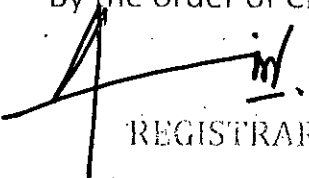


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 826/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.11.2023	<p>The application for restoration of Appeal no. 8640/2020 submitted today him. It is fixed for hearing before touring Division Bench at Swat on _____</p> <p>.Original file be requisitioned.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE HONOURABLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

C.M No. \_\_\_\_\_-M/2023

In

Service Appeal No. 8640/2020

Yaseen Khan..... **Applicant/appellant**


**VERSUS**

Govt of Khyber Pakhtunkhwa & other..... **Respondents**

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Applicant/Appellant through Counsel

  
**SYED ABDUL HAQ**  
(ASC)  
HIGH COURT  
DARULQAZA  
BAR ROOM SWAT  
Cell No 03110950959

SYED ABDUL HAQ  
(ASC)

(1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

C.M No. \_\_\_\_\_-M/2023

Khyber Pakhtunkhwa  
Service Tribunal

In

Diary No. 9097

Dated 16/11/23

Service Appeal No. 8640/2020

*Chawticular o/o XEN PHE Dir Lower*  
Yaseen Khan Son of Shams Ur Rahman resident of  
Bangai, Tehsil Timergara, District Dir Lower.

.....**Applicant/appellant**

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through secretary Public Health Engineering Department at Peshawar.
  2. Superintending Engineer Public Health (PHE) Circle Malakand at Timergara
  3. Executive Engineer Public Health Engg: Division Dir Lower at Timergara.
  4. Chief Engineer (North) Public Health Engineering department Peshawar.
  5. Deputy District Officer Water Supply & Sanitation Dir Lower at Timergara
- Respondents**

**APPLICATION FOR RESTORATION THE SERVICE**  
**APPEAL NO. 8640/2020 AND BE DECIDED ON MERIT**  
**AS THE SAME WAS DISMISSED FOR NON-**  
**PROSECUTION ON 03.10.2023.**

Respectfully Sheweth;

The facts of the instant application are, as under.

1. That the applicant/appellant filed service appeal bearing No. 8640/2020 before this honorable tribunal on 27.07.2020.
2. That on 03.11.2021 preliminary arguments were heard and the appeal was admitted to regular hearing. (Copy of the order sheet dated 03.11.2021 is attached)
3. That from the date of institution till 03.10.2023 the applicant/appellant always remained in attendance before this honorable Tribunal, furthermore this honorable Tribunal also imposed cost of Rs. 2000/- due to non-submitting comments/reply on behalf of official respondents vide order sheet dated

3

08.09.2022. (Copy of order sheet dated 08.09.2022 is attached)

4. That the applicant/appellant having a strong prima facie case and valuable rights are attached with the instant case, furthermore the applicant/appellant got the attested copy on 10.11.2023 as and when he got knowledge about the fate of the appeal that the same has been dismissed in default vide order dated 03.10.2023. (Copy of the order dated 03.10.2023 is attached)
5. That the application is within time as there is however, no specific article, which deals with the application for restoration of appeal dismissed in default, therefore, reliance is to be placed on article 181 of the first schedule to the act which provides that for an application for which no period of limitation is provided elsewhere in the schedule the period of limitation is 3 years from the date when the right to apply accrues.

4

It is, therefore, humbly  
prayed that on acceptance of this  
application, the appeal  
mentioned above may kindly be  
restored and be decided on merit.

  
Applicant/Appellant

Through Counsel

  
SYED ABDUL HAQ

Advocate, Supreme Court  
Sweet



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**BEFORE THE HONOURABLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

C.M No. \_\_\_\_\_-M/2023

In

Service Appeal No. 8640/2020

Yaseen Khan ..... **Applicant/appellant**

**VERSUS**

Govt of Khyber Pakhtunkhwa & other..... **Respondents**

**AFFIDAVIT**

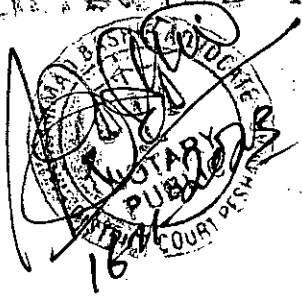
*I, Yaseen Khan son of Shams Ur Rahman resident of Bangai, Tehsil Timergara, District Dir Lower, (appellant), do hereby solemnly affirm and declare on oath that as per instruction of my client the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this honourable Court.*

**DEPONENT**

*Yaseen Khan*

**YASEEN KHAN**

**ATTESTED**

*16*  
A circular notary seal for a Notary Public in the District of Peshawar, Khyber Pakhtunkhwa. The seal contains the text 'NOTARY PUBLIC' and 'DISTRICT PESHAWAR'. There are handwritten initials and a date '16' over the seal.


*0346-8002270*

03.11.2021

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal in hand is admitted to regular hearing subject to all legal objections including question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 07.12.2021 before the S.B at Camp Court Swat.


Appellant Deposited  
Security & Process Fee

  
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

07.12.2021

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned D.D.A is required to contact the respondents to submit reply/comments. Adjourned. To come up for reply/comments on 04.01.2022 before S.B at Camp Court Swat.


  
(Atiq Ur Rehman Wazir)  
Member (E)  
Camp Court, Swat



CS 09 7077

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Last opportunity is extended subject to cost of Rs. 2000/-. Adjourned. To come up for reply/comments on 05.10.2022 before S.B at Camp Court Swat.

  
(Milan Muhammad)  
Member (E)  
Camp Court Swat

05.10.2022

Appellant in person present.

Riaz Khan Pindakhel, learned Assistant Advocate General present. Nemo for respondents.

Despite the fact that last opportunity was extended subject to payment of cost of Rs.2000/-, neither costs were deposited nor written statement was submitted, therefore, all the respondents are placed ex-parte. To come up for arguments on 08.11.2022 before D.B at Camp Court, Swat.

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(1)

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Service Appeal No. 8640 /2020




Yaseen Khan Son of Shams ur Rehman Resident of Bangai Tehsil  
Timeragra District Dir Lower ..... Appellant

**VERSUS**

- 1) Govt. of Khyber Pakhtunkhwa, through Secretary Public Health Engineering Department at Peshawar.
- 2) Superintending Engineer Public Health Engineering (PHE) Circle Malakand at Timergara.
- 3) Executive Engineer Public Health Engg: Division Dir Lower at Timergara.
- 4) Chief Engineer (North) Public Health Engineering department Peshawar.
- 5) Deputy District Officer Water Supply & sanitation dir lower at timergara..... Respondents

**APPEAL UNDER SECTION 4 OF THE GOVT. OF**  
**KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**ACT, 1974 AGAINST THE ILLEGAL, UNLAWFUL**  
**ACTION WHEREIN THE OFFICIAL RESPONDENTS**  
**REJECTED THE APPEAL (REGARDING**  
**RE-INSTATEMENT IN SERVICE), VIDE ORDER**  
**DATED 25.6.2020.**

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ORDER**  
03.10.2023

Nemo for the appellant. Mr. Muhammad Jan, District

Attorney for the respondents present.



Today nobody put appearance on behalf of the appellant despite repeated calls at different intervals till rising of the court, therefore, the instant appeal is dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**

03.10.2023

(Rashida Bano)  
Member (Judicial)  
Camp Court Swat

(Salah-ud-Din)  
Member (Judicial)  
Camp Court Swat

Certified to be true copy

\*Naeem Amin\*

EX-112/2020  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10/11/23

Date of Presentation of Application	10-11-23
Number of Words	pages = 2
Copying Fee	10/-
Urgent	5/-
Total	15/-
Name of Copyist	8 heliyul
Date of Completion	10-11-23
Date of Delivery	10-11-23