


## FORM OF ORDER SHEET

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

Restoration Application No. 548/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.07.2023	<p>The application for restoration of Misc. application no. 314/2022 submitted today by Mr. Yasir Saleem Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>2/8/23</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES**

**TRIBUNAL PESHAWAR**

Restoration Appli. No. 548/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6764

Dated 31/07/23

CM \_\_\_\_\_/2023

IN

Civil Misc. 314/2022

**Akhter Nawaz Head Master (BPS-17) GHS Darpa Khel North Waziristan**  
..... (Applicant/ / Appellant)

**VERSUS**

1. Government of Khyber pakhun KHwa through Chief Secretary Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
4. Mir Said Khan Headmaster BPS (17) under transfer to GHS Darpa Khel North Waziristan.

..... (Respondents)

**Application for restoration of the captioned CM dismissed for non-prosecution vide order dated 11.07.2023**

Respectfully sheweth,

The applicants humbly submit as under;

1. That the captioned application along-with the main appeal was pending before this Honorable Tribunal which was fixed for hearing for 11.07.20223.
2. That on the date of hearing counsel for the applicant / appellant appeared before the court however the L. P. ...

before the Court, however the learned presiding officer was busy in D.B.,  
However after exhausting the DB cause list the Learned Presiding Officer  
went to her retiring room and counsel for the applicant had to go to the High  
Court therefore he told the reader to forward his request to the court that  
counsel for the applicant is seeking adjournment.

3. That however on the next date it came to the knowledge of counsel of the applicant through his clerk that the case has been dismissed for non-prosecution. *(Copy of the order dated 11.07.2023 is attached herewith)*
4. That non-attendance of the counsel for the applicant was not deliberate or intentional but due to the reasons mentioned above.
5. That it is consistent view of the superior courts that cases must be decided on merits and technicalities should be avoided.
6. That the application is within time and this Honorable tribunal has ample power to grant the relief.

*It is therefore prayed that on acceptance of the instant application the captioned CM may kindly be restored for the best interest of justice.*

**Applicant/ Appellant**

**Through**

  
**YASIR SALEEM**

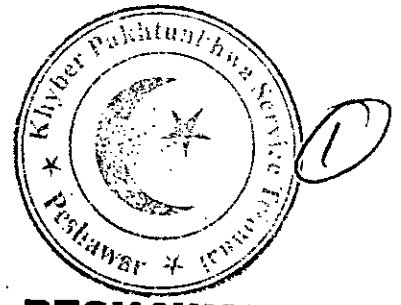
Advocate High Court

Peshawar

**AFFIDAVIT**

*It is solemnly affirm and declare on oath that the contents of the petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.*

  
**DEPONENT**



**BEFORE THE SERVICE TRIBUNAL COURT, PESHAWAR.**

CM No. 314 /2023

In

Service Appeal No:-1279-P/2022

Akhtar Nawaz Headmaster (BPS-17) GHs Darpa Khel, North Waziristan District.

Khyber Pakhtunkhwa  
Service Tribunal

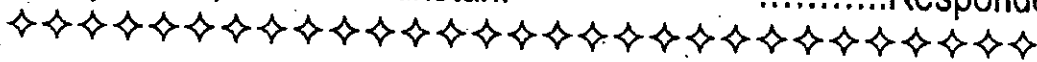
Diary No. 5434

Dated 18/5/2023

..... Appellant

**Versus**

1. Govt. of KPK Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary & Secondary Education, KPK, Peshawar.
3. Director, Elementary & Secondary Education, KPK, Peshawar.
4. Mir Said Khan Headmaster (BPS-17), under transferred to GHS Darpa Khel, North Waziristan. .... Respondents



**APPLICATION FOR SUSPENSION  
OF CORRIGENDUM ORDER  
DATED 28-03-2023 TILL THE  
FINAL DECISION OF THE CASE.**

***Respectfully Sheweth:-***

1. *That captioned appeal is pending before this Hon'ble Tribunal wherein next date is fixed for 29-05-2023.*
2. *That vide the impugned order private respondent was posted vice the appellant despite the fact he had already occupied the said post as Headmaster at GHS-Darpakhel.*
3. *That this Hon'ble Tribunal was kind enough to suspend the impugned order and allowed to retain at the place of his posting.*
4. *That however in utter dis regard of the orders of this Hon'ble Tribunal, vide another notification dated 28-03-2023, one Saeed uddin has been posted at GHS-Darpakhel.*

**ATTESTED**

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

1279

26.06.2023

Appellant in person present and stated at the bar that main appeal is fixed for 03.07.2023 and this petition be also fixed alongwith main appeal. He also requested for suspension of impugned corrigendum order 28.03.2023. Notice of instant petition issued to the respondents. Request of the petitioner is accepted. Adjourned. To come up for arguments on 03.07.2023 before S.B. Parcha Peshi given to the appellant.

SCANNED  
KPST  
Peshawar

(Rashida Bano)  
Member (J)



\*Kaleemullah\*

3<sup>rd</sup> July, 2023

1. Learned counsel for the applicant present. Mr. Asad Ali Khan, Assistant Advocate General for official respondents No.1 to 3 present.
2. File to come up alongwith main Service Appeal No.1279/2022 filed by the applicant, on 11.07.2023 before S.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

11<sup>th</sup> July, 2023

01. Nemo for the petitioner.
02. Since main service appeal No. 1279/2022 of the petitioner has been dismissed in default for non-compliance of the court order, instant misc. application is also dismissed. Consign.
03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 11<sup>th</sup> July, 2023.

Certified to be true copy

(Signature)  
Service Tribunal  
Peshawar

(Signature)  
(FARIEHA PAUL)  
Member (E)

\*Fazle Subhan, P.S\*

Date of Presentation of ~~\_\_\_\_\_~~ 12/7/23  
Number of ~~\_\_\_\_\_~~ page 2  
Copying Fee - 10/-  
Urgent ~~\_\_\_\_\_~~ 10/-  
Total ~~\_\_\_\_\_~~ 20/-  
Name of ~~\_\_\_\_\_~~ Shashank  
Date of ~~\_\_\_\_\_~~ 18/7/23  
Date of ~~\_\_\_\_\_~~ 24/7/23