

FORM OF ORDER SHEET

Court of _____

Restoration Application No. _____

294/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.05.2023	<p>The application for restoration of appeal 4823/2021 submitted today by Mr. Safdar Iqbal Khattak Advocate. It is fixed for hearing before Division 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 appli. no. 294/2023
Service Appeal No. 4823/2021

Syed Jalal Hussain.....Appellant
VERSUS
Govt of KPK & others..... Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 14.04.2023 + <i>wakaalat Nama</i>	A	<i>4-5</i>

Applicant/ Appellant
Through
Dated: 09.05.2023

Safdar Iqbal Khattak
Safdar Iqbal Khattak
Advocate, High Court
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4823/2021



Restoration Application NO. 294/2023
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5279

Dated 11/5/2023

Syed Jalal Hussain Son of Syed Zarin Hussain
Presently Serving as S.S.T General in Govt Middle
School Mahora Tehsil Lower District Orakzai.

.....Appellant

V E R S U S

1. Govt of Khyber Pakhtunkhwa through Director Elementary and Secondary Education, GT Road, Peshawar.
2. District Education Officer, District Orakzai at Hangu.
3. Kausar Ali Shah, Presently, Serving as SST Science at Govt Middle School Starsam Lower Orakzai.
4. Khatib Ali, SST General Govt High School Suleman Khel.
5. Iqbal Hussain ADEO Lower Orakzai.

.....Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 14.04.2023.

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 14.04.2023
2. That the counsel of the Appellant was ill and there was the month of Holly Ramazan and the appellant is residing at Orakzai and due to some unavoidable circumstances was unable to appear before this Hon'ble Tribunal and the case

was dismissed in default on 14.04.2023. **(Copy of Order dated 14.04.2023 is attached as annexure A)**

3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

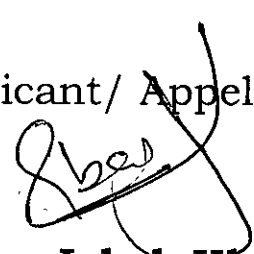
- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant are involved in the case in question.
- C. That the law otherwise favours the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on 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: 09.05.2023

Through

Applicant/ Appellant


Safdar Iqbal Khattak
Advocate, High Court
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4823/2021

Syed Jalal Hussain.....Appellant

VERSUS

Govt of KPK & others..... Respondents

AFFIDAVIT

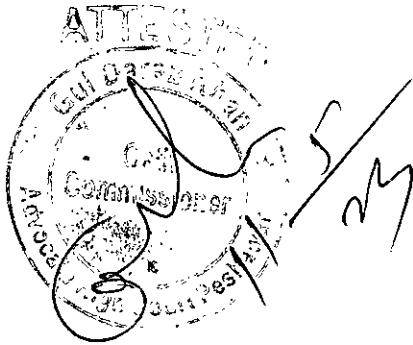
I, Syed Jalal Hussain Son of Syed Zarin Hussain Presently Serving as S.S.T General in Govt Middle School Mahora Tehsil Lower District, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

[Handwritten Signature]

DEPONENT

CNIC # 21603-4893202-9

Cell # 0335-5478639



(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 4823 /2021

Syed Jalal Hussain son of Syed Zarin Hussain
Presently serving as S.S.T. General in Govt. Middle School
Mahora Tehsil Lower District Orakzai **Appellant**

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Director Elementary and Secondary Education, G.T. Road, Peshawar.
- 2) District Education Officer, District Orakzai at Hangu.
- 3) Kausar Ali Shah, presently serving as SST science at Govt. Middle School Starsam Lower Orakzai.
- 4) Khatib Ali, SST General Govt. High School Suleman Khel.
- 5) Iqbal Hussain ADEO Lower Orakzai..... **Respondents**

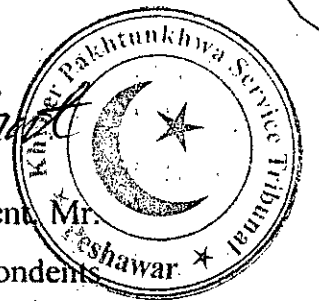
**APPEAL U/S 4 OF SERVICE TRIBUNAL
ACT, 1974 AGAINST THE NOTIFICATION
DATED 07.12.2020.**

Respectfully Sheweth:

- 1) That the appellant was appointed as PST in Govt. Primary School Kuraz, and performed his duty regularly, punctually since long.
- 2) That vide notification dated 07.12.2020, the post of the appellant was upgraded from BPS-15 to BPS-16 and was transferred from GPS Kuraz to GMS Mahura. (Copy attached)

(4)

Appeal No. 4823/2021
Syed Jalal Hussain vs Govt



29th Mar, 2023

Clerk of learned counsel for the appellant present, Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant seeks adjournment on the ground that learned counsel is not available today. Last chance is given to the appellant to argue the case on the next date. To come up for arguments on 14.04.2023 before D.B. P.P given to the parties.

SCANNED
PESHAWAR

(Salah Ud Din)
Member (Judicial)

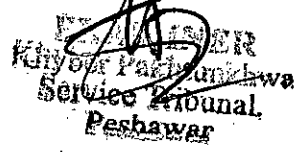
(Kalim Arshad Khan)
Chairman

14th April, 2023

1. Nobody is present on behalf of the appellant. Mr. Fazal Shah Mohmand, Additional Advocate General 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 at Peshawar and given under our hand and seal of the Tribunal on this 14th day of April, 2023.*


(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman



kamranullah

Date of Presentation of Application 09-05-2023
Number of Words Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of
Date of Completion 09-05-2023
Date of Delivery of Copy 09-05-2023

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ایڈویکیٹ: <u>سید اقبال حسین</u>				
بار کونسل ایسوسی ایشن نمبر: <u>be-10-7969</u>				
رابطہ نمبر: <u>0300 5980549</u>				

پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بعدالت جناب: سید سید بلوچ صاحب کھنوز کواہ کس نم

مجاناب:	دعویٰ:
<u>Applicant -</u>	
<u>سید عیوب حسین</u>	علت نمبر:
<u>بنام</u>	مورثہ:
<u>گورنمنٹ وکٹوریہ</u>	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ سید سید بلوچ کیلئے سید سید بلوچ کے نام سے سید اقبال حسین کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختر منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: سید بلوچ
سید بلوچ
 العواہ شہد
 مقام سید بلوچ
 کے لیے منظور ہے۔