


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 989/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.12.2023	<p>The application for restoration of service appeal no. 1183/2022 submitted today by Mr. Bashir Khan Wazir 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. 989/2023

Service Appeal No. 1183/2022

Sami Ullah KhanAppellant

VERSUS

District Education Officer & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 24.11.2023	A	4-5

Sami Ullah Khan

Applicant/ Appellant

Through

Dated: 21.11.2023

Bashir Khan Wazir

BASHIR KHAN WAZIR

Advocate, High Court

Peshawar

[Faint signature]

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Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration Application No. 989/2023
Service Appeal No. 1183/2022

Diary No. 10037
Dated 21-12-2023

**Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir
Ialuzai Surani Tehsil & District Bannu**

.....Appellant

V E R S U S

1. District Education Officer, (Male) Bannu.
2. Principal Govt Higher Secondary School Sikander
Khel Bala, Bannu.

.....Respondents

**APPLICATION FOR RESTORATION OF THE
ABOVE TITLED APPEAL DISMISSED IN
DEFAULT ON 24.11.2023.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 24.11.2023
2. That the counsel of the Appellant was busy in Hon'ble Peshawar High Court Peshawar and the appellant is residing at Bannu and due to some unavoidable circumstances was unable to appear before this Hon'ble Tribunal and the case was dismissed in default on 24.11.2023. **(Copy of Order dated 24.11.2023 is attached as annexure A)**
3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

- A. That the absence of the Appellant was neither willful not intentional.

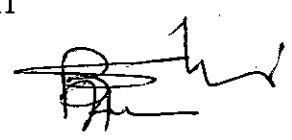
- B. That valuable rights of the Appellant is involved in the case in question.
- C. That the law otherwise favour the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.
- F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.



Applicant/ Appellant
Through

Dated: 21.11.2023



BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1183/2022

Sami Ullah KhanAppellant

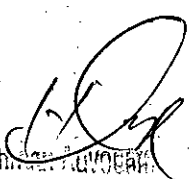
V E R S U S

District Education Officer & others.....Respondents

AFFIDAVIT

I, **Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir Ialuzai Surani Tehsil & District Bannu**, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT


Humaira Rehman
Oath Commissioner
Endst. No. 3379/18
21/12/22



BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER,
PAKHTUNKHWA PESHAWAR

Service Appeal No 1183 /2022

Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir Laluzai
Surani Tehsil & District Bannu.

.....Appellant

VERSUS

1. District Education Officer, (Male) Bannu.
2. Principal Govt Higher Secondary School Sikander Khel Bala, Bannu.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 08.02.2017, WHEREBY THE
APPELLANT WAS IMPOSED MAJOR PENALTY
OF REMOVED FROM SERVICE AGAINST WHICH
THE DEPARTMENTAL APPEAL WAS FILED,
WHICH WAS REJECTED BY RESPONDENTS ON
07.07.2022.

Prayer in Appeal:

On acceptance of this Appeal, the Order dated 08.02.2017, whereby the Respondent No 2 has illegally terminated/removed the Appellant from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is the Law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That briefly stated the fact relevant for the purpose of this Appeal are that, Appellant was initially appointed by the Respondents as Chowkidar after fulfilling all codal formalities. (Copy of Appointment order is attached as annexure A)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

That after submitting joining report in Govt Higher Secondary School Sikander Khel Bala, the

4. That after appointment, the Appellant took over the

Appeal No. 1183/2022
Samiullah vs Govt



24th Nov, 2023

1. Nobody present on behalf of the appellant.
2. The case was called time and again but neither appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 24th day of November, 2023.

(Kalim Arshad Khan)
Chairman

Certified to be true copy
Adnan Shah, P.A.
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19/12/2023
Number of Words page 22
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Urgent 5/-
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Date of Completion of Copy 19/12/23
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