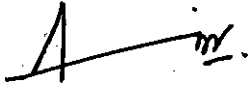# Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 440/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.07.2023	The application for restoration of appeal No. 1838/2022 submitted today by Mr. Muhammad Hassaan Adil Advocate. It is fixed for hearing before Division Bench at Peshawar on .Original file be requisitioned.

By the order of Chairman

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Restoration Application # 440/2023

C.M. Application No: _____/2023

IN

Service Appeal No. 1838 /2022

Abdul Shahab   VS   Government of KP and Others

INDEX

APPELLANT

Through

BARRISTER
MUHAMMAD HASSAAN ADIL

Restoration Application # 440/2023

C.M. Application No: _____/2023
IN
Service Appeal No. 1838/2022

Abdul Shahab Son of Abdul Jabbar Resident of Dalazak Road, Saeed Abad No. 01, House No. 9, Street No. 01, Peshawar

....APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6273
4/7/2023

Vs

1. **Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar**

2. **Secretary to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariate, Peshawar**

3. **Director General (DG), Health Service, Warsak Road, Peshawar**

4. **District Health Officer (DHO), Grand Trunk Road, Tehsil and District Peshawar.**

....RESPONDENTS

APPLICATION FOR RESTORATION OF THE ABOVE-TITLED APPEAL WHICH WAS DISMISSED IN DEFAULT ON 20-06-2023.

Respectfully Sheweth;

1) That the above captioned appeal was fixed for hearing on 20.06.2023 before this Hon'ble Tribunal and the same was dismissed for non-prosecution on the same date.

2) That the titled appeal was initially admitted and notice was issued to the respondents, consequently which they submitted their comments before the Hon'ble Tribunal on 11th May, 2023.

3) That on the same day i.e., 11th May, 2023, after the conclusion of proceedings, the appeal was fixed for final arguments before the D.B and the reader of the Hon'ble Tribunal gave next date, i.e., 22nd June, 2023 for hearing to the clerk of the counsel as well as to the appellant. However, on 22nd June, 2023, the appellant/applicant was astonished when he came to know that his appeal, which was ordered to be argued on the next date, was fixed on 20th June, 2023 and due to non-appearance of counsel and the appellant, the appeal was dismissed in default. **(Copy of the Orde Sheet is annexed as "Annexure – A")**

4) That non-appearance of the counsel for the appellant/applicant on the date fixed was neither intentional nor deliberate, but due to the reason:-

   a. That the date given to the appellant/applicant was 22nd June, 2023 but the same was then fixed before the Hon'ble Tribunal on 20th June, 2023, having no notice of the same to the appellant.

b. That, furthermore, the counsel of the appellant/applicant has also recorded the next date as 22nd June, 2023 in his diary, but the case was fixed on 20th June, 2023, having no knowledge of the same to the counsel either.

c. That it doesn't appeal to the prudent mind that a person who is appellant/applicant in an application/case would refuse to appear in his own case and that too when the case is of such serious nature.

6) That non-presence of the appellant/applicant as well as his counsel was due to the reason mentioned above.

7) That valuable rights of the appellant/applicant are involved in the case in hand, which requires decision on merit.

8) That any other ground deemed appropriate would be raised at the time of arguments with the permission of Hon'ble court.

Therefore, it is, prayed that, on acceptance of instant application, the titled appeal may graciously be restored and be decided on merit.

APPLICANT

Through

BARRISTER
MUHAMMAD HASSAAN ADIL
Advocate High Court

Dated: **22-06-2023**

AFFIDAVIT

I, **Abdul Shahab** Son of **Abdul Jabbar**, Resident of **Dalazak Road, Saeed Abad No. 01, House No. 9, Street No. 01, Peshawar,** do hereby solemnly affirm and declare on Oath that the contents of accompanying Application are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble tribunal.

ATTESTED

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1838 /2022

Abdul Shahab

Son of Abdul Jabbar
Resident of Dalazak Road, Saeed Abad No. 01, House No. 9, Street No. 01,
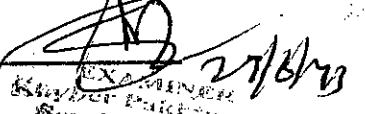Peshawar

....APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar

2. Secretary to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariate, Peshawar

3. Director General (DG), Health Service, Warsak Road, Peshawar

4. District Health Officer (DHO), Grand Trunk Road, Tehsil and District Peshawar

....RESPONDENTS

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR PROMOTION OF THE APPELLANT AGAINST THE POST OF JUNIOR CLERK, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT DATED 17-06-2022 HAS NOT BEEN RESPONDED BY THE RESPONDENTS.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

O R D E R
20.06.2023

Nemo for the appellant. Mr. Mastan Ali, Assistant alongwith Mr. Muhammad Jan, District Attorney for the respondents present.
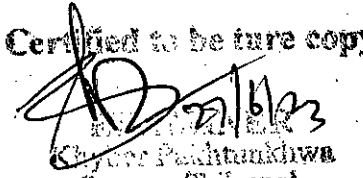
The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.06.2023.

(Fareeha Paul)
Member (Executive)

(Salah-ud-Din)
Member (Judicial)

Naeem Amin

Certified to be ture copy

Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Date of Presentation of Application 22/6/23

Number of Words page 2

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