


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 91/2024

S.No.	Date of order. ^a Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.01.2024	<p>The application for restoration of Service Appeal no. 15293/2020 submitted today by Mr. Kamran Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No 15293/2020

Mushtaq
*****VERSUS*****
Home Department

**APPLICATION FOR FIXING THE ABOVE APPEAL BEFORE
THE PRINCIPAL BENCH PESHAWAR.**

Respectfully Sheweth:


6. That the titled appeal has been filed however no date has been fixed.
7. That the case is pertaining to restoration of appeal and belongs to District Dir jurisdiction of camp Court Swat.
8. That the counsel is practicing in District Peshawar.
9. That keeping in view the above facts and circumstances appeal/case may kindly be fixed before the principal bench at District Peshawar and the appeal may also be retained before the principal seat in the best interest of justice.
10. That there is no legal bar on acceptance of this application rather it is in the best interest of justice.

It is therefore, most humbly prayed that on acceptance of this application the above title case may kindly be fixed before the principal bench as earlier as possible in the best interest of justice.

Dated 18/01/2024

Applicant/Appellant

Through,


KAMRAN KHAN
Advocates High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

R.A-no-91/2024
CM. NO. _____/2024

IN

APPEAL No. 15293/2020

MUSHTAQ

V/S

Govt. of Khyber Pakhtunkhwa & Other

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application	1
2.	Affidavit	2
3.	order sheet	A	3-4

APPLICANT/ APPELLANT

THROUGH:

Kamran Khan

KAMRAN KHAN

ADVOCATE

HIGH COURT, PESHAWAR

Office No. 3, 3rd Floor, Islamia

Club Building, Khyber Bazaar,

Peshawar

0344-9118844

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

R. A. no. 91/24
CM. NO. _____/2024

IN

APPEAL No. 15293/2020

Khyber Pakhtukhwa
Service Tribunal

Diary No. 10673

Dated 19-1-2024

MUSHTAQ, Ex-Sepoy No. 1905 Dir Lives,
R/O Toormang-1, Tehsil and District Dir Lower.

V/S

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar.
- 2) The Commandant Dir Lower Levies at Timergara, Dir Lower.
- 3) The Subedar Major Dir Lower Levies at Timergara, Dir Lower.

**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL No.15293/ 2020**

R/SHEWETH:

- 1- That the above title Appeal was pending adjudication before this august Tribunal which was dismissed in default vide order dated 02.01.2024. Copy of the order sheet is attached as annexureA.
- 2- That the council of the appellant/ petitioner did not attend the court due to dense fog in the city and was unable to have access to the camp court at swat on the date fixed as well as the council of the appellant was not feeling well too.
- 3- That there is no legal bar in restoring the mention appeal.
- 4- That the instant application is within time.

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

Dated: 18.01.2024

APPELLANT /APPLICANT

Through:


KAMRA KHAN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM. NO. _____/2024

IN

APPEAL No. 15293/2020

MUSHTAQ

V/S

Govt. of Khyber Pakhtunkhwa & Other

AFFIDAVIT

I do hereby solemnly affirm that the contents of the instant restoration application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honourable Tribunal.


DEPONENT

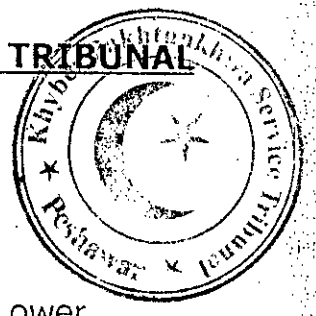
ATTESTED



9-1-2024

"A" 3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 15293 / 2020

Mr. Mushtaq Ex: Sepoy No.1905 Dir Levies
R/O Village Tango Kandaw Toormang-1, Tehsil khall Dir Lower.

APPELLANT

VERSUS

- 1- The Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- 2- The Commandant Dir Lower Levies At Timergara Dir Lower.
- 3- The Subedar Major Dir Lower Levies At Timergara Dir Lower.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25/02/2012 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE W.E.F 31/10/2020, AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 25/02/2012 may kindly be set aside and the respondents may kindly be directed to reinstate appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That appellant was initially appointed as sepoy in dir lower levies vide order dated 07/01/2010. Copy of appointment order is attached as annexure.....A.

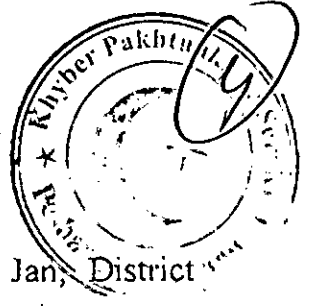
That later on the appellant was removed from service vide impugned order dated 25/02/2012 w.e.f 31/10/2012 on the ground of absentia. Copy of impugned order is attached as annexureB.

- 3- That it is pertinent to mention here that appellant remained absent from duty for few days and he approached the respondents for joining duty several times prior to

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ADJUDICATOR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No. 15293/2020

Mustafay is Grant



ORDER
02.01.2024

Nemo for the appellant. Mr. Muhammad Jan, District

Attorney for the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs.

File be consigned to the record room

ANNOUNCED
02.01.2024

(Rashida Bano)
Member (Judicial)
Camp Court Swat

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

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 08-01-24
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