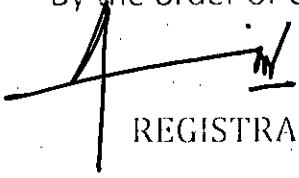


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 984/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.12.2023	<p>The application for restoration of service appeal no. 176/2017 submitted today by Mr. Qaiser Imran Rohaila Advocate. It is fixed for hearing before touring Division Bench at Swat 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 HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10006

Date 20-12-2023

Restoration application No. 984 /2023

Sami Ullah Ex-Food Grain Supervisor Office of DFC
Chitral

Petitioner

VERSUS

1. Govt. of KPK through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Food Department Peshawar.
3. Director Food Khyber Pakhtunkhwa, Peshawar.
4. Deputy Director Food (A&C) KPK, Peshawar.
5. District Food Controller Chitral.
6. Assistant Director Food Malakand at Saidu Sharif Swat.

Respondents

**PETITION FOR THE RESTORATION OF
APPLICATION NO.256/23 FILED EARLIER FOR
THE RESTORATION OF SERVICE APPEAL
NO.176/2017 WHICH WAS DISMISSED IN
DEFAULT ON 02.10.2023**

Respectfully Sheweth;

1. That the petitioner filed a service appeal bearing S.A No.176/2017 which was dismissed for non-prosecution/default vide judgment/ order dated 12.01.2021.
2. That the petitioner filed a restoration application No.256/2023 for the restoration of appeal No. 176/2017.
3. That on 02.10.2023 the restoration application No.256/23 was fixed before this Hon'ble Court and was dismissed in

default.(Attested copy of the application No.256/23 along with order are attached).

4. That the nonappearance of the petitioner counsel was not intentional as the son of the petitioners counsel was admitted in hospital for the eyes operation and the petitioner was unaware of the date and he did not appear on the date fix.
5. That the petitioner has vast interest in the matter as the petitioner is a poor man and employee has been removed from service illegally.
6. That on merit the petitioner has prima facie good case and is hopeful about its success.
7. That there is no legal hurdle in the restoration of Application.
8. That the higher forums have thoroughly held in its various judgments that the matters shall be decided on merit instead on technicalities.
9. That if the application and appeal is not restored and decided on merit the petitioner will be put to great irreparable loss, besides other agonies.

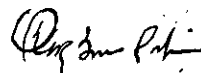
It is therefore, prayed that on acceptance of this petition the application No.256/23 may very graciously be restored and be decided on merit.

Any other remedy deemed proper may also be granted.

Dated: 20-12-2023

Petitioner

Through



Qaiser Imran Rohaila
Advocate, Peshawar.
Cell: 0346-9173006

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Restoration Application # 256/2023

IN SERVICE APPEAL NO. 176/2017

Sami Ullah Ex. Food Grain Supervisor Office of DFC Chitral.

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 4920

Date 18/4/2023

Petitioner/Appellant

V/S

1. Government of Khyber Pakhtunkhwa, through Chief Secretary / Civil Secretariat Peshawar.
2. Secretary Food Department Peshawar.
3. Director Food KPK Peshawar.
4. Deputy Director Food (A&C) KPK Peshawar.
5. District Food Controller Chitral.
6. Assistant Director Food Malakand Division at Saidu Shareef Swat.



(Respondents)

APPLICATION FOR RESTORATION OF SERVICE
APPEAL NO. 176 OF 2017 WHICH WAS DISMISSED IN
DEFAULT ON 12.01.2021 DUE TO NON-PROSECUTION.

RESPECTFULLY SUBMITTED:

1. That the instant appeal was pending before this August Tribunal which was fixed for on 12.01.2021.
2. That the counsel of the appellant was unable to appear on that date before this Hon'ble Tribunal and the same day the instant appeal was dismissed for non-prosecution.
3. That the petitioner/appellant was booked food authorities in a criminal case in Anti-Corruption Police Station.
4. That the petitioner/appellant was arrested in the said criminal case and was behind the bars in Central Jail Chitral during the whole that period.
5. That a few months earlier the petitioner/appellant was allowed to be released on bail by the Hon'ble Peshawar High Court and presently the petitioner/appellant is on bail and came out from the Central Jail Chitral.
6. That a few days earlier the petitioner/appellant came to know about his appeal/case was dismissed in default due to non-prosecution.
7. That the petitioner/appellant is innocent and was not aware about the dates of the appeal pending before this Hon'ble Court and his non-

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

appearance was not intentional as the petitioner was in judicial lock up during that period.

8. That the petitioner/appellant has good prime facie case, if decided on merit.

It is, therefore, most humbly prayed that on acceptance of this application, the appeal may kindly be restored which was dismissed in default due to non prosecution and decides the same on merit.

Any other remedy which this August Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Petitioner/Appellant

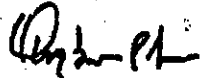
THROUGH:


(Qaisar Imran Rohaila)
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the above Application/Petition are true and correct to the best of my knowledge and belief and nothing has been withheld from this Hon'ble Tribunal.

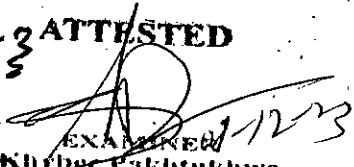

DEPONENT


Identified by:
Qaisar Imran Rohaila
Counsel of Appellant

ATTESTED



ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Restoration Application No. 256/2023, Samiullah vs Govt


ORDER
02.10.2023

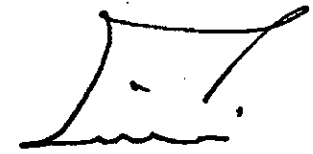


Nemo for the petitioner. Mr. Muhammad Jan, District Attorney for the respondents present.

The restoration application in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the petitioner till rising of the court, therefore, restoration application in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.10.2023


(Rashida Bano)
Member (Judicial)
Camp Court Swat


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

Naeem Amin
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
01/12/23

Date of Presentation of Application 01-12-2023
Number of Words Page = 3
Copying Fee 15/-
Urgent 5/-
Total 20/-
Name of Copyist Ghafiq
Date of Completion of Copy 01-12-2023
Date of Delivery of Copy 01-12-2023