


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 547/2023

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 Appeal no. 1279/2022 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 Application no. 547/2023

CM _____/2023

IN

Service Appeal No.1279/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6763

Dated 31/07/23

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 instant appeal dismissed for non-prosecution vide order dated 11.07.2023

Respectfully sheweth,

The applicants humbly submit as under;

1. That the captioned appeal was pending before this Honorable Tribunal which was fixed for hearing for 11.07.2023.

2. That the applicant also filed CM No.314/2023 for the suspension of corrigendum order dated 28.03.2023 which was also fixed for 11.07.2023 to be heard with the main appeal.
3. That on the date of hearing counsel for the applicant / appellant appeared before the court however the learned presiding officer was busy in DB. 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.
4. 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)*
5. That non-attendance of the counsel for the applicant was not deliberate or intentional but due to the reasons mentioned above.
6. That it is consistent view of the superior courts that cases must be decided on merits and technicalities should be avoided.
7. 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 appeal 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 KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL
PESHAWAR



Service Appeal No. 1278 /2022

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

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa, 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 transferred to GHS Darpa Khel, North Waziristan.

.....Respondents

SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.05.2022 WHEREBY ONE MR. MIR SAID KHAN HEAD MASTER BPS-17 HAS BEEN POSTED / TRANSFERRED AGAINST THE POST OF HEAD MASTER GOVERNMENT HIGH SCHOOL DARPA KHEL NORTH WAZIRISTAN WHICH HAS ALREADY BEEN OCCUPIED BY THE UNDERSIGNED AND NEITHER THE UNDERSIGNED HAS BEEN TRANSFERRED NOR RELIEVED FROM THE SAID POST.

Prayer:

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL ORDER 30.05.2022 MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY BE ALLOWED TO CONTINUE HIS DUTIES ON HIS ALREADY OCCUPIED POST AT GOVERNMENT HIGH SCHOOL DARPA KHEL NORTH WAZIRISTAN AS HEAD MASTER (BPS-17).

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11th July, 2023

01. Nemo for the appellant.

02. Despite directions for summoning the respondent No. 4 through TCS vide orders dated 29.05.2023, 08.06.2023 and 03.07.2023, the appellant has not deposited the TCS expenses. Today nobody was present on behalf of the appellant. Due to non-compliance of clear directions, the appeal in hand is dismissed in default. Consign.


03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 11th July, 2023.


(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

Date of Presentation of Application 12/7/23
 Number of Words Page 2
 Copying Fee 10/-
 Urgent
 Total 10/-
 Name of Copyist Shahzad
 Date of Completion of Copy 18/7/23
 Date of Delivery of Copy 24/7/23

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar