


24.07.2023

Learned counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present. Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 16409/2020 was dismissed in default vide order dated 24<sup>th</sup> May, 2023. According to learned counsel for the petitioner, he was busy before the Tribunal at Camp Court, Abbottabad and his junior counsel appeared at 11.00 but it came to the knowledge of junior of learned counsel for the petitioner that the appeal was dismissed in default. The petitioner submitted application for restoration of appeal on 26.05.2023 which is well within time. On the other hand learned AAG raised no objection. The application for restoration of service appeal is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities.

The application in hand is, therefore, accepted and Service Appeal bearing No. 16409/2020 stands restored. To come up for preliminary hearing on 11.09.2023 before S.B. P.P given to learned counsel for the appellant. Original record also be requisitioned for the date fixed.

  
(Muhammad Akbar Khan)  
Member (I)

\*Kamranullah\*