


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 522/2023

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. 1794/2019 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 KPK SERVICE TRIBUNAL PESHAWAR

C.M.No. Restoration Appli. No. 522/23
/2023

In service Appeal No. 1794/2019

Wali Khan.....Appellant

VERSUS

Govt & others.....Respondents

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2.	Order dated 03-07-2023		4

Dated: 13-07-2023

Wali Khan
Appellant

Through

Baseer Ahmed Shah *Baseer*

&

Ibad Ur Rehman
Advocate Peshawar. *Ibad Ur Rehman*

Office:- Cantomant plaza Flat No. 3/B Khyber Bazar Peshawar

Cell: 0315-0195187

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

C. M. No

Restoration Appli. no. 522/23
/2023

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 1794/2019

Diary No. 6686

Dated 24/07/23

Wali Khan Drawing Master, Govt High School Loi Shalman
District Khyber.

.....Appellant

VERSUS

1. Director Elementary and Secondary Education Govt of KPK
Peshawar.

2. District Education Officer (Male) District Khyber.

3. Secretary, to Govt of KPK Elementary and Secondary Education,
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.

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Prayer:

It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.

Dated:-13-07-2023

Wali Khan
Appellant

Through

Baseer Ahmed Shah *Baseer*

&

Ibad Ur Rehman *Ibad Ur Rehman*
Advocate Peshawar.

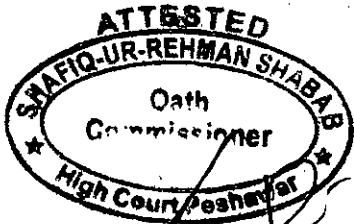
AFFIDAVIT:-

I, Wali Khan Drawing Master, Govt High School Loi Shalman District Khyber, 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 be concealed from this honorable Tribunal.

Identified by

Wali Khan
DEPONENT

Baseer Ahmad Shah *Baseer*
Advocate Peshawar



Shafiq-ur-Rehman Shabab
19/07/23

-1-3



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1794/2019

Wali Khan, Drawing Master, Govt. High School Loi Shalman District Khyber.

.....Appellant

V E R S U S

1. Director, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.

2. District Education Officer (Male) District Khyber.

3. Secretary to Govt. of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar.....Respondents

APPEAL APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE SENIORITY LIST OF DRAWING MASTERS (MALE) OF DISTRICT KHYBER ISSUED ON 30-04-2019 WHEREBY THE APPELLANT HAS ILLEGALLY BEEN PLACED AT SERIAL NO 33 INSTEAD OF SERIAL NO 4 AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 26-08-2019 HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

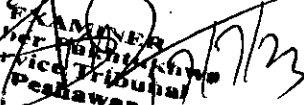
On acceptance of this appeal, the impugned Seniority List issued on 30-04-2019 may kindly be modified to the extent of the appellant by assigning him seniority from the date of continuous regular appointment instead of passing the professional examination by placing the appellant at serial No 4 instead of serial No 33 with all consequential benefits.

Respectfully Submitted:-

1. That the appellant was appointed as Drawing Master untrained on 23-01-1991, and he passed the relevant professional training for the subject post on 25-04-2000. Since appointment the appellant performed his duties with honesty and full devotion with spotless service career and to the entire satisfaction of his high ups. (Copy of

Appointment Order is enclosed as Annexure A).

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

A. No. 1794/2018
Wali Khan vs Grand

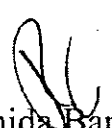
3rd July, 2023

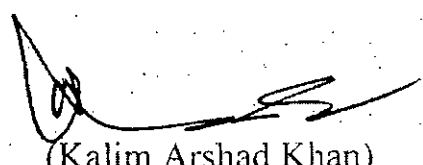
1. Nobody present on behalf of the appellants. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

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.

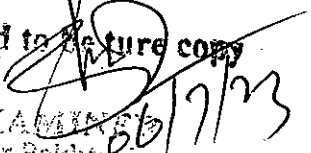
3. Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3rd day of July, 2023.




(Rashida Bano)
Member(J)


(Kalim Arshad Khan)
Chairman.

Adnan Shah

Certified to be true copy

06/07/23
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 06/07/23
Number of Words Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist Shahzad
Date of Completion of Copy 06/07/23
Date of Delivery of Copy 06/07/23

VAKALATNAMA

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Wali KhanPetitioner/Appellant.

VERSUS

Govt of Officers 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

Wali Khan
Client (s)

BASEER AHMED SHAH

&

IBAD UR REHMAN KHANIL
Advocates
Peshawar