

Form-A

FORM OF ORDER SHEET

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

Restoration Application No. 252/2024

Date of order  
Proceedings

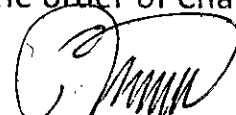
18.03.2024

Order or other proceedings with signature of judge

3

The application for restoration of Service Appeal No. 1714/2023 submitted today by Mr. Amjad Ali 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**

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

IN

Service Appeal No. 1714/2023

*R.A. 252/24*

Alia Ghafoor D/O Ghafoor Gul R/O Mohallah Gojran, Bazargai Tehsil Lahor District Swabi ..... **Applicant/Appellant**

**VERSUS**

Govt of KPK through Secretary Elementary and Secondary Education, Civil Secretariat Peshawar and others

..... **Respondents**

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*Alia*

**Applicant/Appellant**

Through

*Amjad Ali*

**Amjad Ali (Mardan)**

**Advocate**

**Supreme Court of Pakistan**

*Amjad Ali*  
**ADVOCATE**  
**SUPREME COURT**

**Dated: 18/03/2024**

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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

IN

Service Appeal No. 1714/2023

R.A. no. 252/24

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 11791

Dated 18.03.2024

Alia Ghafoor D/O Ghafoor Gul R/O Mohallah Gojran, Bazargai Tehsil  
Lahor District Swabi ..... Applicant/Appellant

**VERSUS**

1. Govt of KPK through Secretary Elementary and Secondary Education, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education, Civil Secretariat Peshawar
3. Director of Elementary & Secondary Education KP at Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. Deputy Director (Female), Elementary & Secondary Education Khyber Pakhtunkhwa
5. District Education Officer (female) Swabi
6. District Accounts Officer Swabi

..... Respondents

***Application for restoration of aforementioned  
service appeal dismissed for non-prosecution  
vide order dated 12.03.2024***

Respected Sir,

**Applicant/Appellant humbly submits as under:**

1. That the aforementioned service appeal was instituted before this Honorable Tribunal by the appellant.
2. That the aforementioned service appeal has been dismissed in default by this Honorable Tribunal on 12/03/2024 (**Attested copy of order dated 12/03/2024 is attached as Annexure A**)
3. That the case was admitted for regular hearing and was fixed for final arguments before the D.B.
4. That the Parcha Paishi got mis-placed from the appellant and the appellant was under impression that the case is fixed for 13.03.2024.
5. That when the appellant approached this Honorable Tribunal on 13.03.2024, the appellant was informed by the reader of the

(2)

Tribunal that the case has been dismissed for non-prosecution on 12.03.2024.

6. That appellant immediately on 13.03.2024 applied for provision of attested copy of order sheet.
7. That the absence was neither intentional nor wilfull but due to the reason mentioned above.
8. That Superior Courts prefer decisions on merit and not on technicalities.
9. That valuable rights of the appellant are attached with the instant service appeal.

It is therefore humbly requested that the aforementioned service appeal may please be restored and the dismissal order of non-prosecution dated 12/03/2024 may please be set aside.

*Alia*  
Applicant/Appellant

Through *Amjad Ali*  
*Amjad Ali (Mardan)* ADVOCATE  
Advocate SUPREME COURT  
Supreme Court of Pakistan

Dated: 18/03/2024

### AFFIDAVIT

I, **Alia Ghafoor D/O Ghafoor Gul R/O Mohallah Gojran, Bazargai Tehsil Lahor District Swabi (appellant)**, do hereby solemnly affirm and verify on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

*Alia*  
Deponent



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**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 174 /2023

Alia Ghafoor D/O Ghafoor Gul R/O Mohallah Gojaran,  
Bazargai Tehsil Lahor District Swabi

.....Appellant

**VERSUS**

Diary No. 7008  
Dated 15/8/2023

1. Govt of KPK through Secretary Elementary and Secondary Education, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education, Civil Secretariat Peshawar
3. Director of Elementary & Secondary Education KP at Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. Deputy Director (Female), Elementary & Secondary Education Khyber Pakhtunkhwa
5. District Education Officer (female) Swabi
6. District Accounts Officer Swabi

.....Respondents

*Appeal under section 4 of Service Tribunal Act against the order dated 28.08.2019 passed by respondent no 3 (i.e Director E&SED) and order dated 04.09.2019 passed by respondent no 5 (i.e DEO (F) Swabi) wherein the intervening period is treated as extraordinary leave without pay instead of extending benefit of judgment dated 22.11.2022 passed by the Honorable KP Service Tribunal Peshawar in service appeal no 209/2020 whereafter appellant preferred departmental appeals dated 13.03.2023 and filed writ petition no 1402-P/2023 before Honorable Peshawar High Court Peshawar wherein respondents are directed vide order dated 26.04.2023 to decide the departmental appeals of the appellant within 90 days which remained un-responded after lapse of 90 days which is illegal against law and facts and liable to be set aside.*

*Certified to be true copy*

Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar

Filed to-day

Registrar

S.A No. 1714/2023

SA 1714/23

30<sup>th</sup> Nov.2023

Alia Ghafoor vs GAD



01. Mr. Tariq Ali, brother of the appellant and Habib Anwar, Addl. AG alongwith Fazle Khaliq, ADEO for the respondents present.

02. Reply/comments received through office and is available on file. Copy whereof handed over to brother of the appellant. To come up for rejoinder, if any, and arguments on 12.03.2024 before the D.B. PP given to the parties.

(Fareeha Paul)  
Member(E)

\*Fazle Subhan, P.S\*

12.03.2024 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 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 12<sup>th</sup> day of March, 2024.

(Fareeha Paul)  
Member (E)

(RashidaBano)  
Member (J)

SCANNED  
KPT  
Peshawar

Date of Presentation of Application 12/03/2024  
Number of Words Page 2  
Copying Fee 10/-  
Urgent 10/-  
Total 10/-  
Name of Copyies: KPT  
Date of Completion of Copy: 18/03/24  
Date of Delivery of Copy: 18/03/24

KaleemUllah

Certified to be true copy  
18/03/24  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

بیت سروس ٹریڈنگ کمپنی

بیت سروس ٹریڈنگ کمپنی

18/8/24

مورخہ:

مقدمہ:

دعویٰ:

جرم:

صوبہ

ماہر معمر

Restoration Application

باجت ترمیم آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ

رون

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یا کٹرف یا ایبل کی برآمدگی اور منسوخی نیز دائر کرنے ایبل گرانے و نظر ثانی و بیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جات

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ بیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈرھے۔

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صالح

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المرقوم:

الحجرت

مقام کے لیے منظور ہے

Alien  
Amir  
Alien

Alien