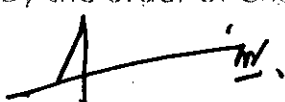


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 486/2023

| S.No. | Date of order<br>Proceedings | Order or other proceedings with signature of judge  |
|-------|------------------------------|---|
| 1     | 2                            | 3   |
| 1     | 13.07.2023                   | <p>The application for restoration of appeal no. 875/2023 submitted today by Mr. Amjad Ali Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

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

IN

Service Appeal No. 875/2023

*Restoration Application No. 486/2023*

Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood  
R/O Village Ali Post Office Rustam Tehsil and District Mardan  
... **Applicant/Appellant**

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary  
Education KP, Civil Secretariat Peshawar and others  
....**Respondents**

**INDEX**

| S. No | Description of Documents  | Annexure | Page |
|-------|---|----------|------|
| 1     | Application for restoration along with annexure                 |          | 1-4  |
| 2     | Application for condonation of delay and<br><i>wakalatnamal</i> | ?        | 5-7  |

*[Signature]*  
**Applicant/Appellant  
Through**

*[Signature]*  
**Amjad Ali (Mardan)  
Advocate  
Supreme Court of Pakistan**

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

**Dated: 13/07/2022**

①

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

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

IN

Service Appeal No. 875/2023

*Restoration Appli. 486/23*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6440

Dated 13-7-2023

Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood  
R/O Village Ali Post Office Rustam Tehsil and District Mardan  
... **Applicant/Appellant**

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary  
Education KP, Civil Secretariat Peshawar and others  
....**Respondents**

**Subject: Application for restoration of  
aforementioned service appeal dismissed  
in default.**

**Respected Sir,**

**Applicant humbly submits as under:**

1. That the aforementioned service appeal was instituted before this Honorable Court on 19/06/2022 by the appellant.
2. That the aforementioned service appeal has been dismissed in default by this Honorable Tribunal on 07/06/2023 (**Attested copy of order dated 07/06/2023 is attached as Annexure A**)
3. That the appellant had no knowledge of the date of hearing.
4. That no notice to this effect was served upon the appellant nor his counsel.
5. That the absence was neither intentional nor wilful but due to the reason mentioned above.
6. That upon inquiry on 10.07.2023, appellant is informed that the case was filed on 19/04/2023 and fixed for hearing on 20/04/2023 without notice to the appellant. The case is adjourned on 20/04/2023 to 07/06/2023 but no notice has been served upon the appellant or his counsel.
7. That Superior Courts prefer decisions on merit and not on technicalities.

8. That valuable rights of the appellant are attached with the instant service appeal.

2

It is therefore humbly requested that the aforementioned service appeal may please be restored and the dismissal order of non-prosecution dated 07/06/2023 may please be set aside.

  
Applicant/Appellant  
Through 

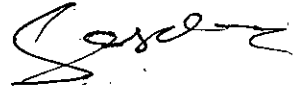
Amjad Ali (Mardan)  
Advocate  
Supreme Court of Pakistan

  
ADVOCATE  
SUPREME COURT

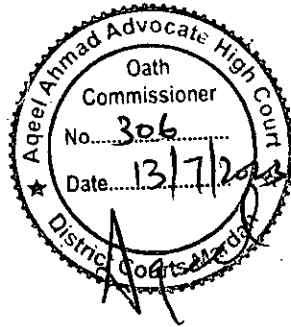
Dated: 13/07/2022

### AFFIDAVIT

I, Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood R/O Village Ali Post Office Rustam Tehsil and District Mardan (appellant), do hereby solemnly affirm and verify on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



Deponent



Aux (A) (3)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 875 /2023



Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood R/O  
Village Ali Post Office Rustani Tehsil and District Mardan  
.....(Appellant)

**VERSUS**

1. Govt of KPK through Secretary Elementary and Secondary Education-KP, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar.
3. Director of Elementary & Secondary Education KP at Directorate of E&SED Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. District Education Officer (Male) Mardan
5. Bakht Zada S/O Hazrat Jan presently posted at GMS Husai Umar Abad Tehsil and District Mardan

.....(Respondents)

**SUBJECT:** Appeal under Section 4 of Service Tribunal Act, against the notification issued by Director Elementary & Secondary Education KP Peshawar bearing Endst No 4012-16/File No.1/Promotion of SST (BPS-16)/2022 dated 01/12/2022 received on 12/12/2022 through own efforts of the appellant wherein appellant has not been promoted to the post of Secondary School Teacher (General) despite fulfilling the criteria for promotion and senior than those who have been promoted wherein appellant filed departmental appeal dated 05/01/2023 which remained un-responded even after lapse of 90 days is illegal against law and facts without lawful authority, void ab initio and liable to be set aside.

Respected Sir,

Appellant humbly submits as under:

1. That appellant is permanent resident of District Mardan as evident from his domicile (Copy of the domicile is attached as Annexure A)
2. That appellant is qualified upto Bachelor of Commerce (Hons), Master of Commerce along with certificate of teaching from Education Department NWFP, Bachelor of Education (B.Ed) and Master of

Certified to be true copy  
17/3  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ORDER**  
07.06.2023

Nemo for the appellant.

(4)



The appeal in hand was called several times till last hours of

the court but nobody turned up on behalf of the appellant, therefore, the appeal in hand is dismissed in default. File be consigned to the record room.

**ANNOUNCED**  
07.06.2023

(Salah-ud-Din)  
Member (Judicial)

\*Naem Amin\*

**Certified to be true copy**

EX. AMIN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10/7/23

Date of Presentation of Application 10/7/23  
 Number of ~~Words~~ page 2  
 Copying Fee \_\_\_\_\_  
 Urgent 5/10/- \_\_\_\_\_  
 Total 65/- \_\_\_\_\_  
 Name of Applicant Shahzad  
 Date of Completion 10/7/23  
 Date of Delivery of Copy 10/7/23

(5)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

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

IN

Service Appeal No. 875/2023

Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood  
R/O Village Ali Post Office Rustam Tehsil and District Mardan  
... Applicant/Appellant

**VERSUS**

Government of Khyber Pakhtunkhawa, through Secretary  
Education KP, Civil Secretariat Peshawar and others  
....Respondents

**Subject: Application for condonation of delay**

**Respected Sir,**


**Appellant/Applicant humbly submits as under:**

1. That restoration application is filed today for restoration of the aforementioned service appeal.
2. That the aforementioned service appeal is dismissed in default vide order dated 07.06.2023.
3. That the contents of the application for restoration order may please be considered as integral part of the instant application.
4. That appellant had no knowledge of the date of hearing and no notice has been served upon the appellant.
5. That the absence is neither intentional nor willful.
6. That delay (if any) in filing of the application for restoration may please be condoned.

**It is therefore humbly requested that delay (if any) in filing of the application for restoration may please be condoned.**

  
**Applicant/Appellant**

**Through**

  
**Amjad Ali (Mardan)  
Advocate  
Supreme Court of Pakistan**

  
**Amjad Ali  
ADVOCATE  
SUPREME COURT**

**Dated: 13/07/2022**

(6)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

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

IN

Service Appeal No. 875/2023

Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood  
R/O Village Ali Post Office Rustam Tehsil and District Mardan  
... **Applicant/Appellant**

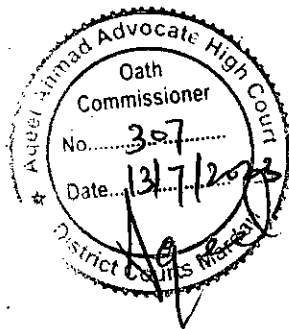
**VERSUS**

Government of Khyber Pakhtunkhawa, through Secretary  
Education KP, Civil Secretariat Peshawar and others  
....**Respondents**

**AFFIDAVIT**

I, Sardar Mahmood (SCT GHS Machi Mardan) S/O Fazal Mahmood R/O Village Ali Post Office Rustam Tehsil and District Mardan (appellant), do hereby solemnly affirm and verify on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
**Deponent**





بعدالت ضابطہ سوس ٹریڈینگ کمپنی

(7)

2023ء منجانب اسٹیشن

13/7/23

مورخہ:

CM No

مقدمہ:

SA 875/23

دعویٰ:

جرم:

سرکار محترم  
باعت تحریر (آئیڈ)

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لسٹور کیلئے امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان اسٹیشن

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ  
برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر  
دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا  
اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ  
التوائے مقدمہ کے سبب سے ہوگا 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 سنڈر ہے

2023

13/7/23

المرقوم:

العبد

گواہ

العبد

بمقام

کے لیے منظور ہے

Amjad Ali  
ADVOCATE  
SUPREME COURT

Signature

16101 3470 297-3

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان  
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