


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 614/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.09.2023	<p>The application for restoration of Appeal no. 1443/2023 submitted today by Mr. Farmanullah Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>07-09-2023</u>. Original file be requisitioned.</p> <p style="text-align: right;">By the order of Chairman    REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

*Restoration Application No. 614/2023*

Misc. Application NO. \_\_\_\_\_/2023

For Restoration

In Service Appeal No. 1443 of 2023

Mst. Bibi Amina .....(Petitioner)

V E R S U S

Government of NWFP etc. ....(Respondents)

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-23
2.	Affidavit		2-4-5
3.	Attested copy of Order		6-8

Appellant

Through

  
**Farmanullah Khattak**  
Advocate  
Supreme Court of Pakistan.

Dated: 05.09.2023



2. *That the above noted appeal when fixed on 17-08-2023 before the Member (J) and when the same was called for hearing on his turn the reply on behalf of official was not filed at that very moment and the reader of the court awarded date in open court on 04-09-2023 for reply, however, later on it appears from the order sheet that official respondents filed their reply and copy of which has been given to the appellant counsel is totally incorrect and appeal was posted for argument on 25-08-2023 before DB.*
3. *That on 25-08-2023, Appellant counsel was marked present, despite of the fact that appellant never appear on the date fixed not the same was noted in the diary and the case was again posted for arguments on 01-09-2023 on account of leave of one member of the bench.*
4. *That the absence of the appellant was neither intentional nor deliberate but it appellant noted the date on 04-08-2023 on 17-08-2023 in open court without awarding PP because PP is always given to the client.*
5. *That the Appellant got the knowledge of dismissal of appeal yesterday despite strike of the Provincial bar Council that the Appeal of the Appellant has already been dismissed on 01-09-2023 and therefore the instant application is filed today after dismissal order on 01-09-2023.*

3

6. *That if the title Appeal is not restored to its original number alongwith suspension order, dated 21<sup>st</sup> July 2023, appellant will suffer irreparable loss. This is the just, honest and fair reason due to non-appearance on the said date of hearing. Besides, the law requires a list to be decided upon merits rather than to be dismissed due to non-appearance.*

*It is therefore most humbly prayed that on acceptance of this Application the title Service Appeal may kindly be restored to its original number for decision on merits alongwith Interim Order in the interest of justice.*

Dated:- 05-09-2023

Through:-

*Your humble appellant*

**Farman Ullah Khattak**  
Advocate Supreme Court of Pakistan

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**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON**  
**KHAWA PROVINCE, PESHAWAR.**

Misc. Application \_\_\_\_\_/2023

**For Restoration**

In Service Appeal No. 1443 of 2023.

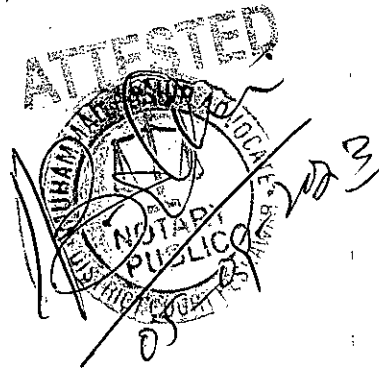
Mst. Bibi Amina.....Vs.....Government of NWFP etc.

**A F F I D A V I T**

I, Farman Ullah Khattak Advocate, as per instruction of my client, do hereby solemnly affirm and declare on oath that the contents of accompanying Misc. Application for Restoration in Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent

**Farman Ullah Khattak**  
Advocate, Peshawar



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**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON**  
**KHAWA PROVINCE, PESHAWAR.**

Misc. Application \_\_\_\_\_/2023


**For Restoration**

**In Service Appeal No. 1443 of 2023.**

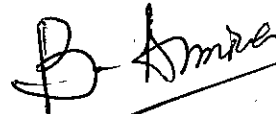
**Mst. Bibi Amina.....Vs.....Government of NWFP etc.**

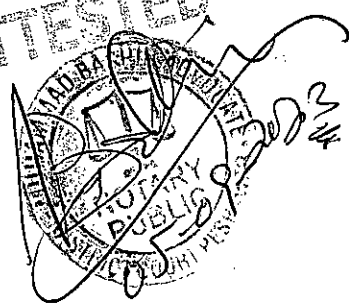
**AFFIDAVIT**

I, Mst. Bibi Amina Principal Govt. Girls Higher Secondary School Mathra, Peshawar, Resident of House No. 56, Street No.3, Sector. N/1, Phase-4, Hayat Abad, Peshawar, do hereby solemnly declare on oath that the contents of the above Misc. Application in Service Appeal as given by me are true and correct to the best of my knowledge and that nothing has been concealed or kept secret from this Hon'ble Tribunal.

Identified by, 

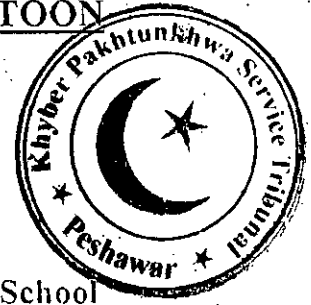
**(Farmanullah Khattak),  
Advocate, Peshawar.**

  
Deponent.

**ATTESTED**  


**BEFORE THE SERVICE TRIBUNAL KHYBERPUKHTOON**

**PESHAWAR.**



Service Appeal No: 1463 of 2023.

Mst. Bibi Amina Principal Govt. Girls Higher Secondary School  
Mathra, Peshawar, Resident of House No. 56, Street No.3, Sector.  
N/1, Phase-4, Hayat Abad, Peshawar. .... (Appellant).

Versus

1. Government of Khyber Pakhtunkhwa, through Chief Secretary  
Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa, through Elementary &  
Secondary Education Department, Civil Secretariat, Peshawar.
3. Director of Education, Directorate of Elementary & Secondary  
Education Department, Main G.T Road, Peshawar.  
..... Respondents.

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST  
WITHDRAWAL OF POSTING ORDER, DATED, 15<sup>TH</sup> MAY,  
2023, THROUGH IMPUGN ORDER ISSUED ON 16<sup>TH</sup> MAY, 2023  
AB-INITIO AND AGAINST WHICH DEPARMENTAL  
APPEAL/REPRESENTATION HAS ALSO BEEN DISMISSED  
BY THE SECRETARY ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT, VIDE, NOTIFICATION, NO.  
SO(S/F) E& SED/4-16/2023, DATED, JULY 5<sup>TH</sup>, 2023.

**PRAYER IN APPEAL**

THAT ON ACCEPTANCE OF THIS APPEAL, THIS HON'BLE  
TRIBUNAL MAY GRACIOUSLY BE PLEASED TO SET ASIDE  
AND CANCELLED THE IMPUGN TRANSFER WITHDRAWAL  
OF OFFICE ORDER, 16<sup>TH</sup> MAY, 2023 ISSUED ON VACANT  
POST OF PRINCIPAL GGSS MATHRA, PASSED BY THE  
SECRETARY ELEMENTARY & SECONDARY BASED ON  
MALFIDE, POLITICAL CONSIDERATION AND LIABLE TO  
BE SET-ASIDE BY THIS HON'BLE TRIBUNAL.

**Respectfully Sheweth:**

1. That applicant joined the service as a Subject Specialist in the year  
2003 on the recommendation of Provincial Public Service  
Commission and was lastly promoted/posted as a Principal (BS-19)

**TESTED**  
*[Signature]*  
06/19/23  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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No.1443/2023

ORDER

1<sup>st</sup> Sept. 2023



1. Nobody is present on behalf of appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Mehran, Assistant for the official respondents No.1 to 3 present. Mr. Haroon, brother of private respondent No.4 present.

2. This case was called for several times but nobody put appearance on behalf of the appellant. Therefore, the appeal in hand is dismissed in default. Consign.

3. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 1<sup>st</sup> day of September, 2023.

\*Mutazem Shah\*

(Salah-Ud-Din)  
Member (J)

(Kalm) Arshad Khan)  
Chairman

**Certified to be true copy**  
06/9/23  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application

04-9-2023

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Page 2

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5) A. No. 1943/2023, Bibi' Amna vs. Govt



11.08.2023

1. Junior to counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for official respondents present. Counsel for private respondent No. 4 present.

2. Written reply on behalf of private respondent No. 4 submitted which is placed on file. Learned AAG seeks time for submission of written reply on behalf of official respondents. Adjourned. To come up for written reply/comments on 17.08.2023 before S.B. P.P given to parties.

(Rashida Bano)  
Member (J)

\*KaleemUllah

17.08.2023 1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Written reply on behalf official submitted which is placed on file. A copy of the same is handed over to learned counsel for the appellant. To come up for arguments on 25.08.2023 before D.B. P.P given to parties.

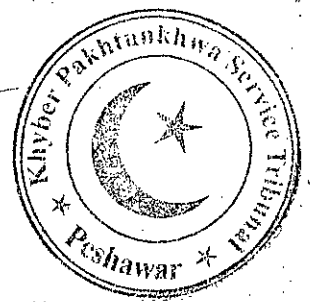
(Rashida Bano)  
Member (J)

\*KaleemUllah

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EX-100/2023  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
24/9/23

S.A No. 1443/2023

6  
Bibi Amina vs Grant



25<sup>th</sup> August, 2023

1. Learned counsel for the appellant present.  
Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 3 and learned counsel for private No. 4 present.

2. Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, bench is incomplete. To come up for arguments on 01.09.2023 before the D.B. Parcha Peshi given to the parties.

(Kalim Arshad Khan)  
Chairman

Certified to be true copy

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
04/09/23

Nasim Amin

Date of Presentation of Application 04-9-23  
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Date of Completion 04-9-23  
Date of Delivery of Copy 04-9-23



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31					

1445 مُحَرَّرَةٌ

AUGUST 2023

29 مُحَرَّرَةٌ  
WEDNESDAY 16

①  
Date by Guest (Comments prepared)

KPEZDMC { ①  
                  ②  
                  ③

30 مُحَرَّرَةٌ  
THURSDAY 17

①  
for reply.