BEFORE THE HON'BLE CHAIRMAN, SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA

Kestoration Appli. 10. 571/2023

Khyber #akbtakhwa Service Tribunal

63 Service Appeal No.**68**/2020

Khan Gir S/o Malik Muhammad Hassan Ex-CT GMS Shabi Khel Kohistan Lower. . . .

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Secretary Education, Civil Secretariat, Peshawar.
- 3. Director General, Elementary & Secondary Education, Khyber Pakhtunkhwa, G.T. Road, Peshawar.
- 4. District Education Officer (Male), Kohistan Lower.

APPLICATION FOR RESTORATION OF TITLED CASE WHICH WAS DISMISSED BY THIS HON BLE COURT FOR NON-PROSECUTION VIDE ORDER **DATED 26.07.2023.**

Respectfully Sheweth:

- 1. That the titled appeal was pending adjudication before this Hon'ble Court which was dismissed for non-prosecution, vide order dated 26.07.2023. (COPY OF THE ORDER DATED IS ATTACHED).
- 2. That on previous date, the staff of the court give 27.07.2023 for next hearing to clerk of the counsel of applicant, and when applicant appeared before the this honorable court on 27.07.2023 in Abbottabad Bench, it was told to the applicant that the case was fixed for 26.07.2023 which has been dismissed in default for non-

prosecution, whereas the actual date of hearing was fixed as 26.07.2022, that's why the applicant alongwith his counsel could not appear before the Hon'ble Court and as a result of which, the case was dismissed for non-prosecution, hence this application for restoration.

- 3. That the applicant is within time and there is no legal bar on acceptance of this application.
- 4. That non-appearance of the counsel for applicant was neither intentional nor deliberate, but due to the cogent reason mentioned ibid.
- 5. That the law favours adjudication on merits rather nonsuiting the litigants on technicalities.
- 6. That valuable rights of the applicant are attached with the case and if the titled case is not restored, then the applicant would suffer an irreparable loss.

It is, therefore, prayed that by accepting this application, the titled case may please be restored to its original number and thereafter the same be decided on its own merits.

Through

Applicar

SHAHID MAHMOOD KHAN Advocate High Court.

Dated: 10.08.2023

AFFIDAVIT:

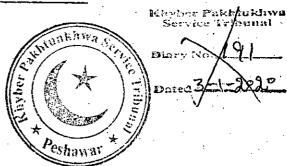
It is stated on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

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DEPONE'N'

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. <u>b3</u>/2030



Khan Gir S/o Malik Muhammad Hassan Ex-CT GMS Ghari Shabi Khel Kohistan Lower

. Appellant

VERSUS

- Khyber Pakhtunkhwa, through Chief. 1. Govt of Secretary, Civil Secretariat, Peshawar.
- 2. Secretary Education, Civil Secretariat, Peshawar.
- 3. Director General, Elementary and Secondary Education, Khyber Pakhtunkhwa, Road Peshawar.
- 4. District Education Officer, (Male) Kohistan Lower.

.... Respondents

APPEAL UNDER SECTION 4 OF KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974

AGAINST THE ORDER OF RESPONDENT NO. 4

DATED 04.09.2019 AND ORDER DATED

18.11.2019 PASSED BY RESPONDENT No 3,

WHEREBY THE APPELLANT HAS

Service Tribunal

Service Appeal No. 63/2020 Khan On V is Cand

26.07.2023

Nemo for the appellant. Mr. Rahim Dad, ADEO alongwith

Mr. Asad Ali Khan, Assistant Advocate General for * the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand. dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 26.07.2023

> (Rashida Bano) Member (J) Camp Court Abbottabad

(Salah-ud-Din) Member (J) Camp Court Abbottabad

Naeem Amin

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منام الحجو لينس وبدا مند Segvice Appeal sie No: 63/2020 US ماعث تحرمها نكه مقدمه مندرج عنوان بالا بین اپی طرف سے داسطے بیروی وجواب دہی دکل کاردا کی متعلقہ مارک کروری متعلقہ مارک کروری میں متعلقہ مارک کروری میں متعلقہ میں کی کروری میں متعلقہ میں کی موری میں متعلقہ میں متعلقہ میں میں متعلقہ مقرر کرے اقرار کیا جاتا ہے۔ کدصاحب موصوف کومقدمہ کی کل کارواکی کا کامل اختیار ہوگا۔ نیز وكيل صاحب كوراضى نامه كرنے وتقر رثالت و فيعله برحاف دينے جواب دہى اورا قبال دعوى اور پسورت ڈگری کرنے اجراءا درصولی چیک درویبیار عرضی دعوی ادر درخواست ہرتم کی تقدیق زراي پردستخط كران اختيار موكان نيز صورت عدم بيردى يا ذكرى يكطرف ياايل كى براركى ادرمنسوى نیز دائز کرنے اپیل حکرانی دنظر ثانی دبیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ ندکور ككل ياجزوى كاروائى كے واسطے اوروكيل يا مخارقا نونى كوايينے ہمراہ يااسينے بجائے تقرر كا اختيار موكا اورصاحب مقررشده كومي واي جمله ندكوره بااختيارات حاصل مول محاوراس كاساخت برداخته منظور قبول موكار دوران مقدمه ميس جوخرجه دهرجاندالتوائع مقدمه سيسبب سيروموكار کوئی تاریخ بیشی مقام دوره پر مویا حدے باہر موتو وکیل صاحب یابند موں مے کہ بیروی ندگۈزگریں لہذا وکالت نا میکھندیا کیسندر ہے _ ر السري 12023 ما السوي 12023 م of pur place of Bc-10-3539 (NIC: 18501-94925215 Attested Shahid Hahnroud Khan 0333: 8787671 Advocati

Form-A

FORM OF ORDER SHEET

Court of

Restoration Application No. 571/2023

		nestoration replication to 372/2020
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1.	2	3
1	10.08.2023	The application for restoration of Appeal no.
		63/2020 resubmitted today by Mr. Shahid Mahmood
		Khan Advocate. It is fixed for hearing before Division
,		Bench at Peshawar on . Original file be
		requisitioned.
		By the order of Chairman
		REGISTRAR
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