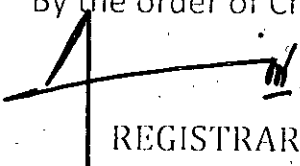


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 941/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.12.2023	<p>The application for restoration of service appeal no. 1462/2022 submitted today by Mr. Abrar ul Haq 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>

IN THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Restoration Application 941 /2023
IN
Service Appeal No 1462/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9671

Dated 04-12-2023

Salabat Khan s/o Noor Muhammad Khan
R/o Sada Khel wazir P/o Domel, District Bannu.
(Applicant/Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary Higher Education, Civil Secretariat, Peshawar.
3. Director Higher Education, Peshawar. (Respondents)

APPLICATION FOR RESTORATION OF
THE INSTANT APPEAL NO 1462/2021
DISMISSED FOR NON-COMPLIANCE
VIDE ORDER DATED 16/11/2023.

Respectfully Sheweth:-

Appellant/Applicant humbly submits as under;

1. That the above titled service appeal was fixed for hearing before this Hon'ble Tribunal on 16/11/2023, which was dismissed for non-compliance of court order by this Hon'ble Tribunal vide order dated 16/11/2023.

(Copy of order is attached)
2. That the Applicant/Appellant seeks the restoration of instant appeal on the following grounds inter-alia;

GROUND S

- a) That the counsel for the Appellant/Applicant was present on date fixed and has marked his attendance with the reader of the tribunal in early hours, while in later hours the counsel for the appellant was engaged/busy before the High Court in some other cases and when the counsel came back to attend this Hon'ble Tribunal at 02:00pm, this Hon'ble Tribunal had announced the order for dismissal due to non-compliance of the Court order.
- b) That the instant application of restoration is well within time.
- c) That the appellant/applicant has got good prima facie case and valuable rights of the applicant are attached to the instant case.
- d) That the non-compliance of the Court order was due to non-awareness as the applicant/appellant was not aware of the court order dated 13/10/2023 for deposit of security fee and TCS/LCS.
- e) That the non-compliance of the court order was neither intentional nor willful, but for the good and sufficient reasons hereinabove stated.
- f) That this Hon'ble tribunal has got ample powers to restore instant appeal.

g) That plethora of Judgments of the superior courts are available on the point that cases should be heard on merit rather disposed on technicalities.

It is, therefore, humbly prayed that on acceptance of this application the above captioned case/appeal may be restored for the best interest of justice

Applicant/Appellant
Through

Ala. Ahrar
Abrar ul Haq
Advocate High Court

Affidavit

Stated upon oath that the contents of the instant application are true and correct to the best of my knowledge and belief.

Deponent

Aboss
Through Counsel *Mudh 2x*



30-11

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1462 /2022



Salabat Khan S/o Noor Muhammad Khan
R/o Sada Khel Wazir P/o Domel, District Bannu.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Higher Education, Civil Secretariat, Peshawar.
3. Director Higher Education, Peshawar.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER/NOTIFICATION NO.SO(C-
II)/HED/12-6/2022/SALABAT KHAN DATED 17th
MAY, 2022 BY THE RESPONDENT NO. 01,
WHEREBY THE APPELLANT HAS BEEN
REMOVED FROM THE SERVICE/POST OF
LECTURER (BPS-17).**

PRAYER IN APPEAL

ON ACCEPTANCE OF INSTANT APPEAL THE
IMPUGNED ORDER/NOTIFICATION NO.SO(C-
II)/HED/12-6/2022/SALABAT KHAN DATED 17th
MAY, 2022 OF THE RESPONDENTS MAY

Copy to be true copy

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

A.No. 146 of 2023
galebat khem is Galt

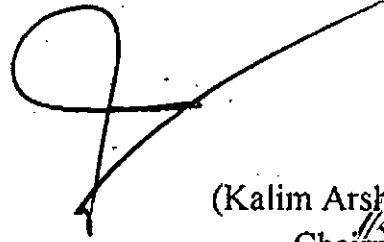
13th Oct, 2023

1. Mr. Saad Khan, Advocate is present on behalf of the appellant and has filed memo of appearance, stating that he would file wakalatnama on next date on behalf of the appellant.

2. He submitted that the appellant was removed from service vide order dated 17.05.2022, against which, the appellant filed departmental appeal on 14.06.2022, which was not responded within ninety days and within next thirty days, he filed this appeal which is within time. Therefore, this appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The respondents be summoned through TCS/LCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 16.11.2023 before S.B.

RECORDED
IN
PESHAWAR

Adnan Shuh, P.A.



(Kalim Arshad Khan)
Chairman



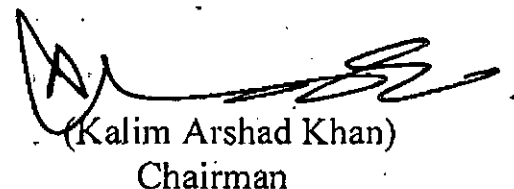
16th Nov. 2023

1. Nobody is present on behalf of the appellant. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Despite directions to the appellant to deposit security fee as well as expenses of TCS for summoning respondents, the same have not been deposited. Therefore, this case is dismissed due to non-compliance of the Court order. Consign.

3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 16th day of November, 2023.*

Original to be true copy
MUTAZEM SHAH
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

Date of Presentation of Application 22-11-23
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Copying Fee 10/-
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Date of Completion 27-11-23
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