


Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 203/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.02.2024	<p>The application for restoration of Service Appeal No. 357/2023 submitted today by Mr. Yasir Saleem 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.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES**

**TRIBUNAL PESHAWAR**

CM 203 /2024

IN

Service Appeal No. 367/2023

**Naveed Khan Senior Scale Stenographer (BS-16), Directorate of Labour, 3<sup>rd</sup> Floor, FC Trust Building, Sunehri Masjid Road Peshawar Cantt..... (Applicant/ Appellant)**

**VERSUS**

**Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar and others..... (Respondents)**

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S#	Description of the Documents	Annex	Pages
1.	Memo of application with affidavit		1-2
2.	Copy of order dated 14.02.2024		3-4

Applicant/ Appellant

Through



**YASIR SALEEM**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES**

**TRIBUNAL PESHAWAR**

CM 203 /2024  
IN  
Service Appeal No.357/2023

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 11486  
Dated 29/2/24

**Naveed Khan Senior Scale Stenographer (BS-16)**, Directorate of Labour, 3<sup>rd</sup>  
Floor, FC Trust Building, Sunehri Masjid Road Peshawar Cantt..... (**Applicant/  
Appellant**)

**VERSUS**

- 1. Government of Khyber Pakhtunkhwa** through Chief Secretary Civil Secretariat Peshawar.
- 2. Secretary Finance** Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat Peshawar.
- 3. Secretary Law** Government of Khyber Pakhtunkhwa Law Department, Civil Secretariat Peshawar.
- 4. Director Labour**, Directorate of Labour 3<sup>rd</sup> Floor FC Trust Building Sunehri Masjid Road Peshawar cantt..... (**Respondents**)

**Application for restoration of the application o dismissed for non-prosecution  
vide order dated 14.02.2024**

Respectfully sheweth,

The applicant humbly submit as under;

1. That the captioned appeal was pending before this Honorable Tribunal which was dismissed for non-prosecution vide order 14.02.2024. (*Copy of the order dated 14.02.2024 is attached as Annexure A*).
2. That on the date of hearing counsel for the applicant / appellant initially appeared before the court, however the case of applicant was yet to be called


and counsel for the applicant had to go to the high court. The case was called later on and was dismissed for non-prosecution.

3. That non-attendance of the counsel for the applicant was not deliberate or intentional but due to the reasons mentioned above.
4. That it is consistent view of the superior courts that cases must be decided on merits and technicalities should be avoided.
5. That the application is within time and this Honorable tribunal has ample power to grant the relief.

*It is therefore prayed that on acceptance of the instant application the captioned appeal may kindly be restored for the best interest of justice.*

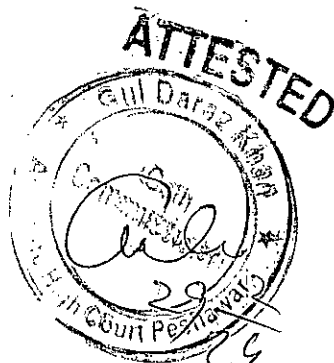
**Applicant/ Appellant**

**Through**

  
**YASIR SALEEM**  
Advocate Supreme Court  
of Pakistan

**AFFIDAVIT**

*It is solemnly affirm and declare on oath that the contents of the petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.*



  
**DEPONENT**

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

Service Appeal No. **357** / 2023.



NAVEED KHAN, Senior Scale Stenographer (BS-16),  
Directorate of Labour, 3<sup>rd</sup> Floor, FC Trust Building,  
Sunehri Masjid Road Peshawar Cantt.

..... Appellant.

*Versus*

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
Through Chief Secretary,  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **SECRETARY FINANCE,**  
Government of Khyber Pakhtunkhwa,  
Finance Department, Civil Secretariat, Peshawar.
3. **SECRETARY LAW,**  
Government of Khyber Pakhtunkhwa,  
Law Department, Civil Secretariat, Peshawar.
4. **SECRETARY LABOUR,**  
Government of Khyber Pakhtunkhwa,  
Labour Department, Civil Secretariat, Peshawar.
5. **DIRECTOR LABOUR,**  
Directorate of Labour, 3<sup>rd</sup> Floor, FC Trust Building,  
Sunehri Masjid Road Peshawar Cantt.

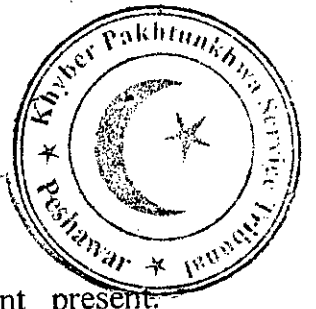
..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1973 AGAINST  
ORDER DATED 30-12-2022, COMMUNICATED TO THE APPELLANT ON  
25-01-2023, THROUGH RESPONDENT NO. 5, WHEREBY APPEAL FOR THE  
GRANT OF ALLOWANCE ON THE ANALOGY / PATTERN OF SECRETARIAT  
PERFORMANCE ALLOWANCE HAS BEEN REGRETTEED**

Certified to be true copy

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Appeal No. 357/2023  
Named them is Gaur



31.01.2024

Clerk of learned counsel for the appellant present.

Mr. Habib Anwar, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing as well as cost of Rs. 2000/- on 14.02.2024 before the S.B. Parcha Peshi given to the parties.

Member (J)

\*Naeem Amin\*

14.02.2024

1. Nemo for appellant. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. The appeal in hand was called on for hearing after various intervals, however, neither the appellant nor anyone else appeared on his behalf till last hour's of the court, therefore, the appeal in hand stands dismissed in default.

3. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 14<sup>th</sup> day of February, 2024.

Certified to be true copy

(Muhammad Akbar Khah)  
Member (E)

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

\*Kamranullah\*

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