


FORM OF ORDER SHEET

Court of _____


Restoration Application No. 310/2023

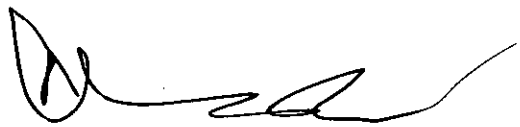
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	17.05.2023	<p>The application for restoration of appeal 3493/2021 received today by registered post through Mr. Abdul Aziz Khan Tanoli Advocate. It is fixed for hearing before touring Division Bench at A.Abad on 19/6/23 Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> for REGISTRAR</p>
19 th	June, 2023	<p>1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.</p> <p>2. This application is for restoration of appeal dismissed in default vide order dated 28.03.2023. The original file shows that on 24.01.2023, learned counsel for the appellant had put appearance and had requested for adjournment, which was adjourned to 28.03.2023. On 28.03.2023 the appeal was dismissed in default due to non-appearance of the appellant and his counsel. It was contended by the petitioner that he had mistakenly noted the next date as 28.04.2023 and being unaware of the next date as 28.03.2023, he was informed on 28.04.2023 regarding dismissal in default of his case. Learned AAG also showed no objection on acceptance of the instant application.</p> <p>3. In view of the submission of the petitioner and in the interest of justice, this application is allowed but on payment of Rs.10,000/- as cost to be paid on behalf of petitioner, to be</p>

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deposited in some orphanage. The appeal stands restored to its original number. The appellant is given last chance to argue this appeal failing which the appeal will be decided on the available record without the arguments. To come up for arguments on 23.10.2022 before D.B at camp court Abbottabad.

4. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 19th day of June, 2023.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

S.A #. 3493/2021

ORDER

23rd Oct. 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Vide our consolidated judgment of today placed on file of connected Service Appeal No.3492/2021 titled "Bahadur Khan Vs. Secretary Elementary & Secondary Education & others", appellant is entitled for counting of service for protected period and for payment of pensionary benefits only. This appeal is accepted to the extent that the appellant is allowed counting of his services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. (Copy of the judgment be placed on file of this case). Consign.

3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 23rd day of October, 2023.*


(Fareha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman