


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 733/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.10.2023	<p>The application for restoration of Appeal no. 3386/2021 submitted today by Mr. Irshad Ahmad Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No 3386/2021

Restoration No 733 /23

Mr Shakir Ullah S/o Abdul Hanan R/o Dag Behsud P.O Tehsil Pabbi
District Nowshera

..... Appellant/Petitioner

VERSUS

7. Director Elementary & Secondary Education KPK Peshawar.
8. District Education Officer (Male) Peshawar.
9. Deputy Director (Estab) Elementary & Secondary Education KPK Peshawar.

..... Respondents

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Petitioner

Through


Irshad Ahmad Khan


&
Rozeeda Khan

Advocates High Court Peshawar

(1)

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No 3386/2021

Restoration No ^{APPLI} 733 /23

Restoration APPLI no. 733/2023

Mr Shakir Ullah S/o Abdul Hanan R/o Dag Behsud P.O Tehsil Pabbi
District Nowshera

..... Appellant/Petitioner

VERSUS

1. Director Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male) Peshawar.
3. Deputy Director (Estab) Elementary & Secondary Education KPK Peshawar.

..... Respondents

**Application for restoration of the above mention
service appeal No. 3386/2021 which has been
dismissed and default on 06.04.2023.**

Khyber Pakhtunkhwa
Service Tribunal

8151

05/10/23

Respected Sir.

1. That the above mentioned service appeal was pending before this Hon'able Tribunal which was fixed on 06.04.2023.
2. That this Hon'able Tribunal dismiss in default the above titled service appeal on 06.04.2023. (Copy of order is attached as Annexure-A).
3. That the council of the appellant was outstation for court proceeding while the appellant was unable to attend the court due to death of his close relative.
4. That the appellant came to know regarding the order dated 06.04.2023 on 25.09.2023.
5. That non-appearance of the appellant is not intentionally but due to the reason mentioned in above Para.

(2)

It is therefore, most humbly prayed that on acceptance of the instant application the instant service appeal may kindly be restore.

Dated 05.10.2023



Petitioner

Through



Irshad Ahmad Khan

&



Roeda Khan

Advocates High Court Peshawar

3)

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No 3336/2021

Restoration No _____/23

Mr Shakir Ullah S/o Abdul Hanan R/o Dag Behsud P.O Tehsil Pabbi
District Nowshera

..... Appellant/Petitioner

VERSUS

4. Director Elementary & Secondary Education KPK Peshawar.
5. District Education Officer (Male) Peshawar.
6. Deputy Director (Estab) Elementary & Secondary Education KPK
Peshawar.

..... Respondents

AFFIDAVIT

I, Mr Shakir Ullah S/o Abdul Hanan R/o Dag Behsud P.O Tehsil Pabbi District
Nowshera do hereby affirm and declare on oath 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



(4)

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No 3386/2021

Restoration No _____/23

Mr Shakir Ullah S/o Abdul Hanan R/o Dag Behsud P.O Tehsil Pabbi
District Nowshera

..... Appellant/Petitioner

VERSUS

10. Director Elementary & Secondary Education KPK Peshawar.
11. District Education Officer (Male) Peshawar.
12. Deputy Director (Estab) Elementary & Secondary Education KPK
Peshawar.

..... Respondents

**APPLICATION FOR CONDONATION OF DELAY IN
FILING OF APPEAL IF ANY.**

Respectfully Sheweth:

- 1) That the applicant file a restoration application before this Hon'ble Tribunal, in which no date for hearing is fixed so for.
- 2) That due unavoidable circumstances the instant Application was filed with delay, therefore request of the appellant is genuine.
- 3) That there are number of precedence of the Supreme Court of Pakistan. That the cases should be decided on merits neither then on technicalities.
- 4) That there are so many Judgment of the superior court as well as specific provision in service law that limitation has been counted from the date of knowledge.


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It is, therefore, humbly prayed that on acceptance of this application the delay if any in filing of appeal may kindly be condone.

Dated 05.10.2023


petitioner.

Through


Roeda Khan
Advocate High Court
Peshawar

① 'A' 6

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 3386 /2021



Mr. Shakir Ullah S/o Abdul Hanan R/o Dag Behsud
P.O Tehsil Pabbi District Nowshera.

....Appellant

VERSUS

1. Director Elementary & Secretary Education KPK Peshawar.
2. District Education Officer (Male) Peshawar.
3. Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 THAT THE RESPONDENT DEPARTMENT
MAY KINDLY BE DIRECTED TO ALLOW/
ADJUST THE APPELLANT TO PERFORM HIS
DUTY ON HIS ORIGINAL POST AS THE
RESPONDENT DEPARTMENT ILLEGALLY
RESTRAINED THE APPELLANT TO PERFORM
HIS DUTY ON HIS ORIGINAL POSTS.

Prayer:-

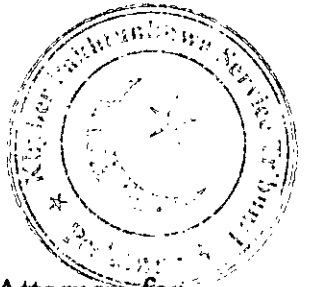
ON ACCEPTANCE OF THIS APPEAL THE
APPROPRIATE DIRECTION TO

Certified to be true copy

EX-111
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5/11/23

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06.04.2023

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

This case was called time and again but neither the appellant nor his counsel appeared before the Tribunal.

As such, the appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced

06.04.2023

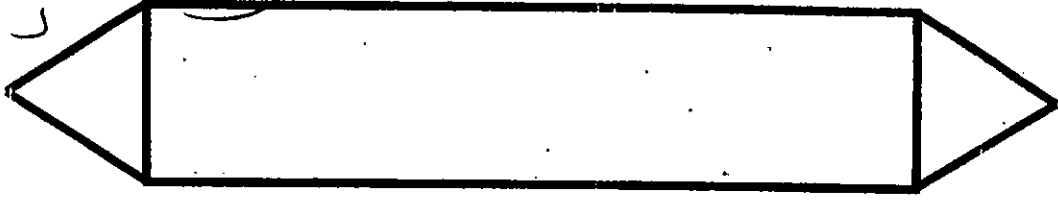
(Muhammad Akbar Khan)
Member (E)

(Rozina Rehman)
Member (N)

Certified to be true copy

Date of Presentation: 05/10/23
 Number of Pages: Page 2
 Copies: 10/-
 Urgent: 5/-
 Total: 15/-
 Name of Copy: Ghalyad
 Date of Completion: 05-10-23
 Date of Receipt: 05-10-23

بعدالت خلیج عربیہ



2023ء منجانب اللہ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام

کیلئے در بندہ احسان حاصل کرنے کے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز ابلاغ وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی 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 سب 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۔

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المرقوم