


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 308/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.05.2023	<p>The application for restoration of appeal 3496/2021 received today by registered post through Mr. Abdul Aziz Khan Tanoli Advocate. It is fixed for hearing before touring Division Bench at A.Abad on</p> <p>Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> For REGISTRAR</p>

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Restoration Appl. No. 308/2023

CM NO. _____

Masoom Khan, S/O Mohammed Naqab, R/O Banda Akhunzadgan, Presently serving as DM BPS – 15, Tehsil and District Battagram

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5382 Petitioner

VERSUS 17-05-23
~~Date~~

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, of Khyber Pakhtunkhwa, Peshawar
3. District Education Officer, Elementary and Secondary Education Male Primary, Battagram.
4. District Accounts Officer, Battagram.

..... Respondents

**APPLICATION FOR RESTORATION OF SERVICE APPEAL
NO. 3496 / 2021**

Respectfully Sheweth,

The Appellant / Applicant named above submit this application praying to state as follow:-

1. That the title Service Appeal is pending before this Learned Services Tribunal.
2. That title Appeal was fixed for hearing on 22.02.2023 and the Appellant / Applicant along with his Counsel were present and next date of hearing was given to Applicant on 28.04.2023.
3. That the Appellant / Applicant and his Counsel were present in the Court of the Learned Services Tribunal on 28.04.2023, but were informed that the title Service Appeal was not in the Cause List.
4. That the date of hearing entered in the diary of Counsel of Appellant / Applicant was by error / by mistake marked as 28.04.2023, whereas the correct date for the hearing in the Court of Learned Services Tribunal was 28.03.2023.
5. That the Appellant / Applicant and his Counsel tried to get the information regarding the next hearing of his Service Appeal but failed to get the required details of his case and where instructed / informed to visit Services Tribunal Courts at Peshawar.
6. That the Appellant / Applicant and his Counsel after having visited Services Tribunal Court at Peshawar on 08.04.2023 came to know that the case of the Appellant / Applicant has been dismissed due to non – appearance.
7. That the non-appearance of the Appellant / Applicant and his Counsel on date fixed was due to misconception of date of the hearing.

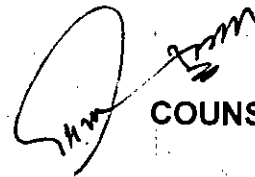
8. That valuable rights of applicant is involved in title appeal.

PRAYER

It is therefore, most respectfully and humbly prayed that this Application for Restoration of Services Appeal of the Appellant / Applicant may kindly be allowed, and the above Services Appeal may kindly be restored to its original position in the best interest of justice.

APPLICANT

through



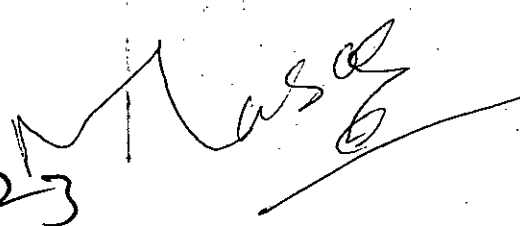
COUNSEL

AFFIDAVIT.

It is on oath stated that the contents of instant application are true and nothing has been concealed from this Honorable Court.



DEPONENT

16/05/23 

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 3496 / 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2940

Dated 18/2/2021

Masoom Khan Son of Muhammad Naqab, Resident of Banda Akhunzadgan,
presently serving as DM BPS-15, Tehsil and District Battagram.

.....Petitioner

Versus

- 1 Government of Khyber Pakhtunkhwa, through secretary elementary and secondary education Peshawar.
- 2 Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3 District Education Officer elementary and secondary education male primary Battagram.
- 4 District Account Officer Battagram.

.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF
KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT, 1974, THAT THE
APPELLANT IS WORKING IN THE
RESPONDENTS DEPARTMENT AND HIS
SERVICES WERE TERMINATED ON
28/07/1997. THEREAFTER UNDER THE
KHYBER PAKHTUNKHWA ACT XVII 2012
AND IN THE LIGHT OF JUDGEMNT PASSED
BY PESHAWAR HIGH COURT ABBOTTABD
BENCH DATED 17/01/2013 THE APPELLANT
WAS APPOINTED AS PST IN BPS-12, VIDE
ORDER DATED 15/2/2013 THE APPLANT IS
ENTITLED FOR BACK BENEFITS FROM THE
DATE OF TERMINATION I.E 28/07/1997 TO

Filed to-day

Registrar
18/2/2021

Re-submitted to -day
and filed.

Registrar
10/3/2021

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar



28.03.2023

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy

District Attorney for the respondents present.

The appeal in hand was called on for hearing after various intervals, however, neither the appellant nor anyone else appeared on his behalf till the closing time, therefore, the appeal in hand stands dismissed in default. No order as to costs. File be consigned to record room.

ANNOUNCED

28.03.2023

(Muhammad Akbar Khan)
Member (E)
Camp Court Abbottabad

(Rozina Rehman)
Member (J)
Camp Court Abbottabad

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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وکالت نامہ

کوارٹ فیس

بعدالت
مسرورس ٹریبیونل جسپرکتو فون پشاور
عنوان: معصوم خان بنام سیکشن ایجوکیشن و فیسو
منجانب: ایڈوانس
نوعیت مقدمہ:

باعث تحریر آئیکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب وہی کل کارروائی متعلقہ اس مقام
عبدالعلیم خان تنوکی ایڈووکیٹ ہائٹ کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر دائیہ مجھ کو منظور و
قبول ہوگا۔ ہرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
پابند ہوں گے کہ وہ کسی نہ کسی طور پر مذکورہ کریں اور اگر تیار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
مقدمہ کی پیروی کے پابند ہوں گے۔ نیز درخواست مراد تجارتی تالش بھینہ منگلی کے دائرہ کرنے اور اس کے
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر کے پیش کیا گیا ہے۔

16/05/2023

الزوم:

مقام: ایبٹ آباد

0311-8775478