


FORM A  
FORM OF ORDER SHEET

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

Restoration Application No. 621/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.09.2023	<p>The application for restoration of Appeal no. 7450/2021 submitted today by Mr. Saeed Roman Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>12-09-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

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

*Restoration Appli: no. 621/23*  
Misc. Application No \_\_\_/2023

Khyber Pakhtunkhwa  
Service Tribunal

In

Diary No. 7403

Service Appeal No: 7450/2021

Dated 08/09/23

Amir Khan (Chowkidar) Son of Nazar Bashah,  
Govt High School, Garu,  
Tehsil Jehangira, District Nowshera

.....Appellant

Versus

1. District Education Officer (Male) District Nowshera
2. District Account Officer, Nowshera
3. Principal / Head Master Aso Kheil School,  
Nizampur, Tehsil Jehangira.
4. Sub Divisional Education Officer (M) Concerned,  
District Nowshera.

.....Respondents

**APPLICATION FOR RESTORATION OF THE**  
**CAPTIONED APPEAL DISMISSED IN DEFAULT**  
**VIDE IMPGUNED ORDER DATED 05-09-2023.**

**Respectfully Sheweth;**

1. That the above captioned Appeal was pending adjudication before this Hon'ble Tribunal and the same was dismissed for non-prosecution vide impugned order dated: 05/09/2023. (Attested Copy of the relevant Order Sheet is attached herewith)

②

2. That the captioned Appeal was fixed for 31-8-2023 and due to the strike announced by the KP Bar Council, the clerk of the Counsel namely Mansoor Ahmad Siddiqui appeared before this Hon'ble Tribunal and the reader has issued a new date in the said appeal as 06-9-2023. And when the Appellant along with the Counsel, on 06-9-2023 appeared before the Tribunal, then it came into their knowledge that the said appeal was dismissed by this Hon'ble Tribunal on 05/09/2023 on the basis of non-prosecution. (Copy of Diary of the learned counsel dated: 06/09/2023 is annexed)
3. That the absence on 05/09/2023 was not intentional or deliberate, rather due to mistake and in the diary of the counsel of the Appellant, the date was mentioned as 06/09/2023 instead of 05/09/2023 and on 06/09/2023 the counsel of the Appellant applied for the attested copy of the impugned Order which have received on 07/09/2023 and without any delay, has filed the instant application.
4. That it is the prime objective of the law & justice to decide the cases on merit and to avoid technicalities while valuable rights of

3

the applicant/ appellant is attached with the said Appeal.

5. That the instant application is well within time, while this Hon'ble Tribunal has got ample powers to accept the instant application.

*It is, therefore, humbly prayed that on acceptance of the instant application, the captioned Appeal may graciously be restored and be decided on merits after due adjudication.*

Dated: 07-09-2023

عمر زمان

Applicant/ Appellant

Through

*Saeed Roman*  
Advocate, High Court

0311-9066616

Affidavit:

I, (the Appellant) do hereby solemnly affirm & declare on oath that, contents of the foregoing application are true & correct to the best of knowledge & belief and nothing has been concealed from this Hon'ble Tribunal.

عمر زمان  
DEPONENT

03005464609



08/09/23

3 4



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

Service Appeal No. 7450/2021

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 7553

13/09/2021

Amir Khan (Chowkidar) Son of Nazar Badshah,  
Govt. High School, Garu,  
Tehsil Jehangira District Nowshera

.....Appellant

**VERSUS**

1. District Education Officer (Male) District Nowshera
2. District Account Officer, Nowshera
3. Principal/Head Master ~~concerned School~~ *Aso Kheil School*  
District Nowshera  
*Nizamul Tehsil Jehangira*
4. Sub Divisional Education Officer (M) Concerned  
District Nowshera.....Respondents

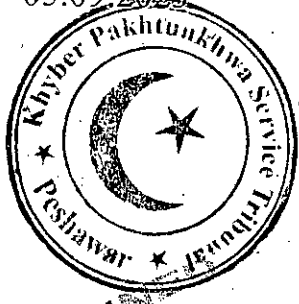
**SERVICE APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT,  
1974, AGAINST THE IMPUGNED  
NOTIFICATION/OFFICE NO.1579-85/DEO  
(M) NSR/ESTAB. BRANCH/MUTAL  
TRANSFER/(M) DATED 28.07.2021  
WHEREBY THE APPELLANT WAS  
TRANSFERRED FROM G.P.S ASO KHEL TO  
GHS GARU**

*Filed to-day*  
*13/9/2021*  
Registrar

**ATTESTED**  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
*07/9/21*

ORDER

05.09.2023



SCANNED  
KPST  
Peshawar

Nemo for the appellant. Mr. Irfan-ul-Haq, 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

05.09.2023

(Fareeha Paul)  
Member (Executive)

(Salah-ud-Din)  
Member (Judicial)

Certified to be true copy

\*Naeem Amin\*

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 06/9/2023  
Number of Words Page 2  
Copying Fee 10/-  
Urgent \_\_\_\_\_  
Total 10/-  
Name of Copyist Shahzad  
Date of Completion of Copy 07-9-23  
Date of Delivery of Copy 07-9-23

SEPTEMBER

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

06  
SEPTEMBER  
بد

20 صتقن 1445  
طلوع آفتاب 5:50  
غروب آفتاب 6:32

(8) (6)

گذشتگان	عنوان مقدمه	کاروانی	عدالت	آخذ تاریخ
---------	-------------	---------	-------	-----------

23/9	42	میرزا علی لوی		
27/11		صوبان قصبه		
		12 PM		
		نعمان الطاهر		
23/9	39	میرزا محمد علی		
	11	طاهر محمد		
8/9	20	محمد علی		
	11	محمد علی		
		HC		
29/9	38	PDA		
dismiss		HC det/Rec		
		Edu		
	20	میرزا محمد		
	20	میرزا محمد		
Status - as				
Granted	38			

AUGUST  
M T W T F S S  
1 2 3 4 5 6  
7 8 9 10 11 12 13  
14 15 16 17 18 19 20  
21 22 23 24 25 26 27  
28 29 30 31

31  
AUGUST  
جمعرات

(6) (7)

14 صتقہ 1445  
ظہور آفتاب 5:46  
غروب آفتاب 6:40

گذشتہ تاریخ	عنوان مقدمہ	کارروائی	عدالت	آفیسر ذمہ دار
	ماسٹر خان بیٹم	Fdu	S.T	6/9 لوہ مہتا



(8) (7)

# بعدالت

جسٹیشن فوایس ٹریبونل  
بشاور

Applicant

2023 منجانب

مورخہ

Mis App  
in

مقدمہ

عامر خان بنام

Service Appeal

دعویٰ

7450/2021

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام بشاور کیلئے سمیعہ رومان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے کے تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ 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 محتاج 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 بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔ 9066616-0311

2023

9

ماہ

7

المرقوم

العبد د گ واہ العبد

کے لئے منظور ہے۔

بشاور

مقام

العبد علی خان

عامر خان ولد نہ راجد سلسلہ مندرجہ لکھنؤ