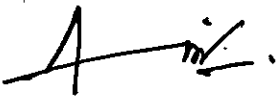


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 527/2023

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|-------|------------------------------|--|
| 1 | 2 | 3 |
| 1 | 24.07.2023 | <p>The application for restoration of Appeal no. 1410/2018 submitted today Mr. Baseer Ahmad Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>27-07-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

C.M.No Restoration Appli. no. 527/23
/2023

In Service Appeal No 1410/2018

Shah HussainAppellant.

V E R S U S

Govt & Others.....Respondents.

I N D E X

| S.No | Description of Documents | Annexure | Pages |
|------|--|----------|-------|
| 1. | Application for Restoration With Affidavit | | 1-3 |
| 2. | Order dated 03-07-2023 | | 4 |

Dated:-13-07-2023

[Signature]
Appellant

Through

Baseer Ahmad Shah

&

Ibad Ur Rehman

Advocates Peshawar

[Signatures]

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

Cell# 0315 0195187

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

C. M. No.

Restoration Appli. no. 527/2023
/2023

**Khyber Pakhtukhwa
Service Tribunal**

In

Diary No.

6675

Service Appeal No 1410/2018

Dated

24/07/23

Shah Hussain Certified Teacher, (General) BPS-15, Govt Middle School Sarkhana Peshawar.....**Appellant**

V E R S U S

1. District Education Officer (Male) Peshawar.
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 03-07-2023.
2. That actually the appellant was of the view that date is fixed on 04-07-2023 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:--11-07-2023

Appellant

Through

Baseer Ahmad Shah

&

Ibad Ur Rehman

Advocates Peshawar.

A F F I D A V I T :-

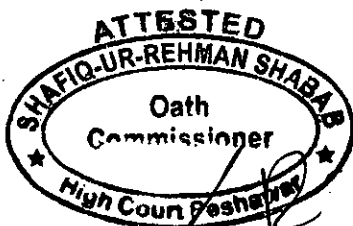
I, Shah Hussain Certified Teacher, (General) BPS-15, Govt. Middle School Sarkhana Peshawar , do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

Identified by

Baseer Ahmad Shah

Advocate Peshawar

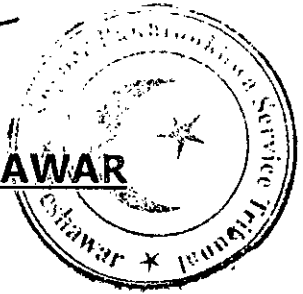
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19/07/23

3

-1-



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1410/2018

Shah Hussain Certified Teacher (General) (BPS-15) Govt. Middle School Sarkhana Peshawar.....**Appellant**

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1647

Dated 19-11-2018

V E R S U S

1. District Education Officer (Male) Peshawar.
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 FOR THE MODIFICATION OF APPOINTMENT ORDER DATED 26-06-2018 PASSED BY RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN APPOINTED AS CERTIFIED TEACHER (GENERAL) (BPS-15) WITH IMMEDIATE EFFECT INSTEAD OF 20-09-2012 AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:-

On acceptance of this appeal the impugned Appointment Order dated 26-06-2018, of respondent No 1 may kindly be modified and the appellant may kindly be ordered to be appointed as Certified Teacher (General) (BPS-15) w.e.f 20-09-2012, instead of 26-06-2018 with all back benefits

Filed to-day
Registrar
19/11/18

Respectfully Submitted:-

1. That the appellant was appointed against the post of Certified Teacher on and and after performing duties for about two years, when the Govt. changed, the services of the appellant along with others were dispensed with.
2. That in the year 2009 the Federal Govt. promulgated Ordinance for the reinstatement of the employees of the Federal Govt. who were appointed from 1st November 1993 to 1st day of November 199 and were terminated during the period from the 1st day of November 1996 to 12-10-1999 and i

ATTESTED

ATTESTED
Khyber Pakhtunkhwa Service Tribunal
Peshawar
19/11/18

3. n the year 2010 the Federal Govt. enacted the Sacked Employees (Re-instatement) Act 2010 to provide relief to sacked employees and accordingly the provincial Govt. of KPK enacted the KPK

A. NO: 1410 / 2018
Sheh Hussain

4



3rd July, 2023

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.
2. The case was called time and again but neither the appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3rd day of July, 2023.

RK

(Rashida Bano)
Member(J)

Kalim Arshad Khan

(Kalim Arshad Khan)
Chairman

Adnan Shah

Certified True Copy
[Signature]
17/7/23
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Appeal 10/7/23
 Date of Filing of Appeal 17
 Date of Hearing 5/7
 Date of Judgment 5/7
 Date of Delivery of Judgment 17/7/23

[Signature]
17/7/23

VAKALATNAMA

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Shah Hussain

Petitioner/Appellant.

VERSUS

Gouf & Others

Respondents/Defendants.

We the undersigned, do hereby appoint and constitute,

BASEER AHMED SHAH Advocate To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND we hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 24/7/2023

Hussain
Client (s)

Baseer Ahmed Shah
BASEER AHMED SHAH

&

IBAD UR REHMAN KHALIL
IBAD UR REHMAN KHALIL
Advocates
Peshawar