


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 551/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.08.2023	<p>The application for restoration of Appellate No. 4967/2021 submitted today by Mr. Noor Akhtar Khan Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file is requisitioned.</p> <p style="text-align: right;">By the order of _____</p> <p style="text-align: center;">  REGISTRAR </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration NO. _____/2023

Sahibzada

VS

GOVT OF KPK

APPLICATION FOR FIXATION OF THE ABOVE TITLED Restoration AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned (Restoration) is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 20/8/23

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Restoration Appli NO. 551/2023

CM. NO. _____/2023

IN

APPEAL No. 4967/2021

SAHIB ZADA

VS

EDUCATION DEPTT:

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APPLICANT

THROUGH:

[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Appli no. 551/2023

CM. NO. _____/2023

IN

APPEAL No. 4968/2021

Khyber Pakhtunkhwa
Service Tribunal

Mr. Sahib Zada, AT (BPS-15),
GMS Kandaw Jaber, District Dir Upper.

Diary No. 6813

Dated 02/08/23

VS

1. The Director (E & SE), Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer, Dir Upper.
3. The District Accounts Officer Dir Upper.

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

1. That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 05.10.2023.
2. That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar.
3. That the mentioned service appeal was dismissed in default vide order dated 05.10.2022. Copy of the order sheet dated 05.10.2022 is attached as annexure**A**.
4. That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
5. That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 31.07.2023

[Signature]
PETITIONER/APPLICANT

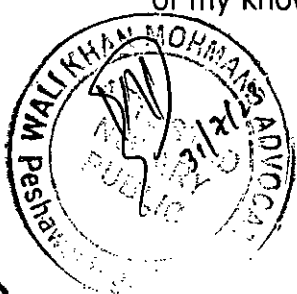
Through:

[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Sahib Zada, AT (BPS-15), GMS Kandaw Jaber, District Dir Upper, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM. NO. _____/2023

IN

APPEAL No. 4967/2021

SAHIB ZADA

VS

EDUCATION DEPTT:

APPLICATION FOR CONDONATION OF DELAY IN FILING THE ABOVE
NOTED APPEAL.

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal on the following grounds inter alia:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in this case hence the appeal deserves to be decided on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather than technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.


APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

Mr. Sahib Zada, AT (BPS-15), GMS Kandaw Jaber, District Dir Upper, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT



4A" - 3-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 4967/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4841

Dated 12/4/2021

Mr. Sahib Zada, AT (BPS-15),
GMS Kandaw Jabar, District Dir Upper.



.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.
- 5- DISTT Accounts officer Dir Upper

.....**RESPONDENTS**

Note

Entry made according to order sheet dt: 26-7-22

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN BPS-15 w.e.f 08.04.1996 i.e FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF AT (BPS-15) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 08.04.1996 i.e from the date of initial appointment to the post of AT (BPS-15) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
Registrar

R/SHEWETH:

ON FACTS:

Brief facts giving rise to present appeal are as under:

- 1- That the appellant was initially appointed in the respondent department as Arabic Teacher vide dated 08.04.1996 as stop gap arrangement. Copy of the appointment order is attached as annexure.....A)
- 2- That it is worth mentioning here, that the services of the appellant along with others were dispensed with on the ground that their services were no more required to the department.

certified to be true copy
Khyber Pakhtunkhwa Service Tribunal Peshawar
31/1/23

Re-submitted to -day and filed.

Registrar

Service Appeal No. 4967/2021,

4-
Jahid Zada vs Govt



ORDER
05.10.2022

Nemo for the appellant. Syed Alam Zeb Shah, Law Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room.

ANNOUNCED
05.10.2022

(Salah-Ud-Din)
Member (J)
Camp Court Swat

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

31/7/23

Date of Presentation of Application 27/7/23
Number of Words page 2
Copying Fee 10/-
Urgent 0
Total 10/-
Name of Copyies Shahzad
Date of Completion of 31/7/23
Date of Delivery of Copy 31/7/23

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration No /2023

Sahibzada

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /202

CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


KAMRAN KHAN


UMAR FAROOQ MOHMAND


MUHAMMAD AYUB

&


MAHMOOD JAN
ADVOCATES

OFFICE:

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