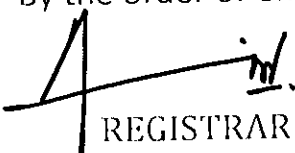


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 845/2023

S.No.	Date of order Proceedings.	Order or other proceedings with signature of judge
1	2	3
1	22.11.2023	<p>The application for restoration of Appeal no. 358/2023 submitted today Mr. Zakir Hayat Advocate. It is fixed for hearing before Single 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  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Application

No: 845/2023

Civil Miscellaneous No. _____/2023

In Servies Appeal No. 358 /2023

Zaheer Hussain, Assistant, Directorate of Labour Peshawar -----Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary Finance Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Secretary Law Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. Secretary Labour Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
5. Director, Labour Directorate Khyber Pakhtunkhwa, 3rd floor FC trust building Sunehri masjid road, Peshawar**Respondents.**

INDEX

Description of Documents		Page No.
Memo of Civil Miscellaneous Application along with Affidavit.		1-2
Annexure-A	Copy of the Parcha Peshi for next date of hearing	3
Annexure-B	Copy of the order sheet dated 26-10-2023	4-5

Zaheer Hussain
Appellant
Through:

Zakir Hayat
ZAKIR HAYAT ASC
(Peshawar)
03339127495

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Application

Civil Miscellaneous No. _____/2023 *No: 845/2023*
In Services Appeal No. 358/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *9340*

Dated *22-11-2023*

Zaheer Hussain, Assistant, Directorate of Labour Peshawar -----Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary Finance Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Secretary Law Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. Secretary Labour Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.
5. Director, Labour Directorate Khyber Pakhtunkhwa, 3rd floor FC trust building Sunehri masjid road, Peshawar**Respondents.**

**APPLICATION UNDER RULES 19 (3) OF KPK, SERVICE TRIBUNAL RULES, 1974 FOR
SETTING ASIDE ORDER DATED 26-10-2023 AND RESTORATION OF SUBJECT
MENTIONED APPEAL WHICH WAS DISMISSED IN DEFAULT / FOR NON-
PROSECUTION AND HAS BEEN CONSIGNED**

Respectfully Sheweth

1. That, the title service appeal was pending before this Honorable Tribunal and was fixed for 05-10-2023.
2. That applicant was given next date for hearing 29-01-2024 whereas the case was fixed on 26-10-2023. *(copy of the Parcha Peshi for next date of hearing is attached as Annexure-A)*
3. That applicant while come to tribunal while submitting early application in aforementioned case, then came to know that appeal was dismissed in default. *(Copy of the order sheet dated 26-10-2023 is attached as annexure B)*
4. That, the absence from the Tribunal was not intentional rather the same was due to not putting the Appellant on notice, inadvertently by the office and in this respect an Affidavit is also attached.
5. That, if the matter is not restored the Applicant will suffer and his whole service career will be at stake.
6. That, Applicant / Appellant and his Counsel assured this Honourable Tribunal to be punctual and regular in the proceedings before this Honourable Tribunal, subject to notice.
7. That, the superior courts had time and again held that the matter be decided on its merits rather than deciding the same on the basis of technicalities.

7. That, the superior courts had time and again held that the matter be decided on its merits rather than deciding the same on the basis of technicalities.

It is, therefore, requested that on acceptance of this Application, the Impugned Order dated 26.10.2023 may please be set aside, titled Service Appeal be restored in its original number and be decided on its merits.

Appellant
Through:

ZAKIR HAYAT ASC
(Peshawar)
03339127495

AFFIDAVIT

I **Zaheer Hussain, Assistant Applicant / Appellant** do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT

ATTESTED
Gul Daraz Khan
Oath
Commissioner
Advocate High Court Peshawar

3
Annex A

DR

29/1/24

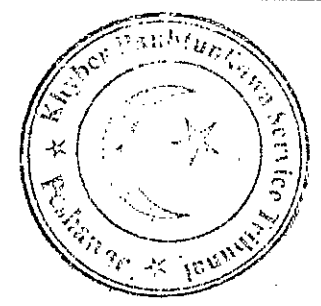
356/23

Q

(4) Annexo B

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 358 / 2023.



ZAHEER HUSSAIN, Assistant (BS-16),
Directorate of Labour, 3rd Floor, FC Trust Building,
Sunehri Masjid Road Peshawar Cantt.

..... Appellant.

Versus

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **SECRETARY FINANCE,**
Government of Khyber Pakhtunkhwa,
Finance Department, Civil Secretariat, Peshawar.
3. **SECRETARY LAW,**
Government of Khyber Pakhtunkhwa,
Law Department, Civil Secretariat, Peshawar.
4. **SECRETARY LABOUR,**
Government of Khyber Pakhtunkhwa,
Labour Department, Civil Secretariat, Peshawar.
5. **DIRECTOR LABOUR,**
Directorate of Labour, 3rd Floor, FC Trust Building,
Sunehri Masjid Road Peshawar Cantt.

..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1973 AGAINST
ORDER DATED 30-12-2022, COMMUNICATED TO THE APPELLANT ON
25-01-2023, THROUGH RESPONDENT NO. 5, WHEREBY APPEAL FOR THE
GRANT OF ALLOWANCE ON THE ANALOGY / PATTERN OF SECRETARIAT
PERFORMANCE ALLOWANCE HAS BEEN REGRETTEED**

For a true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
20/11/23

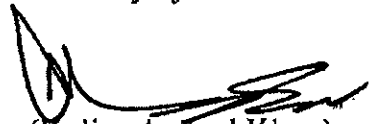
A. No. 358/2023
Zeheer Hussain vs Gail (S)

26th Oct, 2023

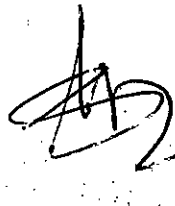
1. None for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. The case was called for several times but nobody put appearance on behalf of the appellant till rising of the court. Therefore, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 26th day of October, 2023.


(Kalim Arshad Khan)
Chairman

Adnan Shah


 20/11/23

20-11-23

Pages = 2

10/-

15/-


20-11-23
20-11-23