

FORM OF ORDER SHEET

Court of

Restoration Application No. 391/2023

No. Date of order  
Proceedings

2

Order or other proceedings with signature of judge

3

19.06.2023

The application for restoration of case  
1412/2022 submitted today by Mr. Saadullah Khan  
Marwat Advocate. It is fixed for hearing before Single  
Bench at Peshawar on 19.06.2023  
requisitioned.

By the order of Chairman



REGISTRAR

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

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

Diary No. 6095

**IN**

Dated 19-06-23

S.A No. 1412/2022

*Restoration Appli. no. 391/23*

Habib Ullah S/O Mohib Ullah,  
Instructor Physical Education,  
Government Higher Secondary  
School, Shalpin Swat, presently  
GHSS, Daag Peshawar ..... Appellant

**VERSUS**

1. Secretary, Government of KP,  
Elementary & Secondary  
Education Department, Peshawar.
2. Director Elementary & Secondary  
Education, KP, Peshawar.
3. Tehseen Ullah, Instructor  
Physical Education, GHSS  
Haryana Bala, Peshawar ..... Respondents

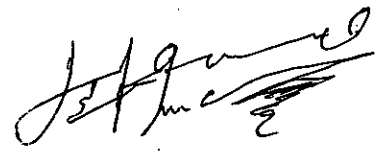
**APPLICATION FOR RESTORATION OF THE SUBJECT  
APPEAL DISMISSED IN DEFAULT BY THIS HONORABLE  
TRIBUNAL VIDE ORDER DATED 09-06-2023:**

**Respectfully Sheweth,**

1. That the subject Appeal was pending disposal before this hon'ble Tribunal and was fixed for hearing on 09-06-2023.
2. That the subject appeal was dismissed in default was about at 10:00 am, while counsel for applicant appeared before the Bench on 11:00 am which fact was brought into the knowledge of the Reader (Safeer Khan) of the Bench. (Copy attached)

- 3. That prior to the said time, counsel for applicant was busy before the Peshawar High Court, Peshawar in other cases, while applicant was on duty in the Intermediate examination.
- 4. That the application for restoration of the subject appeal is well within time.

It is, therefore, most humbly prayed that the subject application be accepted as prayed for after restoring the same and to decide it on merit.



Applicant

Through



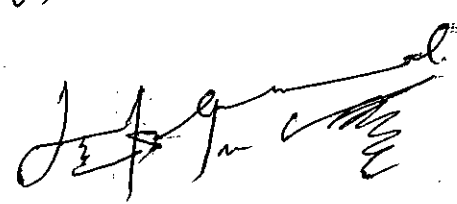
Saadullah Khan Marwat

Advocate

Dated 15-06-2023

**AFFIDAVIT**

I, Habib Ullah, Applicant do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief

DEPONENT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 1412 / 2022

Habib Ullah S/O Mohib Ullah,  
Instructor Physical Education,  
Government Higher Secondary  
School, Shalpin Swat, presently  
GHSS, Daag Peshawar . . . . .

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1413

Dated 27-9-2022



. . . . . Appellant

**VERSUS**

1. Secretary, Government of KP,  
Elementary & Secondary  
Education Department, Peshawar.
2. Director Elementary & Secondary  
Education, KP, Peshawar.
3. Tehseen Ullah, Instructor  
Physical Education, GHSS  
Haryana Bala, Peshawar . . . . . Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974  
AGAINST OFFICE NOTIFICATION NO. SO (SM) E & SED  
/ 5-17 / 2022 DATED 27-05-2022 R. NO. 01 WHEREBY  
APPELLANT WAS POSTED AT GHSS SHALPIN SWAT  
BEING MOST SENIOR AND R. NO. 03 BEING MOST  
JUNIOR WAS POSTED / TRANSFERRED AT GHSS  
HARYANA BALA PESHAWAR:**

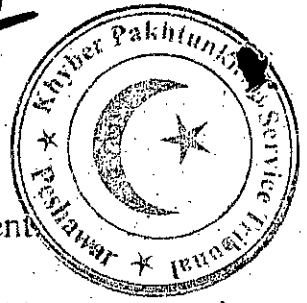
*Filed to-day*  
*Registrar*  
*27/9/2022*

**Respectfully Sheweth:**

1. That since the year 1993, appellant is serving the department to the best of the ability and to the entire satisfaction of the superiors wherever he was posted.

*Certified to be true copy*  
*16/23*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Appeal No. 1412/2022 <sup>4</sup>  
Habibullah vs Govt




09<sup>th</sup> June, 2023

01. Neither appellant nor his counsel present


02. The appeal pertains to the year 2022 and last opportunity was granted for preliminary hearing but despite repeated calls till rising of the court, neither appellant nor his counsel put appearance. The appeal is, therefore, dismissed in default. Consign.

03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 09<sup>th</sup> June, 2023.

  
(Karecha Paul)  
Member (E)

\*Fazle Subhan, P.S\*

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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