


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 495/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.07.2023	<p>The application for restoration of appeal no 1377/2019 submitted today by Mr. L. Nawab Ali Noor Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>19-07-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE PESHAWAR COURT PESHAWAR.

Restoration application no. ^{495/2023} IN S. Appeal NO.1377/19

1. Dr Sumera Lecturer GGD Collage Adenzi Dir Lower.
.....Applicant.

VERSUS

1. Secretary to Govt of K.P.K Higher Education Department and others.
.....Respondents.

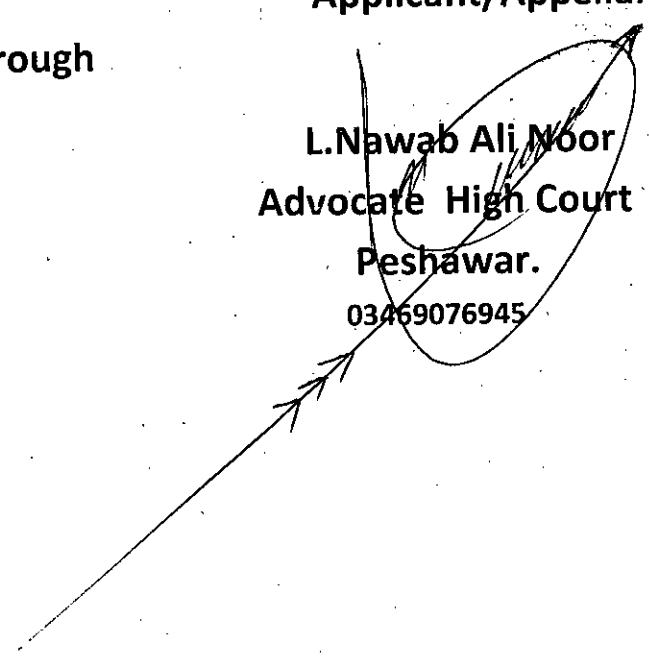
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S.NO.	Description	Annexure	Pages
1.	Restoration application		1-2
2.	Affidavit		2
3	Copy of the order	A	3-4
4	Waklat Nama		

Through

Applicant/Appellant

L.Nawab Ali Moor
Advocate High Court
Peshawar.
03469076945



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BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Restoration application no. ^{495/23} IN S. Appeal NO.1377/19

1. Dr Sumera Lecturer GGD Collage Adenzi Dir Lower.

.....Applicant.

VERSUS

1. Secretary to Govt of K.P.K Higher Education Department.

2. Director Higher Education Department

3. Principle GGD Collage Aenzi.

4. Principle GGD Collage Temergra Dir Lower.

5. Shaida Lecturer GGD Collage Dir Lower.

.....Respondents.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6484

Dated 14/07/23

Application with utmost respect to Restore / set seaside order dated 10.7.2023 through which the titled above S. Appeal was dismiss in default.

Respectfully submitted,

1. That cited above titled S. Appeal was fixed before this Honorable court for 10.7.2023 which was dismiss in default.

Copy of the order dated 10.7.23 as annexure A.

3. That applicant being aggrieved approach this Honorable tribunal to restore on following amongst others

Grounds.

a. That applicant/appellant counsel did visit on previous date 4.7.23 but due to strike and unfortunate accident blast at

home of the counsel of appellant didn't get the date in time while date fix very soon after the same.

- b. That applicant valuable rights are very much attached with the case in question.
- c. That there is no bar/ nor any legal hurdle to restore the s.appeal by honorable court.
- d. That applicant /appellant non appearance was not deliberate nor intention but due to mentioned reason.
- e. That law favor to decide the cases on merit rather than technicality & superior courts plethora of judgments favor the cases to be decided on merits.

It is therefore most humbly prayed that on acceptance of this application your honor may graciously be pleased to set aside the order dated 10.7.23 may please restore the service appeal NO. 1377/19 and decide the same on merit.

Applicant
 Through **L.Nawab Ali Noor Advocate**
High Court Peshawar.

AFFIDAVIT.

I, L.Nawab Ali Noor Advocate High Court Peshawar ,do solemnly affirm and declare on oath that the contents of the accompanying C.M are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.



Two large, handwritten signatures in black ink, one above the other, with arrows pointing from the signatures towards the text of the affidavit.

BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.

Service appeal .No. 1377/2019.

1.Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.
..... (Appellant)



Versus

- 1. Secretary to GOVT OF K.P.K Higher Education Department.
- 2. Director Higher Education Department.
- 3. Principle GGD Collage Adenzai.
- 4. Principle GGD Collage Temergra Dir Lower.
- 5. Shaida Lecturer GGD Collage Dir Upper.
.....(Respondents)

Appeal U/S 4 of the NWFP Service tribunal Act 1974 against the order dated 24.7.2019 whereby the respondent NO. 1 Canceled transferred order 1st November 2018 and corrigendum dated 13.12.2018 of appellant and later on through order dated 30.7.2019 respondent no.5 transferred to GGDC Adenzai.

Prayer:

On acceptance of this appeal the impugned order dated 24.7.2019 of the respondent NO. 1 whereby he has been cancelled transferred/ corrigendum orders of appellant through order dated 24.7.2019 and later on through order dated 30.7.2019 transferred the respondent no.5 to GGDC Adenzai may kindly be set aside & the transfer order dated 1.11.2018 and corrigendum dated 13.12.2019 of appellant to GGD Collage Adenzai may Kindly be restore.

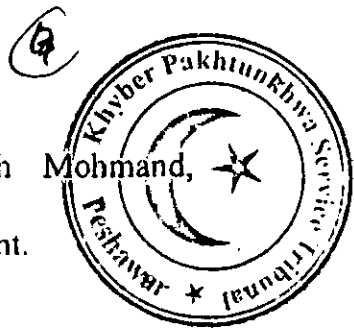
Respectfully Sheweth:

- 1. That the appellant is civil servant and she is performing her duty as lecturer at GGD Collage Adenzai Dir Lowers from 13.12.2019 and prior to the same she performed her duty at GGD Collage Juligram

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


4/7/23



10th July, 2023 01. Nemo for the appellant. Mr. Fazal Shah Mohmand,
Additional Advocate General for the respondents present.

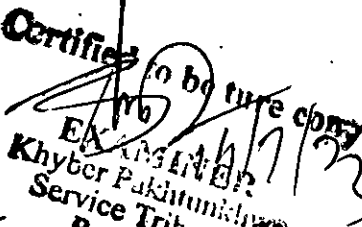
2. The case was called time and again but neither appellant nor his counsel put appearance till rising of the court, therefore, the appeal in hand is dismissed in default. Consign.

03. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 10th day of July, 2023.


(Fajeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Fazle Subhan P.S

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E.A. AG/AVR/EP
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 13/7/23
Number of words page 2
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copyiest Shahzad
Date of Completion of Copy 14/7/23
Date of Delivery of Copy 14/7/23