


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 349/2023

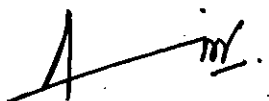
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.05.2023	<p>The application for restoration of appeal No. 16409/2022 resubmitted today by Mr. L.Nawab Ali Noor Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>02-06-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The Misc. application for restoration of appeal title Jehan Muhammad received today i.e. 26.5.2023 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Title page of main appeal is not attached with the application.
- 2- Application is not in proper format.
- 3- Spare copies/sets of application along with annexures for respondents be provided/submitted with the application.

No. 1537 /S.T,

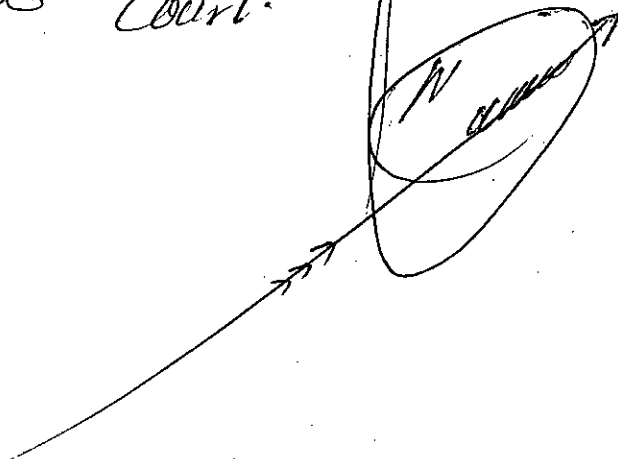
Dt. 29/5 /2023.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Mr. L.Nawab Ali Noor Adv.
High Court Peshawar.

Respectfully Submitted

*Needfull done kindly put before
The Court.*



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR

Restoration application no. ^{349/2023} IN s. Appeal NO.16409/20

1. Jehan Muhammad DEO Elementary and Secondary Education
Batkhela.Applicant.

Restoration application no. IN s. Appeal NO.16409/20

VERSUS

1. Govt of K.P.K Through Chief Secretary of Elementary &
Secondary Education K.P.K Peshawar and others.
.....Respondents.

Index

S.NO.	Description	Annexure	Pages
1.	Restoration application		1-2
2.	Affidavit		2
3	Copy of the order	A	3-4
4	Waklat Nama		

Applicant/Appellant

Through

**L. Nawab, Ali Noor
Advocate High Court
Peshawar.
03469076945**

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Restoration application no. 349/IN s. Appeal NO.16409/20

1. Jehan Muhammad DEO Elementary and Secondary Education
Batkhela.(Petitioner)

VERSUS

1. Govt of K.P.K Through Chief Secretary of Elementary &
Secondary Education K.P.K Peshawar.

2. Govt of K.P.K Through Secretary of Elementary & Secondary
Education K.P.K Peshawar.

3. Director Elementary & Secondary Education K.P.K Peshawar.

.....(Respondents).

Application with utmost respect to Restore / set aside order dated
24.5.2023 through which the titled above S. Appeal was dismissed in
default.

Respectfully submitted,

1. That cited above titled S. Appeal was fixed before this Honorable
court for 24.5.2023 which was dismissed in default.
Copy of the order dated 24.5.23 as annexure A.
3. That applicant being aggrieved approached this Honorable tribunal
to restore on following amongst others

Grounds.

- a. That applicant/appellant counsel did appear before the service
tribunal Abbottabad Bench in service appeal titled Kousar Jehan vs
Govt which was fixed by the honorable Chairman sub date by court on
23.5.23 for 24.5.23.
- b. That applicant and junior of counsel did appear at 11.00 am along
with adjournment application but same was dismissed in default.

Honorable Pakhtunkhwa
Service Tribunal

Case No. 5636

Dated 26/5/2023

- 2
- c. That applicant valuable rights are very much attached with the case in question.
 - d. That there is no bar/ nor any legal hurdle to restore the s.appeal by honorable court.
 - e. That applicant /appellant non appearance was not deliberate nor intention but due to mentioned reason.
 - f. That law favor to decide the cases on merit rather than technicality & superior courts plethora of judgments favor the cases to be decided on merits.

It is therefore most humbly prayed that on acceptance of this application your honor may graciously be pleased to set aside the order dated 24.5.23 may please restore the service appeal NO. 16409/20 and decide the same on merit.

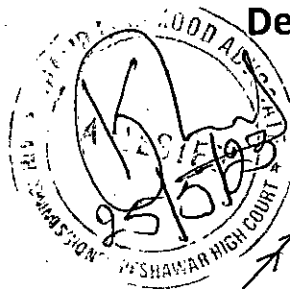
Applicants

**L.Nawab Ali Noor Advocate
High Court Peshawar.**

AFFIDAVIT.

I, L.Nawab Ali Noor Advocate High Court Peshawar, do solemnly affirm and declare on oath that the contents of the accompanying C.M are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.

Deponent



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Amr A-3

S.Appeal NO OF 2020.

1. Jehan Muhammad DEO Elementary and Secondary Education
Batkhela.

.....(Petitioner).

VERSUS

1. Govt of K.P.K Through Chief Secretary of Elementary &
Secondary Education K.P.K Peshawar.

2. Govt of K.P.K Through Secretary of Elementary & Secondary
Education K.P.K Peshawar.

3. Director Elementary & Secondary Education K.P.K Peshawar.

.....(Respondents).

**Appeal under section-4 of the N.W.F.P , Service Tribunal Act 1974
against the order dated 20.12.2020 , through which appellant
appeal was not response and he was not promoted to BPS-20.**

PRAYER:

**On acceptance of this appeal the order dated 20.12.2020 of no
response of the respondent no.1 may please be set aside and**

Service Appeal No. 16409/2020

Amr. A. 4
Jehan Muhammad



- 24th May, 2023
1. Nobody is present on behalf of the appellant. Mr. Fazal Shah Mohmand, learned Additional Advocate General for respondents present.
 2. This appeal was filed on 23.12.2020. It was dismissed in default on 27.05.2021, but was restored on 25.06.2021. It was once again dismissed in default on 01.06.2022, but was restored on 06.12.2022. On the previous date and even today nobody is present on behalf of the appellant hence, dismissed in default. Consign.
 3. *Pronounced in open Court in Peshawar given under my hand and seal of the Tribunal on this 24th day of May, 2023.*

(Kalim Arshad Khan)
Chairman

Verified to be true copy
*Kaleem Ullah
*EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/5/2023
Number of Words Page 2
Copying Fee 10/-
Urgent 7
Total 107
Name of Copyist
Date of Completion of Copy 26/5/2023
Date of Delivery of Copy 26/5/2023

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR

Restoration application no. ^{349/2023} IN s. Appeal NO.16409/20

1. Jehan Muhammad - DEO Elementary and Secondary Education
Batkhela.Applicant.

Restoration application no. IN s. Appeal NO.16409/20

VERSUS

1. Govt of K.P.K Through Chief Secretary of Elementary &
Secondary Education K.P.K Peshawar and others.
.....Respondents.

Index

S.NO.	Description	Annexure	Pages
1.	Restoration application		1-2
2.	Affidavit		2
3	Copy of the order	A	3-4
4	Waklat Nama		

Through

Applicant/Appellant

**L.Nawab Ali Noor -
Advocate High Court
Peshawar.**

03469076945

c. That applicant valuable rights are very much attached with the case in question.

d. That there is no bar/ nor any legal hurdle to restore the appeal by honorable court.

e. That applicant /appellant non appearance was not deliberate nor intention but due to mentioned reason.

f. That law favor to decide the cases on merit rather than technicality & superior courts plethora of judgments favor the cases to be decided on merits.

It is therefore most humbly prayed that on acceptance of this application your honor may graciously be pleased to set aside the order dated 24.5.23 may please restore the service appeal NO. 16409/20 and decide the same on merit.

Applicants

**L.Nawab Ali Noor Advocate
High Court Peshawar.**

AFFIDAVIT.

I, L.Nawab Ali Noor Advocate High Court Peshawar ,do solemnly affirm and declare on oath that the contents of the accompanying C.M are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.

Deponent

(Handwritten signature and stamp of the deponent)

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Ann A-3

S.Appeal NO OF 2020.

1. Jehan Muhammad DEO Elementary and Secondary Education
Batkhela.

.....(Petitioner).

VERSUS

1. Govt of K.P.K Through Chief Secretary of Elementary &
Secondary Education K.P.K Peshawar.

2. Govt of K.P.K Through Secretary of Elementary & Secondary
Education K.P.K Peshawar.

3. Director Elementary & Secondary Education K.P.K Peshawar.

.....(Respondents).

**Appeal under section-4 of the N.W.F.P , Service Tribunal Act 1974
against the order dated 20.12.2020 , through which appellant
appeal was not response and he was not promoted to BPS-20.**

PRAYER:

**On acceptance of this appeal the order dated 20.12.2020 of no
response of the respondent no.1 may please be set aside and**

Service Appeal No. 16409/2020

Ans. A. 4
Jehan Muhammad



- 24th May, 2023
1. Nobody is present on behalf of the appellant. Mr. Fazal Shah Mohmand, learned Additional Advocate General for respondents present.
 2. This appeal was filed on 23.12.2020. It was dismissed in default on 27.05.2021, but was restored on 25.06.2021. It was once again dismissed in default on 01.06.2022, but was restored on 06.12.2022. On the previous date and even today nobody is present on behalf of the appellant hence, dismissed in default. Consign.
 3. *Pronounced in open Court in Peshawar given under my hand and seal of the Tribunal on this 24th day of May, 2023.*

13

(Kalim Arshad Khan)
Chairman

~~Certified to be true copy~~
*Kaleem Ullah
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/5/2023
Number of Pages Page 2
Copying Fee 10/-
Urgent _____
Total 102/-
Name of Copy _____
Date of Completion 26/5/2023
Date of Delivery of Copy 26/5/2023