
DEPARTMENTAL APPEAL WAS FILED, WHICH WAS  
REJECTED BY THE RESPONDENTS VIDE IMPUGNED  
ORDER DATED 30.11.2022.**

**Prayer in Appeal:**

On acceptance of the instant Appeal, the Impugned Verbal Order, which was communicated to the Appellant issued by the Respondents on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

**Respectfully Sheweth:-**

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973..
2. That briefly stated the fact relevant for the purpose of this Appeal are that, the Respondents had advertised number of posts, which were laying vacant in respondents department, the Appellant was being qualified and eligible candidate applied for the post of PST as per his qualifications. **(Copies of Academic Documents are attached as annexure A)**

3. That after fulfillment of all codal formalities, the appellant was appointed as PST as letter No. 8477-80 dated 24.02.2011 and thereafter the Appellant submitted his arrival report and joined his duties as PST in Govt Primary School Asad Khojari No 1 Bannu. **(Copy of the Appointment Order is attached as annexure B)**

4. That since the appointment of the Appellant, he was performing his duties with great zeal and zest and no complaint whatsoever has been made against the Appellant.

*Verified*  
*Signature*  
*Khyber Pakhtunkhwa*  
*Service Tribunal*  
*Peshawar*

Service Appeal No. 124/2023




ORDER  
17.04.2023


Nemo for the appellant.

The appeal in hand was called for several times but nobody put appearance on behalf of the appellant till raising of the court, therefore, the same is dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
17.04.2023

\*Nacem Amin\*

**Certified true copy**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**

  
(Salah-Ud-Din)  
Member (Judicial)

Date of Presentation of Application 18-04-2023  
Number of words page 2  
Copying Fee 10/-  
Urgent ✓  
Total 10/-  
Name of C.  
Date of Completion 03-05-2023  
Date of Delivery of Copy 03-05-2023