


FORM OF ORDER SHEET

Court of

Restoration Application No. 610/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.09.2023	<p>The application for restoration of Appeal no. 719/2018 submitted today by Mr. Nasir Mehmood Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration Appli. No. 610/2023
Service Appeal No. 719/2018

Muhammad Owais Zahid.....Appellant
V E R S U S
Govt of KPK & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 21.08.2023	A	4

Dated: 04.09.2023

Through

Applicant/ Appellant

NASIR MEHMOOD

Advocate, Supreme Court
Of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Restoration Application No. 610/2023

Service Appeal No. 719/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7343

Dated 4/9/2023

**Muhammad Owais Zahid S/o Abdul Qayyum,
Subject Specialist, GHSS Karak**

.....Appellant

V E R S U S

1. Govt of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary Elementary & Secondary Education, Govt of KPK Peshawar.
3. Director, Elementary & Secondary Education, Govt of KPK Peshawar.
4. Deputy Commissioner Karak
5. District Education Officer, Male Karak.
6. District Education Officer, Female, Karak.
7. District Officer Finance, District Karak.

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 21.08.2023.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 21.08.2023
2. That the counsel of the Appellant as well as Appellant also were aware about the date fixed and later on when inquired about the date fixed, came into knowledge that the Appeal was dismissed in default on 21.08.2023. **(Copy of Order dated 21.08.2023 is attached as annexure A)**
3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant are involved in the case in question.
- C. That the law otherwise favours the decision of cases on merit.
- D. That the application is within time.

E. That there is no legal bar on acceptance of the instant Application.

F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Applicant/ Appellant

Through

Dated: 04.09.2023

NASIR MEHMOOD

Advocate, Supreme Court
Of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 719/2018

Muhammad Owais Zahid.....Appellant
VERSUS
Govt of KPK & others.....Respondents

AFFIDAVIT

I, **Muhammad Owais Zahid S/o Abdul Qayyum,**
Subject Specialist, GHSS Karak, do hereby solemnly
affirm and declare that the contents of the Instant
Application are true and correct to the best of my
knowledge and belief and nothing has been concealed
from this Hon'ble Court.



DEPONENT

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....719.....\2018

Secretary

Diary No. 969
25/5/2018

Muhammad Owais Zahid S/O Abdul Qayum, Subject Specialist, GHSS, Karak..... Appellant

Versus

1. Govt. of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary, Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. Director, Elementary & Secondary Education, Govt. of KPK Peshawar.
4. Deputy Commissioner, Karak,
5. District Education Officer, Male, Karak.
6. District Education Officer, Female, Karak.

7. District Officer Finance, District Karak..... Respondents

8mad9 Impleaded as respondents vide order date 14-07-2021.

Service Appeal U\Section 4 of the KPK Service Tribunal Act, 1974 against the non action on the departmental appeal dated 28.01.2018 received in the office of respondent no.1 on 06.02.2018 for release of TADA accrued in favor of the appellant w.e.f 23.12.2014 to 31.12.2016 for attending court cases on behalf of respondent no.6 and after expiry of statutory period of 90 days instant appeal is being filed before this honorable tribunal.

Prayer in Appeal;

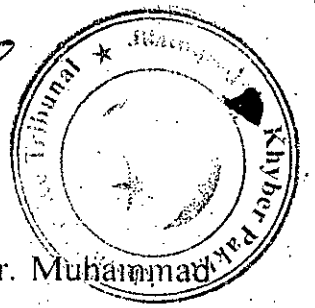
On acceptance of this appeal respondents may be directed to release TADA arrears of the appellant w.e.f 23.12.2014 to 31.12.2016 along with miscellaneous expenses.

Respectfully Sheweth;

1. That presently appellant is serving as Subject Specialist BPS-18 in Elementary and Secondary Education Department Govt. of KPK and is posted at GHSS karak.
2. That while posted as Subject Specialist, GHSS, Jandri, Karak, the appellant on approval by respondent no.3, was appointed through notification having Endst: No.3722-28, dated 23.12.2014 as representative to pursue, handle and deal with court cases pertaining to the office of respondent no.6. Copy of the notification is attached as annexure-A.
3. That appellant in the light of notification was vigorously pursuing court cases from 23.12.2014 to 31.05.2016 in different courts of law. List of cases in which the appellant appeared, court attendance certificate, TA bills and the expenses incurred in preparing of written reply is attached as annexure-B, C, D & E respectively.
4. That respondent no.6 through letter dated 31.05.2016 requested respondent no.3 for release of TADA of the appellant but over leaf the said letter respondent no.3

S.A No.719/2018


Awaris Zahid vs Govt

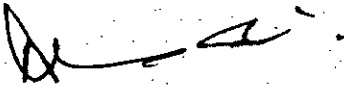


ORDER

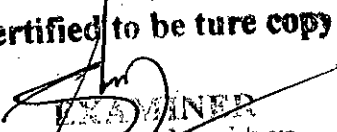
21st Aug. 2023

1. Nobody is present on behalf of appellant. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Case was called for several times but today, nobody put appearance on behalf of the appellant, till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 21st day of August, 2023.*


(Salah Ud Din)
Member (J)

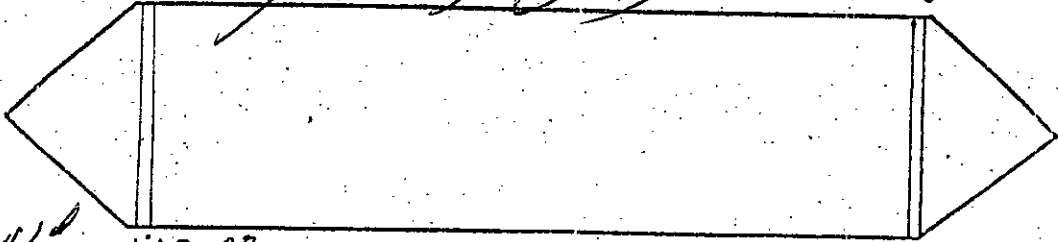

(Kalim Arshad Khan)
Chairman

*Muazem Shah *

Certified to be true copy

EXAMINER
Khuzdar District Service Tribunal
Peshawar

Date of Presentation of Application 04-09-23
Number of Words 27
Copying Fee 10/-
Urgent 18/-
Total 28/-
Name of Copyist _____
Date of Completion of Copy 04-9-23
Date of Delivery of Copy 04-9-23

بعدالت سرورس نر ریسول



2023ء منجانب سرورس نر ریسول
بنام گورنمنٹ

محمد اویس نر

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آئیکہ

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لکھنؤ کیلئے محمد محمود اللہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنا التوائے مقدمہ کے حسب سے ہوگا۔

کوئی تارتخ پیشی مقام دورہ پر ہو یا جرح سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ صدر ہے۔

المرقوم _____ ہاہ _____ 2023

محمد اویس نر

_____ واہ العب _____

کے لئے منظور ہے۔

محمد اویس نر

بمقام