

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 888/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1.	2	3
1	28.11.2023	<p>The application for restoration of Appeal no. 1833/2023 submitted today Mr. Amjid Ali 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 KP Service
Tribunal Peshawar

CM NO _____ 2023
in

S.A NO 1833/2023

Ameex Abdullah vs Govt

Subj Request for hearing
Application for restoration
in principal seat at
earliest

Siv.

1. That aforementioned application
for restoration has been filed
today.

2. That counsel for applicant as
well as applicant is at
Mardan / Peshawar, so may
please be heard at Peshawar.

It is therefore requested
to fix above noted restoration
application at Peshawar. ~~Applicant~~
Dt 28/11/2023 Supreme Court Amjad Ali Adv

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR CAMP COURT, D.I.KHAN**

Restoration Appli. 888/2023

C.M No. _____/2023

IN

In Service Appeal No.1833/2023

Ameer Abdullah.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through
Secretary Health Department and others.....Respondents

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Dated: 28.11.2023

M. Amir Abdullah

Appellant

through

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR CAMP COURT, D.I.KHAN

Restoration Appli. no. 888/2023

C.M No. _____/2023
IN
In Service Appeal No.1833/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9580

Dated 28-11-2023

Ameer Abdullah S/o Muhammad Jahangir
R/o Shadman Colony Muryali, D.I.Khan.

Chief PHE Technician T.B.C D.I.Khan.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
4. District Health Officer (DHQ), D.I.Khan at DHQ Office D.I.Khan.
5. District Accounts Officer, D.I.Khan.
6. Head Clerk DHQ, D.I.Khan.
7. Accounts Clerk DHQ Hospital, D.I.Khan.

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE APPEAL AS WELL AS
IMPLEMENTATION.**

Respectfully Submitted:

1. That the appellant preferred a Service Appeal before this hon'ble Tribunal.

2. That appellant was given 22.11.2023 in implementation as well as in main Appeal on one date in D.I.Khan, but when appellant appeared in Tribunal, in D.I.Khan on 22.11.2023, the Tribunal informed that main appeal has been dismissed in default on 21.11.2023 and implementation dismissed on 22.11.2023.
3. That the absence is not deliberate, but due to the misunderstanding.
4. That the absence of the appellant and his counsel was not willful but due to the above mentioned reasons.
5. That valuable rights of appellant are involved in the case in hand, which requires decision on merit.
6. That this hon'ble Tribunal has got vast powers to accept the instant application.

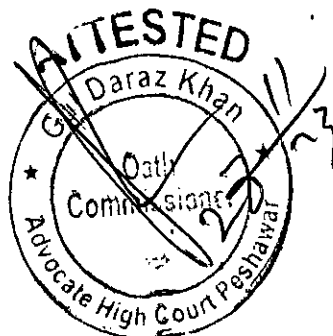
It is, therefore, prayed that on acceptance of this application the titled appeal as well as implementation may kindly be restored to meet with the ends of justice.

Dated: 28.11.2023

M. Amjad Ali
Appellant
Through
Amjid Ali (Mardan)
Advocate, Supreme Court

AFFIDAVIT

I, Ameer Abdullah S/o Muhammad Jahangir R/o Shadman Colony Muryali, D.I.Khan. do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble Court.



M. Amjad Ali
Deponent

Ann A

3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1833 /2023



Ameer Abdullah S/O Muhammad Jahangir R/O Shadman Colony,
Miryalai Tehsil and District Dera Ismail Khan

.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7437

Dated 12/19/2023

VERSUS

1. Govt of KP through Secretary Health KP at Civil Secretariat Peshawar
2. Secretary Health KP at Civil Secretariat Peshawar
3. Director General, Health Services KP at Directorate of Health Services, Warsak Road, Peshawar
4. Regional Director General Health Services South, at Directorate of Health Services, Warsak Road, Peshawar
5. District Health Officer (DHO) Dera Ismail Khan at DHO Office DI Khan
6. District Account Officer, Dera Ismail Khan at DAO Office DI Khan
7. Head Clerk, DHO Office D.I Khan
8. Accounts Clerk, DHO Office D.I Khan

.....Respondents

filed-to-day

Registrar

Appeal under section 4 of Service Tribunal Act for inaction of the respondent no 5 to give effect to the appellate order dated 28.02.2023 passed by Director General Health Services KP, order dated 19.05.2023 passed by Director (HRM) Directorate General Health Services KP and orders dated 21st July 2023 & 1st August 2023 passed by Section Officer-III to worthy Secretary Health KP wherein appellant is not adjusted as Chief PHC Technician (MP) (BPS-16) in the Sanitation Unit in the office of DHO D.I Khan and non-release of salary of appellant since February 2023 till date and onwards inspite of promotion & posting order dated 11.11.2022 and adjustment order dated 28.02.2023 and thereafter departmental appeal dated 06.06.2023 for implementation of aforementioned orders remained un-responded even after lapse of 90 days which are illegal against law and facts.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

21/11/23

A. No. 1833/2023



07.11.2023

1. Clerk of counsel for the appellant present. Mr. Syed Asif Ali Shah learned Deputy District Attorney alongwith Laeq Ahmand, Computer Operator for official respondents present. Nobody present on behalf private respondent 5 to 9, hence they are placed ex-parte.

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2. Written reply on behalf of official submitted which is placed on file. A copy of the same is handed over to the clerk of counsel for the appellant. Case pertains to camp court, D.I Khan, therefore, it be fixed for arguments on 21.11.2023 before D.B at camp court DI Khan/ P.P given to the parties.

SCANNED
XEROX
FOOTNOTES

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

KaleemUllah

ORDER

21st Nov. 2023

1. Nobody is present on behalf of appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Case was called for several times but nobody put appearance on behalf of the appellant till rising of the Court, therefore, the appeal in hand is dismissed in default. Consign.
3. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 21st day of November, 2023.*

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Original to be filed copy
28/11/23

Date of Presentation of Application 28-11-23
Number of Words page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Clerk Shalpaal
Date of Completion 28-11-23
Date of Delivery 28-11-23

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Execution Petition no. 694/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

7943

27/09/23



In Re:

Service Appeal No. 1833/2023

Ameer Abdullah S/o Muhammad Jahangir R/o
Shadman Colony Miryali, tehsil & District Dera
Ismail Khan.

.....Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
- 2) Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Director General, Health Services Khyber Pakhtunkhwa at Directorate of Health Services, Warsak road, Peshawar.
- 4) Regional Director General Health Services South at Directorate of Health Services, Warsak road, Peshawar.
- 5) District Health Officer (DHO) Dera Ismail Khan at DHO Office D.I.Khan.
- 6) District Account Officer, Dera Ismail Khan at DAO Office D.I.Khan.
- 7) Head Clerk, DHO Office D.I.Khan
- 8) Accounts Clerk, DHO Office D.I.Khan

Certified true copy

...Respondents

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

22nd Nov, 2023

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1. Petitioner in person present. Mr. Habib Anwar, learned Additional Advocate General alongwith Dr. Muhammad Rizwan, Focal Person for the respondents present.

2. Since the main service appeal No. 1833/2023 of the petitioner has been dismissed in default on 21.11.2023 while the instant execution petition is inconsequence of interim order of the main service appeal of the appellant, therefore, the execution petition become infructuous. The petitioner is at liberty to approach the court after restoration of his main service appeal, if so advised.

3. In view of the above the instant execution petition dismissed being infructuous. Consign.

4. Pronounced in open court at camp court D.I.Khan and given under my hand and seal of the Tribunal on this 22nd of November, 2023.

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (E)
Camp Court D.I.Khan

kamranullah

Date of Presentation of Application 28-11-23
Number of Work 27
Costing Fee 10/-
Filing Fee 5/-
18/-
Date 28-11-23
28-11-23