

FORM OF ORDER SHEET

Court of

Restoration Application No: 374/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	
1	13.06.2023	<p>The application for restoration of app. 1796/2022 submitted today by Mr. Shah Faisal Advocate. It is fixed for hearing before Single J. Peshawar on <u>15-06-23</u>. Original file be required.</p>

By the order of Judge

  
 REGISTERED

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

*Restoration Appli. no. 374/2023*

C.M. No. \_\_\_\_\_/2023

In

Service Appeal No.1796/2022

Irshad Mangat.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa & others .....Respondents

**I N D E X**

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 25.05.2023		4-5

Through

Appellant

Shah Faisal Nasapi

&

Imad ud Din

Advocates High Court

B. C 09 04 93

cellu 0316 3026694

gmail. [imil\\_nasapi\\_shah\\_faisal@gmail.com](mailto:imil_nasapi_shah_faisal@gmail.com)

Dated 07.06.2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

*Restoration Appli. No. 374/23*

Khyber Pakhtunkhwa  
Service Tribunal

C.M. No. \_\_\_\_\_/2023

Diary No. 5960

In

Service Appeal No.1796/2022

Dated 13/6/2023

Irshad Mangat D/O Mangat Wife of Amjid Hassan Ghauri, Ex-Nursing Superintendent, Women & Children Hospital Rajar, District Charsadda.....Respondents

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Health KPK, Health Secretariat Khyber Road Peshawar.
2. Director General, DGHS, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General Provincial Health Services, Academy KP, Peshawar.....**Respondents**

**APPLICATION FOR THE RESTORATION  
OF THE APPEAL TITLED ABOVE  
DISMISSED DEFAULT ON 25.05.2023**

**Respectfully Sheweth:-**

1. That the above noted service Appeal was pending before this Hon'ble Service Tribunal and the same was dismissed for non-prosecution vide order dated 25.05.2023.
2. That on the date fixed dated 25.05.2023 the counsel for appellant was busy in Peshawar High Court in cases i.e. RFA No.285/2023 titled "Haider Durrani Versus University, R.F.A No.300/2013 titled as "Bashir Ahmad Durrani Versus University", C.R No.6/2022 titled "Fayaz Versus Mashal" and FAO No.33/2022 titled "National Communication Vs Zahir Shah"

while the appellant was setting inadvertently in the bench of worthy Chairman of this Hon'ble Tribunal,

3. That valuable rights of the appellant is involved with the present Appeal and there is no legal bar on accepting of this application.
4. That the absence of the counsel for the appellant and appellant are neither intentional nor deliberate but due the reasons mentioned above and the application of the appellant is well within time
5. That this Hon'ble Tribunal has got the jurisdiction to restore the appeal and decided the same on merit.

It is, therefore most humbly prayed that on acceptance of this application, the captioned service appeal may kindly be restored for decision on merit in the interest of justice.

Through Appellant

  
**Shah Faisal Nasapi**

&

  
**Imad ud Din**  
Advocates High Court

Dated 07.06.2023

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

C.M. No. \_\_\_\_\_/2023

In

Service Appeal No.1796/2022

Irshad Mangat.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa & others .....**Respondents**

**A F F I D A V I T**

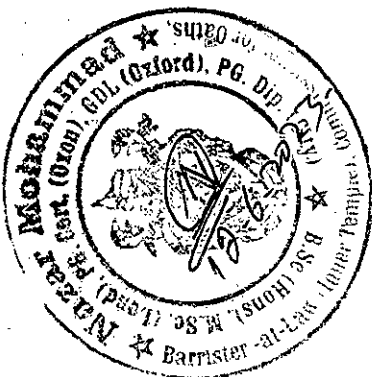
I, Irshad Mangat D/o Mangat wife of Amjid Hussain Ghauri, Ex-Nursing Superintendent, Women & Children hospital Rajar, District Charsadda, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

Shah Faisal Nasapi  
Advocate High Court



**DEPONENT**  
**CNIC NO.17301-6997476-4**  
**Cell No.0334-9003433**



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**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER**  
**PAKHTUNKHWA, PESHAWAR**



Service Appeal No. \_\_\_\_\_/2022

*Irshad Mangat D/O Mangat Wife of Amjid Hassan Ghauri,  
Ex-Nursing Superintendent, Women & Children Hospital,  
Rajar, District Charsadda*

.....**Appellant**

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Health  
KPK, Health Secretariat Khyber Road Peshawar.
2. Director General, DGHS, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General Provincial Health Services, Academy KP,  
Peshawar

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974.**

**Prayer in Appeal:-**

**On acceptance of this appeal, the  
respondents may kindly be directed to grant  
Proforma promotion in BPS-18 to the  
appellant with effect from the date of her  
eligibility with all back benefits.**

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

18.04.2023

Mr. Imad-ud-Din, Advocate for the appellant present and requested for adjournment on the ground that senior counsel for the appellant is out of station, therefore, an adjournment may be granted. Last opportunity given. The appeal in hand is pending for preliminary argument since 19.12.2022, therefore, learned counsel for the appellant shall make sure addressing of preliminary arguments on 25.05.2023 before the S.B. Parcha Peshi given to Mr. Imad-ud-Din, Advocate.

RECORDED  
S.C. JUDGE  
Peshawar

\*Naeem Amin\*

(Salah-Ud-Din)  
Member (J)



25<sup>th</sup> May, 2023

01. Nemo for the appellant.
02. Called several times till rising of the court, but nobody turned up on behalf of the appellant, despite the fact that last opportunity was granted. The appeal in hand is, therefore, dismissed in default. Consign.
03. *Pronounced in open Court in Peshawar and given under my hand and the seal of the Tribunal this 25<sup>th</sup> day of May, 2023.*

Date of Presentation of Application 26/5/23  
Number of Words Page 2  
Copying Fee 10/-  
Urgent 10/-  
Total 10/-  
Name of Copyist Shahjad  
Date of Completion of Copy 29-5-23  
Date of Delivery of Copy 06-06-23

\*Fazle Subhan, P.S.\*

(Fareeha Paul)  
Member (E)

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar