


## FORM OF ORDER SHEET

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

Restoration Application No. 653/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.09.2023	<p>The application for restoration of Appeal no. 1490/2022 submitted today by Mr. Muti ur Rehman Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>21-09-23</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Restoration APPL. No 652/23*

Service Appeal No. 1490/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7670

Dated 19/09/23

Shamsher Uddin S/O Abdul Rashid, Secondary School Teacher BPS-16,  
at GHS Koshum Tehsil Mastuj, District Chitral Upper.

..... Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
3. Government of Khyber Pakhtunkhwa, through Accountant General (AG) Peshawar.
4. District Education Officer (Male) District Chitral.
5. District Account Officer (DAO), Chitral.

**APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL**

Respectfully Sheweth:

1. That the service appeal was fixed for hearing on 05.09.2023 but on that date the cases were not reflected in the cause list (Copy of cause list is attached).
2. That the case was dismissed in default on 09.11.2021 without serving any notice to the applicant or his counsel.
3. That the valuable rights of the applicant involved in the present case and restoration application is well within time.

4. That non-appearance of the applicant and Counsel for the applicant was not intentional nor deliberate but due to the reason mentioned above.
5. That the applicant wants to restore the titled service appeal as if the case is not restored, the applicant would suffer irreparable loss, hence this application for restoration of the titled service appeal.
6. That the superior courts are of the view that the cases should be decided on its merit rather the technicalities should be avoided.

*In view of the above, it is therefore, most humbly prayed that on acceptance of this application, the above tilted case may kindly be restored, to meet the ends of justice.*

Dated: 19-09-2023

Appellants

Through

MUTI UR REHMAN

&

HIDAYAT UR REHMAN

Advocates High Court Peshawar

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

Restoration No. \_\_\_\_\_/2023

In Appeal No. 1490/2022

**SHAMSHER UD DIN**

**VERSES**

**GOVERNMENT OF KP AND OTHERS**

**AFFIDAVIT**

*I, Muti Ur Rehman Advocate R/O High Court Bar Room Peshawar, as per instruction of my client I do hereby solemnly affirm and declare on oath that all the contents of this Restoration Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this august court.*

Deponent:



**Muti Ur Rehman**  
Advocate High Court  
CNIC. 42201-6951494-9  
Contact # 0344-9704900

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

Service Appeal No. 1490 /2022



Shamsher Uddin S/o Abdul Rashid, Secondary  
School Teacher BPS-16, at GHS Koshum Tehsil  
Mastuj, District Chitral Upper.

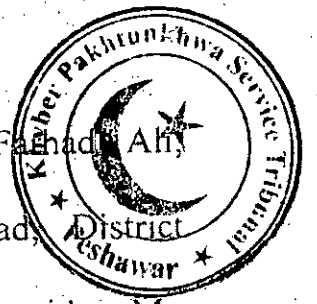
.....**Appellant**

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa, Through  
Chief Secretary, Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through  
Secretary Education, Civil Secretariat, Peshawar.
- 3) Government of Khyber Pakhtunkhwa, through  
Accountant General (AG) Peshawar.
- 4) District Education Officer (Male) District Chitral.
- 5) District Account officer (DAO), Chitral

.....**Respondents**

Certified to be true copy  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



04.07.2023

Appellant in person present. Mr. Fakhad Ali, Account Officer and Mr. Shakeel Ahmad, Account Officer (Upper Chitral) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for preliminary hearing on 05.09.2023 before the S.B at Camp Court Swat. Parcha Peshi given to the parties.

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

\*Naeem Amin\*

S.A No.1490/2022

ORDER

5<sup>th</sup> Sept. 2023

1. Nobody is present on behalf of appellant. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith M/S Shakeel Ahmad, DAO and Muhammad Saifdar, Senior Auditor for the respondents present.
2. This case was called for several times but 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 Camp Court, Swat under my hand and seal of the Tribunal on this 5<sup>th</sup> day of September, 2023.

Date of Presentation of Application 12/9/2023  
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 EXAMINED  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar  
 12/9/23

(Kalim Arshad Khan)  
 Chairman

\*Naeem Amin Shah\*

**LIST OF DB CASES FIXED BEFORE MR. KALIM ARSHAD KHAN, CHAIRMAN &  
MR. AKBAR KHAN, MEMBER (EXECUTIVE)  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, AT CAMP COURT, SWAT  
05/09/2023 (TUESDAY)**

**ARGUMENTS – TRANSFER /STAY**

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT	NEXT DATE
1	7718	2021	Iftikhar-ud-Din	Judiciary	
2	1270	2023	INAYAT ULLAH	E&SE	

**ARGUMENTS – OTHER**

S.NO.	APPEAL	YEAR	NAME	DEPARTMENT	NEXT DATE
1	1318	2018	Iqbal Jehan	Finance	
2	1551	2018	Saeed Ahmad	Education	
3	1630	2021	Ahmad Khan	Agriculture	
4	7117	2021	Muhammad Ashraf	Education	
5	7395	2021	Naseema Bibi	Education	
6	11919	2020	Muhammad Jan & 08	Police	
7	621	2022	Mst.Bakht Pari	Education	
8	820	2022	Abdul Sattar	Forest	
9	1293	2022	SAR ZAMIN KHAN	Education	
10	1680	2022	NISAR AHMAD	E&SE	
11	1762	2022	BASHIR AHMAD	Police	
12	192	2023	SULTANAT KHAN	Forest	
13	373	2023	BAKHT MUNIR	Education	
14	594	2023	IKRAM UD DIN	Revenue	
15	751	2023	AYUB ZARIN	Higer Education	