

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 237/2024

1. Date of order
Proceedings

3. Order or other proceedings with signature of judge

13.05.2024

The application for restoration of Service Appeal No. 1536/2022 submitted today by Mr. Bashir Khan Wazir 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

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration Appeal no. 237/2024

Service Appeal No. 1536/2022

Mehr un Nisa.....Appellant

V E R S U S

District Education Officer & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 15.02.2024	A	4-5

Applicant/ Appellant
Through

Dated: 12.03.2024



BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

R. A. No. 237/2024
Service Appeal No. 1536/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11734

Dated 13.03.2024

Mrs. Mehr un Nisa D/o Abdul Latif

Ex: Nursing Instructor (BPS-17), KTH, Peshawar.

R/o Village Takar, Tehsil Takht Bhai District Mardan

..... Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Health Department, Khyber Pakhtunkhwa Peshawar
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

APPLICATION FOR RESTORATION OF THE
ABOVE TITLED APPEAL DISMISSED IN
DEFAULT ON 15.02.2024.

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 15.02.2024.
2. That the previously the case was fixed for 05.02.2024, but was adjourned / deleted due to public holiday and thereafter the appellant as well as the counsel of the Appellant was not in knowledge about the date fixed, but later on when inquired about the case, came into knowledge that the case was dismissed in default due to non-prosecution. **(Copy of the Appeal and Order dated 15.02.2024 is attached as annexure A)**

3. That the applicant wants the restoration of the titled Appeal for the following amongst other.


GROUND:

- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant is involved in the case in question.
- C. That the law otherwise favour the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.
- F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Applicant/ Appellant,
Through

Dated: 12.03.2024


BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1536/2022

Mehr un Nisa.....Appellant
VERSUS
District Education Officer & others.....Respondents

AFFIDAVIT

I, Mrs. Mehr un Nisa D/o Abdul Latif Ex: Nursing Instructor (BPS-17) R/o Village Takar, Tehsil Takht Bhai District Mardan, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT


District Education Officer
Mardan

Anx 4

(8)

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA HON'BLE PESHAWAR**

Service Appeal No. 1536/2022



Mrs. Mehr un Nisa D/o Abdul Latif

Ex: Nursing Instructor (BPS-17)

R/o Village Takar, Tehsil Takht Bhai District Mardan

..... **Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Health Department, Khyber Pakhtunkhwa Peshawar
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 24.04.2014, ISSUED BY
THE RESPONDENTS MAY KINDLY BE DIRECTED TO
POMOTE THE PETITIONER TO THE POST OF CHIEF
NURSING SUPERINTENDENT (BPS-18) FROM THE
DATE WHEN HER COLLEAGUES WERE PROMOTED
I.E W.E.F 24.04.2014, AGAINST WHICH THE
DEPARTMENTAL APPEAL WAS FILED, WHICH WAS
NOT DECIDED EVEN THE MANDATORY PERIOD HAS
BEEN EXPIRED.**

certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Respectfully Sheweth:-

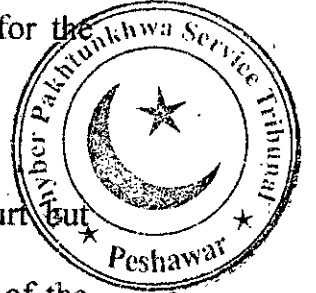
1. That the Appellant is peaceful and law abiding citizen of Pakistan and belongs to respectable family and entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan.
2. That the appellant was appointed as Charge Nurse in the respondent Department on the proper recommendation of Departmental Selection Committee vide order dated 29.11.1978. That in response the Appellant submitted her

A- No. 1536/2024
Mehruan Nisa vs Govt

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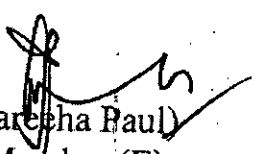
15.02.2024 1. Nobody present on behalf of appellant. Mr. Asif


Masood Ali Shah learned Deputy District Attorney for the respondents present.



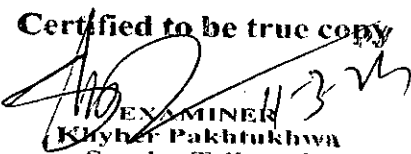
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant service appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 15th day of February, 2024.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

*KaleemUllah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 11-02-2024
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