


08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 03.10.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar

3.10.2017

None is present on behalf of the appellant. Mr. Muhammad Zubair, District Attorney alongwith Ajeebullah, AD for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.


Member

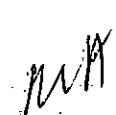

Chairman
Camp Court, Swat.

ANNOUNCED

3.10.2017

04.06.2018

Vide order sheet dated 06.11.2017 in misc. application No. 189/2017, the main appeal No. 400/2016 has been restored which was dismissed in default on 03.10.2017. Misc. application is clubbed with the main appeal.


Member


Chairman
Camp Court, Swat


29.08.2016

Clerk to counsel for the appellant and Mr. Muhammad Iqbal, ADO, alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 31.10.2016 before S.B.


Chairman

31.10.2016


Counsel for the appellant and Mr. Muhammad Iqba, ADO alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 7.02.2017. Since the appeal pertains to territorial limits of Malakand Division, therefore, the appeal is assigned to D.B at Camp Court Swat for the date fixed.


Member

07.02.2017

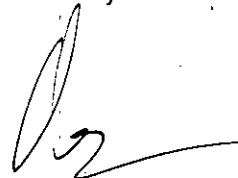
Clerk to counsel for the appellant and Mr. Muhammad Iqbal, AD alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present. decided. Clerk to counsel for the appellant requested for adjournment. To come up for rejoinder and final hearing to 07.06.2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

19.05.2016


Clerk of counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to 14.6.2016 before S.B.



Member

14.06.2016

Agent of counsel for the appellant present. Requested for adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 30.06.2016 before S.B.



Chairman

SCANNED
KPST
Peshawar

30.6.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PST when removed from service vide impugned order dated 2.12.2015 on the allegations of willful absence where-against she preferred departmental appeal on 27.12.2015 which was not responded and hence the instant service appeal on 15.04.2016.

That neither the appellant has remained absent nor enquiry in the moved and manners prescribed by rules was conducted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.08.2016 before S.B.

Appellant Deposited
Security & Process Fee



Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 400/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1.	15.04.2016	<p>The appeal of Mst. Shahida presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	25.4.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28.4.16</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	28.4.2016	<p>Agent of counsel for the appellant present. Seeks adjournment due to strike of the bar. Adjourned for preliminary hearing to 19.5.2016 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

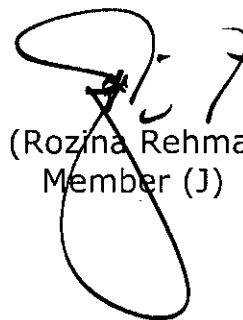
O R D E R
30.06.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 400/2016 titled "Mst. Shahida Versus The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa Peshawar and two others", was dismissed in default vide order dated 02.03.2020. According to the learned counsel for the petitioner, he was busy ⁱⁿ the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat, therefore, he could not appear before the Tribunal on the relevant date. The petitioner has submitted application for restoration of appeal on 13.03.2022, which is well within time. The application for restoration of service appeal is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities.

In light of the above discussion, the application in hand is allowed and the Service Appeal bearing No. 400/2016 stands restored on its original number. Copy of this order be placed on file of Service Appeal bearing No. 400/2016. File be consigned to the record room after necessary completion and compilation.

ANNOUNCED
30.06.2022


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

02.12.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments submitted on restoration application submitted which is placed on file. To come up for arguments on application on 09.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

9-3-22

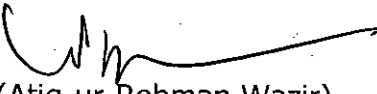
*Due to retirement of the Hon,ble
Chairman the case is adjourned to
come up for the bench before on
30-6-22*

*of aw
Redden*

29.01.2021

Nemo for the petitioner.

Fresh notices be issued to petitioner/learned counsel as well as the respondents for 28.04.2021 before D.B.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

28.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 24.08.2021 for the same as before.


Reader

24.08.2021

Mr. Noor Muhammad Khattak, Advocate, counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Abeeullah, ADEO for the respondents present.

Learned DDA sought time for submission of reply. Adjourned. To come up for reply on restoration application of appeal as well as argument before the D.B on 02.12.2021.

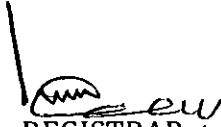

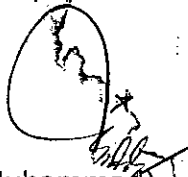


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Form-A
FORM OF ORDER SHEET

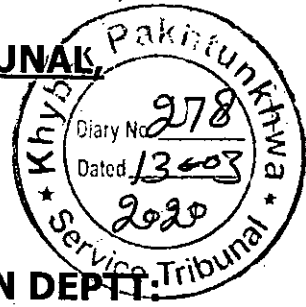
Court of _____

Appeal's Restoration Application No. 80 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.03.2020	<p>The application for restoration of appeal No. 400/2016 submitted by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This restoration application is entrusted to D. Bench to be put up there on <u>2-12-2020</u></p> <p style="text-align: right;"> MEMBER</p>
<p><i>Received today</i> <i>8/12/2020</i></p>	02.12.2020	<p>Nemo for the petitioner.</p> <p>Notices be issued to petitioner/learned counsel.</p> <p>To come up for further proceedings on 29.01.2021 before S.B.</p> <p style="text-align: center;"> (Mian Muhammad) Member(E)</p> <p style="text-align: right;"> Chairman</p>

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

APPEAL NO. 1380 / 2020



Mst. SHAHIDA

VS

EDUCATION DEPTT.

**APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED
APPEAL**

R/Sheweth:

1. That the above mentioned appeal filed by the appellant before this august Tribunal which was fixed for hearing on 02.03.2020.
2. That appellant filed the above mentioned appeal against the impugned order dated 02.12.2015 whereby the appellant was removed from service.
3. That on the above mentioned date Counsel for the appellant was busy before the Honorable Peshawar High Court, Mingora Bench Dar-Ul-Qaza, Swat due to which Counsel for the appellant could not appear before this august Tribunal on the date mentioned above.
4. That this august Tribunal dismissed the appeal of the appellant on the date mentioned above due to non availability of the Counsel for appellant.
5. That non availability of the Counsel for appellant was not intentional but due to the above mentioned reason.

It therefore, most humbly prayed that on acceptance of this application the above mentioned appeal may very kindly be restored.

Dated: 13.03.2020.

APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO.400/2016

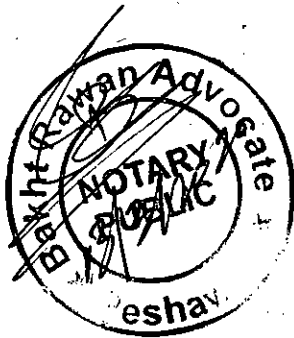
SHAHIDA

VS

EDUCATION DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak Advocate on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




NOOR MOHAMMAD KHATTAK
ADVOCATE

3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 400 /2016

**N.W.F. Province
Service Tribunal
Diary No. 383
Dated 15-4-2016**

Mst: Shahida, ex: Theology Teacher,
GGMS Kakad, Dir Upper..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Female), Dir Upper.




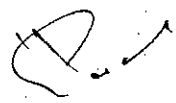
..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 2.12.2015 WHEREBY APPELLANT WAS REMOVED FROM SERVICE WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD


02.03.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Ajeeb Ullah ADO present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED.
02.03.2020

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of ...
 400 12-3-2020
 6-02
 4-00
 10-02

 Date of ...
 Date of ... 12-3-2020
 12-3-2020

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BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

C.M. 471/2018 in SERVICE APPEAL No. 400/2016

Mst. Shahida-Ex. Theology Teacher GGMS Kakad DIR UPPERAPPELLANT.

Versus.

- 1 The Govt. of Khyber Pakhtunkhwa through Secretary E&SE: KP Peshawar .
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 The District Education Officer Female Upper Dir. ----- RESPONDENTS.

INDEX

S#	Documents	Annexure	Page
1	Replication for restoration	-----	1
2	Affidavit	-----	2
3	Photocopy of Order Sheet	A	3
4	Authority	-----	4

Deponant
Deponent 15701-11754429

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

C.M. 471/2018 in SERVICE APPEAL No. 400/2016

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- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 The District Education Officer Female Upper Dir. ----- RESPONDENTS.

Replication for Restoration

Respectfully sheweth.


PRELIMINARY OBJECTIONS.

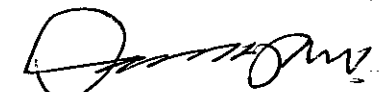
- 1. That the Appellant has not come to the Tribunal with clean hands.
- 2. That the Appellant has no cause of action /Locus standi.
- 3. The Applicant is not interested to pursue her case.
- 4. That the no plausible explanation has been given in the application.

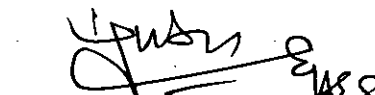
ON GROUNDS

- 1. That Para No1 is correct.
- 2. That Para No.2 is correct.
- 3. That Para No. is correct.
- 4. That No detail of cases pending before Honorable High Court has been given nor the cause list has been attached therefore Para No. is incorrect hence denied. It is pertinent to mention here that the SA was dismissed on 5/6/2018 which was restored on 4/10/2018 and due to non-prosecution the case was again dismissed on 6/12/2018 which shows their disinterest and wasting the precious time of this August Tribunal and Department. (The Photocopy of order sheet is annexed as A)
- 5. As already stated in Para No.4 above.

It is therefore humbly prayed that keeping in view of the above made humble submission, the application for restoration may graciously be dismissed in favor of the answering respondents with cost please.


 SECRETARY EDUCATION,
 E&SE KP PESHAWAR.
 (RESPONDENT NO 1)


 DIRECTOR,
 E&SE KP PESHAWAR.
 (RESPONDENT NO2)


 DISTRICT EDUCATION OFFICER
 FEMALE DIR UPPER

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

C.M. 471/2018 in SERVICE APPEAL No. 400/2016

Mst. Shahida Ex. Theology Teacher GGMS Kakad DIR UPPERAPPELLANT.

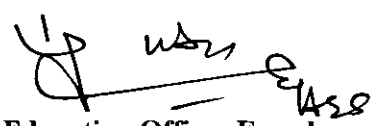
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- 1 The Govt.: of Khyber Pakhtunkhwa through Secretary E&SE: KP Peshawar .
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 The District Education Officer Female Upper Dir.

----- RESPONDENTS.

AFFIDAVIT

I Hussan Ara District Education Officer female Upper Dir do herby solemnly affirm that the contents replication for restoration are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



District Education Officer Female
Upper Dir.



09.08.2018

None for the petitioner. Due to summer vacations, the case is adjourned. To come ur for the same on 04.10.2018 at camp court Swat.

[Signature]
Reader

[Handwritten scribble] (3)



04.10.2018 ✓

Petitioner with counsel present. Mr. Usman Ghani, District Attorney for the respondents present. Arguments on restoration application heard and case file perused.

The appeal was dismissed in default due to non-prosecution on 05.06.2018. The petitioner filed application for restoration on 12.06.2018 which is well within time and the reason given in the application are genuine, hence, the instant appeal is restored on its previous number. To come up for arguments on main appeal on 06.12.2018 before the D.B at camp court, Swat.

Announced:
04.10.2018

[Signature]
Member
Camp Court Swat

06.12.2018 ✓

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney for the respondents present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

[Signature]
Member

Certified to be true copy

[Signature]
KHWAJA PAKHTUNKHWA
Service Tribunal,
Peshawar

[Signature]
Member
Camp Court Swat

ANNOUNCED

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

C.M. 471/2018 in SERVICE APPEAL No. 400/2016

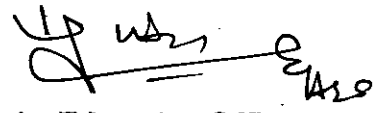
Mst. Shahida Ex. Theology Teacher GGMS Kakad Dir Upper.....APPELLANT.

Versus.

- 1 The Govt.: of Khyber Pakhtunkhwa through Secretary E&SE: KP Peshawar .
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 The District Education Officer Female Upper Dir. ----- RESPONDENTS.

AUTHORITY

Mr. Ajeebullah Assistant District Officer Education office of the District Education Officer Female Upper Dir is hereby authorized to submit para wise comments in C.M 471/2018 in Service Appeal No.400/2016 of Mst. Shahida VS Education Department.


District Education Officer,
Female Upper Dir.