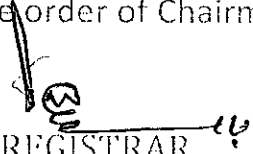


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 276 /2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	4.05:2023	The application for restoration of Appeal no. 6342/2020 submitted today by Mr. Munfat Ali Yousafzai Advocate. It is fixed for hearing before Division Bench at Peshawar on .Original file be requisitioned. <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Restoration Appli. no. 276/23

Service Appeal No. 6342/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5104

Dated 4/5/2023

Dost Muhammad Khan S/o Nobat Khan Ex Chowkider, at District Health Officer, Kohat, R/o Muhammad Zai, Kohat.

..... Petitioner

VERSUS

1. The Secretary, Health Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Old FATA, Secretariat Peshawar.
3. Deputy Commissioner District Kohat.
4. District Health Officer, District Kohat.

..... Respondents

Application for restoration of the above mention Service Appeal 6342/2020 which has been dismissed and default on 29/03/2023.

Respected Sir.

1. That the above mentioned Service Appeal was pending before this Hon' able tribunal for final arguments which has been dismissed and default decided on 29/03/2023. (Copy of order dated 29/03/2023 is attached as Annexure-A).
2. That the appellant came to the Hon' able Tribunal on 28.03.2023 believing that his appeal was fixed for hearing on 28.03.2023.

3. That on the previous date i.e 26.12.2022 and 04.11.2022 there was no proceeding due to strike and winter vacation although the appellant attended every date of proceeding in the part.
4. That however on 26.12.2022 the cases were adjourned in block because of vacation and the appellant mistakenly understood the date of hearing as 28.03.2023 instead of 29.03.2023.
5. That no law of limitation is running against the appellant because the impugned order against the appellant as void ab-initio
6. That the absence of the appellant was not intentional but due to the above mention reason.

It is therefore, most humbly submitted that on acceptance of the instant restoration application the Service Appeal of the appellant may kindly be restore.

Dated 06/05/2023

Through

Petitioner



Munfat Ali Yousafzai
High Court Peshawar

03449213367

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6342/2020

Dost Muhammad Khan S/o Nobat Khan Ex Chowkider, at District Health Officer, Kohat, R/o Muhammad Zai, Kohat.

..... Petitioner

VERSUS

5. The Secretary, Health Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
6. The Director General Health Services, Khyber Pakhtunkhwa, Old FATA, Secretariat Peshawar.
7. Deputy Commissioner District Kohat.
8. District Health Officer, District Kohat.

..... Respondents

AFFIDAVIT

I, Munfat Ali Yousafzai on the instruction of my client Mr Dost Muhammad Khan S/o Nobat Khan Ex Chowkider, at District Health Officer, Kohat, R/o Muhammad Zai, Kohat 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 SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6342/2020.

Dost Muhammad Khan S/o Nobat Khan Ex Chowkider, at District Health Officer, Kohat, R/o Muhammad Zai, Kohat.

..... Petitioner
VERSUS

1. The Secretary, Health Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Old FATA, Secretariat Peshawar.
3. Deputy Commissioner District Kohat.
4. District Health Officer, District Kohat.

..... Respondents

**APPLICATION FOR CONDINATION OF DELAY
IF ANY**

Respectfully Sheweth:

Petitioner submits as under:-

1. That the above mentioned petition is filing before this Hon' able Court in which no date is fixed for fixed for hearing so far.
2. That the above mentioned Service Appeal was pending before this Hon' able tribunal for final arguments which has been dismissed and default decided on 29/03/2023. (Copy of order dated 29/03/2023 is attached as Annexure-A).
3. That the appellant came to the Hon' able Tribunal on 28.03.2023 believing that his appeal was fixed for hearing on 28.03.2023.

4. That on the previous date i.e 26.12.2022 and 04.11.2022 there was no proceeding due to strike and winter vacation although the appellant attended every date of proceeding in the part.
5. That however on 26.12.2022 the cases were adjourned in block because of vacation and the appellant mistakenly understood the date of hearing as 28.03.2023 instead of 29.03.2023.
6. That no law of limitation is running against the appellant because the impugned order against the appellant as void ab-initio.

It is therefore, most humbly requested that any delay was occurred in filing restoration application may kindly be condone in the interest of justice.

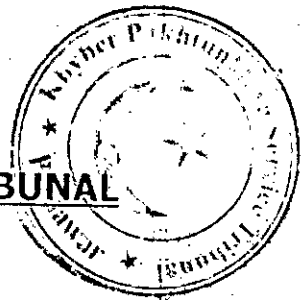
Dated: 04/05/2023

Appellant

Through



Munfat Ali Yousafzai
High Court Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 6342 /2020

DOST MUHAMMAD KHAN s/o Nobat Khan, Ex-Chowkidar,
o/o District Health Officer, Kohat, r/o Muhammad Zai, Kohat.

..... APPELLANT

VERSUS

- 1- The Secretary, Health Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtunkhwa, Old FATA Secretariat, Warsak Road Peshawar.
- 3- Deputy Commission, District Kohat.
- 4- District Health Officer, District Kohat.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER DATED 08-06-2020 WHEREBY DEPARTMENTAL APPEAL DATED 13.05.2019 FOR ADJUSTMENT INTO SERVICE OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS.

PRAYERS:

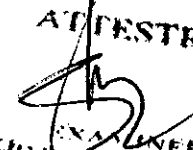
That on acceptance of this appeal the impugned appellate order dated 08-06-2020 may graciously be set aside and the appellant may kindly be adjusted into service with all back benefits. Any other remedy which this august Tribunal deem fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant was the employee of the respondent Department and was initially appointed as Chowkidar vide order 18-08-1989 by Divisional Deputy Director, Health Services, Kohat Division which was later on abolished in 1998 and he was adjusted in office of Respondent No. 04.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 6342/2020

Dost Muhammad vs Govt

04.11.2022

Appellant in person present. Mr. Muhammad Jan,



Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 26.12.2022

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

SCANNED
PESHAWAR

26.12.2022

Due to winter vacation the case is adjourned to 29.03.2023 before the same Judges.

29th Mar, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.
3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29th day of March, 2023.

(Salah Ud Din)
Member(Judicial)

Certified to be true copy

SEAL OF THE TRIBUNAL
PESHAWAR SERVICE TRIBUNAL
PESHAWAR

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 04-05-2023
Number of ~~Words~~ Page 2
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