

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 576/2023

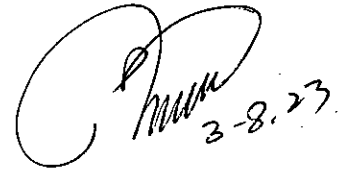
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.08.2023	<p>The application for restoration of Appeal no. 782/2018 resubmitted today by Mr. Anwar Ali Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;">REGISTRAR</p>

The application for restoration of appeal no. 782/2018 received today i.e. on 02.08.2023 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

Application is not in proper format.

No. 2079 /S.T,

Dt. 3/8 /2023.



3-8.23

REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Anwar Ali Khan Adv.
High Court Peshawar.

Resubmitted after removal of objection.

Counsel for the appellant


10.08.2023

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

M.P.No. _____/2023

IN

S.A No.782/2018

Nasir UllahPetitioner/Appellant

Versus

Director General Health Service, KP, Peshawar & others.....Respondents

APPLICATION FOR FIXATION OF THE
RESTORATION PETITION IN THE ABOVE-
NOTED APPEAL BEFORE PRINCIPAL
SEAT OF SERVICE TRIBUNAL KP,
PESHAWAR.

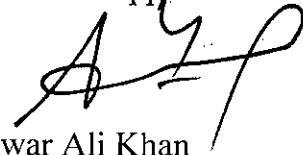
Respectfully Sheweth;

- 1) That the instant application is being filed alongwith the restoration petition in the above- titled appeal.
- 2) That the above noted appeal was fixed for hearing before this Hon'ble tribunal Camp Court Swat on dated 3.7.2023 which was dismissed in default.
- 3) That as the counsel of the petitioner is practicing at Peshawar, therefore, the instant restoration petition in the above-titled appeal may kindly be heard at principal seat of Service Tribunal at Peshawar.

It is, therefore, humbly prayed that on acceptance of the instant application, the restoration petition in the above- noted appeal may kindly be heard at principal seat at Peshawar.

Petitioner/Appellant

Through


Anwar Ali Khan
Advocate High Court.

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Restoration Appli. no. 576/23

M.P.No. _____/2023

IN

S.A No.782/2018

Nasir UllahPetitioner/Appellant

Versus

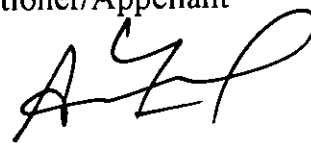
Director General Health Service, KP, Peshawar and others Respondents

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S.No.	Description of documents.	Annexure	Pages.
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2	Affidavit.		3
3	Copy of order dated 3.7 .2023		4

Petitioner/Appellant

Through



Anwar Ali Khan
Advocate, High Court.

0332-9197729

Dated: 01.08.2023

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Restoration appli no. 576/23

Khyber Pakhtunkhwa
Service Tribunal

M.P.No. _____/2023

Diary No. 6806

IN

Dated 02/08/23

S.A No.782/2018

Nasir UllahPetitioner/Appellant

Versus

Director General Health Service, KP, Peshawar & others.....Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE NOTED APPEAL.

Respectfully Sheweth;

- 1) That the above noted appeal was fixed for hearing before this Hon'ble tribunal on dated 3.7.2023 which was dismissed in default.
- 2) That the counsel for the appellant couldn't appear and attend the hearing before this Hon'ble court as he suffered severe sciatica never pain at the night and consequently at morning was not able to move to camp court Swat.
- 3) That as it had been decided a day earlier that the counsel for appellant would attend the hearing on behalf of appellant therefore the appellant didn't go to attend the hearing on the above-mentioned date of hearing.
- 4) That the non-appearance of the counsel as well as the petitioner were neither intentional nor deliberate but due to the reason mentioned above.
- 5) That the instant application for restoration of the above-mentioned appeal is well within time.

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

M.P.No. _____/2023

IN

S.A No.782/2018

Nasir Ullah s/o Sher Murad Khan

R/o Mohallah Balach, District Chitral.....*Petitioner/Appellant*

Versus

- 1) *Director General Health Service, KP, Peshawar*
- 2) *DHO/ Executive District Officer Health, Chitral.*
- 3) *Medical Superintendent, DHQ Hospital, Chitral.....Respondents*

APPLICATION FOR RESTORATION OF
ABOVE NOTED APPEAL.

Respectfully Sheweth;

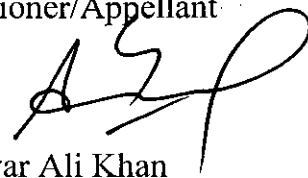
- 1) That the above noted appeal was fixed for hearing before this Hon'ble Tribunal on 03.07.2023 which was dismissed in default.
- 2) That the counsel for the appellant couldn't appear and attend the hearing before this Hon'ble court as he suffered severe sciatica never pain at the night and consequently at morning was not able to move to Camp Court Swat.
- 3) That as it had been decided a day earlier that the counsel for appellant would attend the hearing on behalf of appellant therefore the appellant didn't go to attend the hearing on the above-mentioned date of hearing.
- 4) That the non-appearance of the counsel as well as of the petitioner was neither intentional nor deliberate but due to reason mentioned above.
- 5) That the instant application for restoration of the above mentioned appeal is well within time.

- 6) That superior courts of the country always favour adjudication of the cases on merits rather than on technicalities and there is no legal impediment exist in the way of restoration of the case.

It is, therefore, humbly prayed that on acceptance of the instant application, the above noted appeal may kindly be restored in the interest of justice and be decided on merits.

Petitioner/Appellant

Through



Anwar Ali Khan
Advocate High Court.

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

M.P.No. _____/2023
IN

S.A No.782/2018

Nasir UllahPetitioner/Appellant


Versus

Director General Health Service, KP, Peshawar and others....Respondents

AFFIDAVIT

I, Anwar Ali Khan, Advocate High Court, counsel for the petitioner/ appellant do hereby affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief as well as the information provided to me by the petitioner and nothing has been concealed from this hon'ble court.



Deponent 
BC No.12-3659
Cell: 03329197729

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

①
Appeal No. 782/2018

Nasir Ullah S/O Sher Murad Khan,
R/O Muhallah Balach, Distt Chitral.....Appellant



Versus

1. Director General Health Service KP, Peshawar
 2. DHO/Executive District Officer Health, Chitral
 3. Medical Superintendent, DHQ hospital Chitral
- Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 11/07/2016 WHEREBY THE
SERVICE OF THE APPELLANT HAS BEEN
TERMINATED AND AGAINST NOT TAKING
ACTION UPON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE
STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

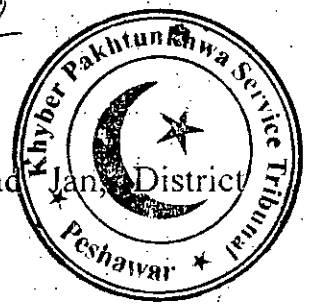
*On acceptance of the instant appeal the
impugned order dated 11/07/2016 may kindly be
set aside & the appellant may please be re-
instated into service with all consequential back
benefits.*

*Any other remedy which this August Tribunal
deems appropriate may also be awarded in favor
of the appellant.*

Appellant Deposited
Security & Process Fee
31/7/18

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



ORDER
03.07.2023


Nemo for the appellants. Mr. Muhammad Jan,


Attorney for the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellants 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.

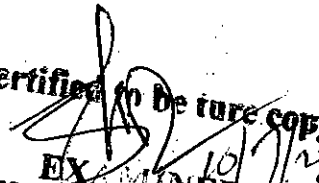
ANNOUNCED

03.07.2023


(Farzha Paul)
Member (E)
Camp Court Swat


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

Naem Amin


Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
10/7/23

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