

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 230/2024

S.N. Date of order
Proceedings

Order or other proceedings with signature of judge

1

2

3

11.03.2024

The application for restoration of Service Appeal No. 503/2017 submitted today by Mr. Zartaj Anwar 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.

By the order of Chairman


REGISTRAR


The application for restoration of Service Appeal no. 503//2017 submitted to-day i.e on 27.02.2024 by Mr. Zartaj Anwar Advocate is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

1- Memo of application is not on proper format.


No. 433 /S.T.

Dr. 28/2 /2024.

Mr. Zartaj Anwar Adv.
High Court Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re Submitted files (compleat)
Please Put in these Court


Admitt

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2024

In

Service Appeal No.503/2017

Zair Gul.....Appellant

V E R S U S

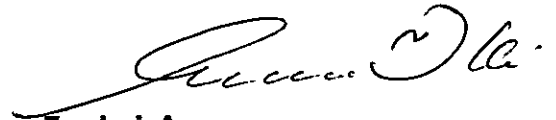
Govt. of Khyber Pakhtunkhwa & othersRespondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Copy of Order dated 13.02.2024		3-4

Appellant

Through



Zartaj Anwar

Advocate

Supreme Court of Pakistan

Cell no.0331-9399185

Dated 27.02.2024

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2024
In
Service Appeal No.503/2017

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 11392

Dated 27-02-2024

Zair Gul.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa & othersRespondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL,
DISMISSED IN DEFAULT VIDE ORDER
DATED 13.02.2024.**

Respectfully Sheweth:-

The petitioner submits as under:-

1. That the above titled service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 13.02.2024.
2. That the absence of the counsel for the appellant is neither intentional nor deliberate but due to rush of work the learned counsel for the appellant was busy before the Peshawar High Court Peshawar due to therefore that reason the counsel for appellant was unable to appear before this Hon'ble Tribunal on the date fixed..

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM No. /2024
R.A. No. 230/2024

In

Service Appeal No. 503/2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District Lakki Marwat

.....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
 2. Secretary Elementary and Secondary Education to Govt of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar. 3.
 3. Director General, Education (Male), G.T road, Khyber Pakhtunkhwa, Peshawar.
-(Respondents)

**APPLICATION FOR RESTORATION OF THE
CAPTIONED SERVICE APPEAL DISMISSED IN
DEFAULT VIDE ORDER DATED 13.02.2024.**

Respectfully Sheweth-

The petitioner submits as under:-

1. That the above titled service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 13.02.2024.
2. That the absence of the counsel for the appellant is neither intentional nor deliberate but due to rush of work the learned counsel for the appellant was busy before the Peshawar High Court Peshawar due to therefore that reason the counsel for appellant was unable to appear before this Hon'ble Tribunal on the date fixed..

2

3. That law requires that case should be decided on merits rather than on technicality.
4. That valuable rights of the appellant are involved in the present case and there is no legal bar while accepting this application.
5. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore most humbly prayed that on acceptance of this application the service appeal may kindly be restored and be decided on merit in the best interest of justice.

Appellant
Through

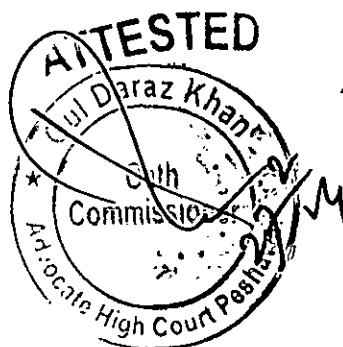


Zartaj Anwar
Advocate
Supreme Court of Pakistan
Cell no.0331-9399185

Dated 27.02.2024

AFFIDAVIT

It is stated that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT



B

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 503 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 476

Dated 08/5/2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District
Lakki Marwat.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education to Govt of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Education (Male), G.T road, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 where by the promotion order to BPS 18 was not issued within time to the Appellant and office order dated 20-08-2015 was not conveyed to the appellant in time and handed over on 29-12-2016 and now the respondents are processing the cases of promotion to BPS 19 but quite illegally superseding the Appellant for promotion to BPS 19, against which the departmental appeal dated 09-01 - 2017 has not been responded so far.

Prayer in Appeal:

On acceptance of this appeal the appellant may kindly be considered for promotion to BPS 19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from dated of promotion vide order dated 25-04-2014 as his colleague / juniors were promoted to BPS 18.

OR

Any other remedy deem proper may also be allowed.

RESPECTFULLY SUBMITTED:

Re-submitted to -day
and filed.

L. That the appellant was initially appointed in the Education Department on 08-11-1984 and was promoted to subject specialist on 31-08-2000.

Registrar
23/5/17

Certified to be true copy.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar




4
Appeal No. 503/2017
Zair Gul vs Govt

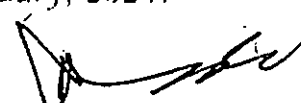
ORDER


13th Feb. 2024

1. Nobody is present on behalf of appellant. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. This case was called several times but neither the appellant nor his counsel turned up before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 13th day of February, 2024.


(Salah Ud Din)
Member (J)

Mutazem Shah


(Kalim Arshad Khan)
Chairman

Certified to be true copy

22/2/24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22-02-2024
Number of ~~Pages~~ Page = 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Shahid
Date of Cor 22-02-2024
Date of Delivery 22-02-2024