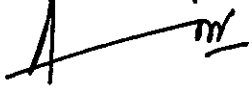


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 337/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.05.2023	<p>The application for restoration of appeal 7799/2021 submitted today by Mr. Mir Zaman Safi Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>30-05-23</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Restoration ~~Case~~ No. 337 /2023
Application IN
APPEAL ON. 7799/2021

DR. MUHAMMAD ALI

V/S

HEALTH DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of application	1.
2.	Affidavit	2.
3.	Order/judgment	A	3- 4.

MAL
APPELLANT

THROUGH: *M. Zaman Safi*
MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Restoration Application

C.M. No. 337 /2023

Khyber Pakhtunkhwa
Service Tribunal

Dirry No. 5629

Dated 26/5/2023

IN

APPEAL ON. 7799/2021

Dr. Muhammad Ali Khan, District Specialist (PAEDS),
THQ Hospital, Bara, District Khyber.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Chief Secretary, khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honorable Tribunal in which 18-05-2023 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal for counting contract service into regular service for the purpose of pay and pension.
- 3- That the above mentioned service appeal was fixed for hearing on 18.05.2023 before this august Tribunal at Peshawar for Arguments but Counsel for the appellant has been appointed as AAG for the Government of Khyber Pakhtunkhwa and the appellant was unaware from the date fixed in his appeal.
- 4- That due to non appearance of the Counsel nor the appellant, the above mentioned appeal has been dismissed in default vide order dated 18.05.2023. **Copy of the order sheet is attached.**
- 5- That non-appearance of the appellant was neither deliberate nor intentionally but caused due to un-awareness from the date of hearing.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title appeal may kindly be restored.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. 337 /2023

IN
APPEAL ON. 7799/2021

DR. MUHAMMAD ALI

V/S

HEALTH DEPTT:

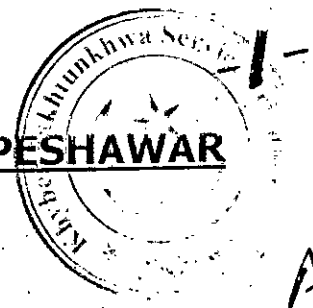
AFFIDAVIT

I Mir Zaman Safi Advocate, High Court, do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




MIR ZAMAN SAFI
ADVOCATE

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR



Service Appeal No. 7799 /2021

Dr. Muhammad Ali Khan S/O Haji badshah Gul, District Specialist
(PAEDS) THQ Hospital, Bara District Khyber

.....Appellant.

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
2. Director, General Health Services Khyber Pakhtunkhwa Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
4. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE NON-COUNTING OF THE PERVIOUS CONTRACT SERVICE OF THE APPELLANT W.E.F 29-11-1995 TO 31-06-2001 AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.


PRAYER:-

On acceptance of this appeal the respondents may kindly be directed to count the previous contract service of the appellant w.e.f 29-11-1995 to 31-06-2001 rendered by him for the purpose of pay protection and pension etc. with all back benefits.

Respectrully Submitted:-

1. That the appellant was appointed after the posts were duly advertised, the appellant passed through the recruitment process and finally upon the recommendation of Departmental Selection Committee, was appointed as Medical Officer (BPS-17) in Health Department KP vide Order dated 29-11-1995, on contract basis which contract was extended from time to time till the KP Civil Servants Act was amended on 23-07-2005, after which the services of the appellant stood regularized however the appellant was not extended the benefits, after which the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ORDER
18.05.2023



Nemo for the appellant. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

According to office report, learned counsel for the appellant was informed telephonically for today's date but neither appellant nor his counsel appeared despite making repeated calls at different intervals till closing hours. Dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.05.2023

(Safah-Ud-Din)
Member (Judicial)

Date of Presentation of Application 18/5/23
 Number of Words Page 2
 Copying Fee 10/-
 Urgent
 Total 10/-
 Name of C:
 Date of Completion of Copy 23/5/2023
 Date of Delivery of Copy 23/5/2023

Certified to be true copy
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2023.

Dr. Muhammad Ali Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department (RESPONDENT)
(DEFENDANT)

I/we Dr. Muhammad Ali Khan

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 23 / 05 / 2023

M Ali
CLIENT

M Zaman Safi
ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003