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BEFORE THE HON'BLE CHAIRMAN, SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA

Restoration Appli. no. 571/2023

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. ⁶³68/2020

Diary No. 6961

Dated 10/08/23

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

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
THE 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-

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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 non-suiting 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

Applicant

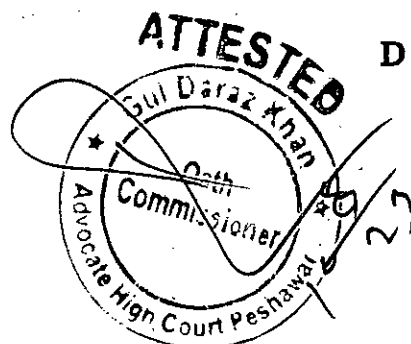
SHAHID MAHMOOD KHAN
Advocate High Court.

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.

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 63 / 2020



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 191

Dated 3-1-2020

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

..... Appellant

VERSUS

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

..... Respondents

~~Filed today~~

~~03/01/2020~~

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,

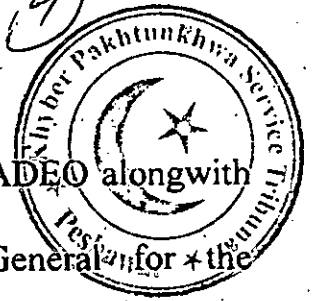
WHEREBY THE APPELLANT HAS BEEN

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EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Khan Qadir vs Govt

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ORDER
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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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 03-8-23
Number of ~~Words~~ Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copy Shahyad
Date of Completion 03-8-23
Date of Delivery of Copy 03-8-23

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 571/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.08.2023	<p>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.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;">REGISTRAR</p>