


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 738/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	09.10.2023	<p data-bbox="482 486 1324 869">The application for restoration of Appeal no. 158/2014 submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>11-10-2023</u>. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p data-bbox="885 970 1270 1146">By the order of Chairman  REGISTRAR</p>

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

Restoration Appli. no. 738/2023

Mr. Abdul Rahim.

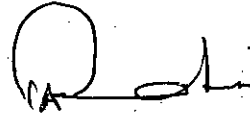
VERSUS

Govt. of KPK, and others

INDEX

S #	Description of Documents	Annexure	Pages
1.	Application		1-2
2.	Affidavit		3
3.	Copy of Impuged Order dated: 26.09.2023.	'A'	4-6

Dated: 09/10/2023



Petitioner/ Appellant

Through

Javed Iqbal Gulbela
(ASC)

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA

SERVICES TRIBUNAL PESHAWAR

Restoration Appli. No. 738/2023

Mr. Abdul Rahim Executive Engineer (Acting Charge)
PHE Division Haripur.

Petitioner/ Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Case No. *8202*

1. Govt. of KPK, through Secretary Public Health ^{dated *09/10/23*}
Engineering Department Peshawar.
2. Chief Engineer, Public Health Engineering
Department Peshawar.
3. Aimal Muhammad Executive Engineer PHE Division
Kohat.
4. Shehzada Behram Executive Engineer PHE Division
Dir Upper.

Respondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED APPEAL NO.
158/2014.**

Respectfully Sheweth;

1. That the above mention appeal was pending adjudication before this Hon'ble Tribunal and has been dismissed for non-prosecution vide impugned order dated: 26.09.2023.
2. That the Petitioner/Appellant on each and every date appear and attended this Hon'ble Tribunal in the instant Appeal regularly by himself or through counsel, the instant appeal was fixed for final arguments dated: 09.10.2023 but for the purpose of acceleration of old cases the case as per order sheet dated 22.09.2023 was fixed for 26.09.2023 instead of 09.10.2023 but the appellant and his counsel were no knowledge of the date fixed for

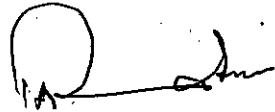
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22.09.2023, the notice for the same date was also not served on the appellant or his counsel due to this the above captioned case was dismissed in default vide order dated: 26.09.2023 but on Petitioner/Appellant counsel did not appear before this Hon'ble Tribunal.

3. That as the counsel for the Petitioner/Appellant did not appeared due to the aforementioned reason, therefore, he was totally unaware of fact that the case was dismissed in default on 26.09.2023. **(Copy of Order dated 26.09.2023 is attached)**
4. That the counsel for the Petitioner came to know regarding the said order on 09.10.2023.
5. That on the fateful day the non attendance of the counsel for the Petitioner/Appellant was not intentional nor deliberate but due to the above mentioned facts, which is beyond control of the counsel.

It is, therefore, humbly prayed that on acceptance of the instant petition, the captioned appeal may graciously be restored and be decided on merits.

Dated: 09/10/2023


Petitioner/ Appellant

Through


Javed Iqbal Gulbela
(ASC)

3

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Mr. Abdul Rahim.

VERSUS

Govt. of KPK, and others

AFFIDAVIT

I, Mr. Abdul Rahim Khan S/o Ghaffar Khan R/o Bangi Khan Mughal Khel, P.O Ghauri Wala Tehsil & District Bannu, do hereby solemnly affirm and declare on oath that all contents of the instant restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this August Court.

DEPONENT

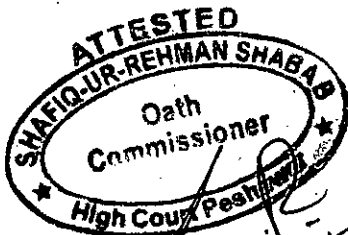
CNIC# 11101-4795603-5

Dated: 09/10/2023

Petitioner/Appellant

Through

Javed Iqbal Gurbela
(ASC)



Shafiq-ur-Rehman Shabab
09/10/23.

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Ann - A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 158/2014



Abdul Rahim,
Executive Engineer (Acting Charge),
Public Health Engineering Division,
Batagram.....Appellant

Versus

- ✓ 1. Govt. of Khyber Pakhtunkhwa
through Secretary, Public Health
Engineering Department, Civil Secretariat,
Peshawar.
- ✓ 2. Chief Engineer,
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
- Es-P 3. Amil Muhammad, Executive Engineer,
Public Health Engineering Division,
Kohat.
- Ex-P 4. Shahzada Behram, Executive Engineer,
Public Health Engineering Division,
Dir Upper.....Respondents

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appal No. 158/2014, Abdur Rahim vs Govt

11th July, 2023

1. Appellant in person present and submitted Wakalat Nama of Mr. Javid Iqbal Gulbelä, Advocate. Mr. Muhammad Jan, District Attorney for the respondents present.

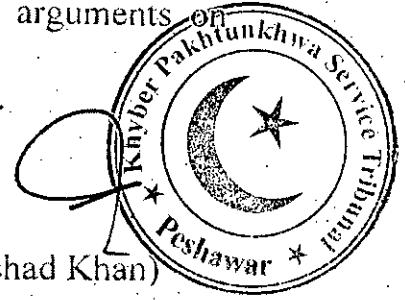
2. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 02.08.2023 before D.B. P.P given to the parties.

SCANNED
POST
Peshawar

Muazem Shah

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman



2nd August, 2023 1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Absolute last chance is given, failing which case will be decided on the basis of available record without the arguments. To come up for arguments on 09.10.2023 before the D.B. PP given to the parties.

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

*Kaleemullah

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EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

09/10/23

22nd Sept. 2023

1. This case was fixed for 09.10.2023 but for the purpose of acceleration of the old cases, the same was requisitioned as the parties had already been informed for today.

2. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Notice be issued to the appellant as well as his counsel for the next date. To come up for arguments on ~~09.10.2023~~ ^{26.09.23} before D.B. ~~RP~~ ^{gr}

given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah



ORDER

26th Sept. 2023

1. Nobody is present on behalf of appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant was contacted on telephone regarding the instant case on 22.09.2023, but today, nobody put appearance on behalf of the appellant, therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open Court at Abbottabad given under our hands and seal of the Tribunal on this 26th day of September, 2023.*

(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

*Mutazem Shah *

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar