


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 385/2023

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 15.06.2023 | <p>The application for restoration of appeal No. 484/2019 submitted today by Mr. Baseer Ahmad Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>19-06-23</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

C.M.No Restoration Appli. no-385/2023
/2023

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 6045
Dated 15/6/23

In Service Appeal No 484/2019

Muhammad NabiAppellant.

V E R S U S

DEO & Others.....Respondents.

I N D E X

| S.No | Description of Documents | Annexure | Pages |
|------|--|----------|-------|
| 1. | Application for Restoration With Affidavit | | 1-2 |
| 2. | Order dated 07-06-2023 | | 3-4 |

Dated:-15-06-2023

M. N. Nabi
Appellant

Through

Baseer Ahmad Shah
Baseer Ahmad Shah
&

Ibad Ur Rehman
Advocates Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar

Cell# 0315 0195187

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

C. M. No _____/2023 *Restoration Appl. No. 385/23*

In

Service Appeal No 484/2019

Muhammad Nabi, Primary School Teacher Govt. Primary School
Jamara Jalkot Kohistan

.....**Applicant/Appellant.**

V E R S U S

1. District Education Officer (Male) Kohisatan.
2. Director Elementary and Secondary Education Govt. of KPK Peshawar.
3. Secretary Elementary and Secondary Education Govt. of KPK Peshawar.

.....**Respondents**

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Appeal was pending before this honorable Tribunal which has been dismissed in default on 07-06-2023.
2. That actually the appellant was of the view that date is fixed on 08-06-2023 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default and the same day he filed application for attested copy of the order of this honorable Tribunal.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.

5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.

Dated:--15-06-2023

M. Nabi
Appellant

Through

Baseer Ahmad Shah
Baseer Ahmad Shah

&

Ibad Ur Rehman
Ibad Ur Rehman

Advocates Peshawar.

A F F I D A V I T :-

I, Muhammad Nabi, Primary School Teacher, Govt Primary School Kafar Banda, Kohistan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

Identified by

Baseer Ahmad Shah
Baseer Ahmad Shah

Advocate Peshawar

M. Nabi
DEPONENT



3



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No 484 /2019

Muhammad Nabi, Primary School Teacher, Govt. Primary School
Kafar Banda, Kohistan.....

Appellant
Khyber Pakhtunkhwa
Service Tribunal

V E R S U S

Diary No. 352

Dated 19-3-2019

1. District Education Officer (Male) Kohistan.
2. Director Elementary and Secondary Education, Govt. of KPK Peshawar.
3. Secretary, Elementary and Secondary Education, Govt. of KPK Peshawar.....

Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 25-05-2018
(COMMUNICATED TO THE APPELLANT ON 30-10-2018)
WHEREBY THE PERIOD W.E.F 16-12-2003 TO 06-03-2018
HAS BEEN TREATED AS EXTRAORDINARY LEAVE WITHOUT
PAY AND AGAINST WHICH DEPARTMENTAL APPEAL OF
THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE
LAPSE OF THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned Order dated 25-05-2018 may kindly be modified to the extent of awarding the appellant all the benefits including salaries etc of intervening period w.e.f. 16-12-2003 to 06-03-2018.

Respectfully Submitted:-

1. That the appellant was appointed as Primary School Teacher on 19-12-1995 and was dismissed from service on the allegations of prolong absence on 11-05-2012, against which he filed departmental appeal and then Service Appeal No 43/2016, which was accepted vide Order dated 26-12-2017, the appellant was reinstated in service and department was directed to hold denovo proceedings within a period of ninety days. (Copy of Judgment is enclosed as Annexure A).
2. That the appellant was accordingly reinstated in service vide Order dated 07-03-2018 and denovo proceedings were ordered during which the inquiry officer only recorded the statement of the appellant. (Copy of Order dated 07-03-2018 is enclosed as Annexure B).

Medto-day
Registrar

13/19

Certified to be true copy

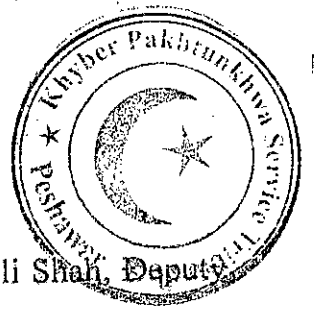
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Handwritten signature]
28/4/19

Service Appeal No. 484/2019

(4)

M. Nabi vs Govt




ORDER
07.06.2023


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

District Attorney for the respondents present.

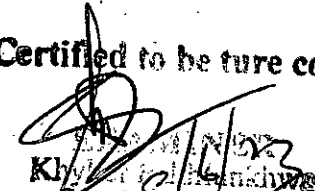
The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.06.2023


(Fareeha Paul)
Member (Executive)


(Salah-ud-Din)
Member (Judicial)

Naeem Amin

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 09-6-23
Number of Words page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
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Date of Completion 09-6-23
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بعدالت

سررس ٹریڈ سونل سروسز پرائیویٹ لمیٹڈ

مورخہ

مقدمہ

دعویٰ S.A 484/2019

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پیشاور

کیلئے لکھنؤ، عباد الرحمن، علی اور سید

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 ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائے پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بڑائی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

MAJID

محمد نبی

(بازاری مول سول سروسز)

2023ء

ماہ جون

15

المرقوم

العبد العبد واہ العبد

کے لئے منظور ہے۔

مقام

محمد نبی