

Form-A

FORM OF ORDER SHEET

Restoration Application No. 152/2024

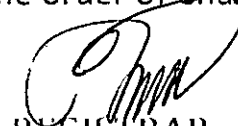
to be used for recording, with signature of judge

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2002.2024

The application for restoration of Service Application No. 2041/2023 submitted today by Mr. Amjad Ali Advocate. It is fixed for hearing before Single Bench at Peshawar on \_\_\_\_\_. Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.

By the order of Chairman

  
REGISTRAR

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

*Restoration Appli. No. 152/2024*

C.M No. \_\_\_\_\_/2024

IN

In Service Appeal No.2041/2023

Muhammad Farooq.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through  
Secretary E&SE and others.....Respondents

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Dated: 20.02.2024

*Amjad Ali*  
*Amjad Ali*

Appellant

through

*Amjad Ali*

**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

(1)

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

*Restoration Application No. 152/2024*

C.M No. \_\_\_\_\_/2024  
IN  
In Service Appeal No.2041/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11238

Dated 20-02-2024

Muhammad Farooq S/o Redi Khan  
R/o Mohallah Naro Banda, Maneri Bala  
Post Office Swabi, Tehsil & District Swabi.

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
3. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

.....Respondents

**APPLICATION FOR RESTORATION OF  
THE APPEAL NO.2041/2023 WHICH WAS  
DISMISSED IN DEFAULT ON 09.02.2024.**

**Respectfully Submitted:**

1. That the above titled appeal was pending adjudication before this hon'ble Tribunal, which was dismissed in default on 09.02.2024.
2. That non-appearance of the counsel on the date fixed was neither intentional nor deliberate, but due to his

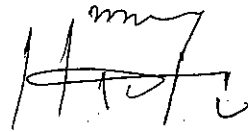
(2)

illness, hence was unable to appear before this Hon'ble Tribunal. That it is to be mention here that the counsel accordingly informed the appellant to appear before the Tribunal and made a request for adjournment, but as the date fixed i.e. 09.02.2024 was the very next date of General Election i.e. 08.02.2024, thus due to several protests on the roads and shortage of public transport the appellant could not reached the Hon'ble Tribunal in time.

3. That valuable rights of appellant are involved in the case in hand, which requires decision on merit.
4. That this hon'ble Tribunal has got vast powers to accept the instant application.

It is, therefore, prayed that on acceptance of this application the titled appeal may kindly be restored to meet with the ends of justice.

Dated: 20.02.2024



Appellant  
Through

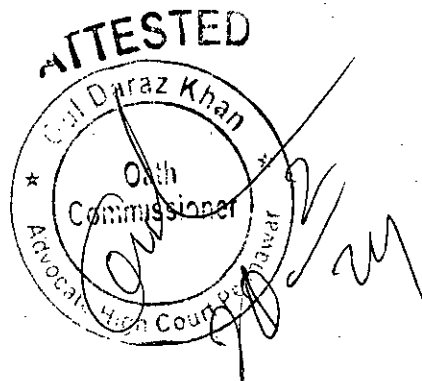


**Amjid Ali (Mardan)**  
Advocate, Supreme Court

**AFFIDAVIT**

I, Muhammad Farooq S/o Redi Khan R/o Mohallah Naro Banda, Maneri Bala Post Office Swabi, Tehsil & District Swabi. do hereby affirm and declare as per information furnished by my client that the contents of the instant **Application for Restoration** are true and correct and nothing has been concealed from this Hon'ble Court.

Deponent



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**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 2041 /2023

Muhammad Farooq Khan S/O Redi Khan R/O Mohallah Naro Banda,  
Maneri Bala Post Office Swabi Tehsil and District Swabi

.....Appellant



**VERSUS**

1. Govt of KPK through Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar
3. Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar.

.....Respondents

**SUBJECT:** Appeal under Section 4 of Service Tribunal Act, against the final appellate order dated 11/04/2023 received on 03/05/2023 passed on departmental appeal dated 12/10/2020 wherein departmental appeal filed by the appellant for acceptance of his arrival report dated 18/10/2019/adjustment is rejected which is illegal, void ab initio, without lawful authority, of no legal effect and liable to be set aside.

Respected Sir,

Appellant humbly submits as under:

1. That appellant is permanent resident of District Swabi as evident from his CNIC (Copy of the CNIC is attached as Annexure A)
2. That appellant is appointed as CT (Trained) (BPS-9) vide appointment letter dated 16/10/1995 (Copy of the appointment letter dated 16/10/1995 is attached as Annexure B)
3. That after satisfactory service of two years, appellant stood confirmed by operation of law.
4. That appellant drawn his last pay as CT in November 1999 which shows that annual increments have been added after satisfactory service for each complete year of service (Copy of the last pay certificate is attached as Annexure C)
5. That appellant is later on appointed as Male Subject Specialist (BPS-17) on regular basis through Public Service Commission vide notification

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No. 2041/2023

M. Farooq Khan vs G

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ORDER  
09.02.2024

Nemo for the appellant. Mr. Asif Masood Ali Shah,  
Deputy 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  
09.02.2024

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

\*Naeem Amin\*

(Salah-ud-Din)  
Member (Judicial)

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