

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1183/2022

Diary No. 12235

Dated 17/4/24

**Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir Ialuzai
Surani Tehsil & District Bannu**

.....Appellant

VERSUS

- 1. District Education Officer, (Male) Bannu.**
- 2. Principal Govt Higher Secondary School Sikander Khel
Bala, Bannu.**

.....Respondents

APPLICATION FOR FORGIVING /
WITHDRAWN OF THE COST AMOUNT OF
RS. 3000/-, WHICH WAS ORDERED TO
BE PAID BY THE APPLICANT DUE NON
APPEARANCE ON THE DATE FIXED I.E
2 .03.2024.

Respectfully Sheweth:-

1. That the above titled case is pending adjudication before this Hon'ble Tribunal, which is fixed for today i.e 17.04.2024.
2. That previously the case was fixed for 25.03.2024, the learned Tribunal vide order dated 25.03.2024, the Applicant / Appellant was fined of Rs. 3000/- due to non-appearance on the date fixed.

3. That the counsel of the Appellant was busy in Hon'ble Peshawar High Court Peshawar and the appellant is residing at Bannu and due to some unavoidable circumstances was unable to appear before this Hon'ble Tribunal and the case was dismissed in default on 24.11.2023.
4. That the applicant is regularly attending the learned Tribunal and was appeared on each and every date.
5. That non appearance of the applicant is not intentionally but due to the above mentioned reason.
6. That there is no legal bar on acceptance of this Application.

It is, therefore, prayed that on acceptance of this Application, the cost of Rs. 3000/- may kindly forgive / withdrawn.

Applicant/ Appellant
Through


BASHIR KHAN WAZIR

&


RAHID ULLAH WAZIR

Advocates, High Court
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1183/2022

Sami Ullah KhanAppellant

VERSUS

District Education Officer & others.....Respondents

AFFIDAVIT

I, **Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir
laluzai Surani Tehsil & District Bannu**, 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

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No _____/2022

Sami Ullah Khan S/o Yousaf Ullah Khan R/o Jahangir Laluzai
Surani Tehsil & District Bannu.

.....Appellant

V E R S U S

1. District Education Officer, (Male) Bannu.
2. Principal Govt Higher Secondary School Sikander Khel
Bala, Bannu.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 08.02.2017, WHEREBY THE
APPELLANT WAS IMPOSED MAJOR PENALTY
OF REMOVED FROM SERVICE AGAINST WHICH
THE DEPARTMENTAL APPEAL WAS FILED,
WHICH WAS REJECTED BY RESPONDENTS ON
07.07.2022.**

Prayer in Appeal:

On acceptance of this Appeal, the Order dated 08.02.2017, whereby the Respondent No 2 has illegally terminated/removed the Appellant from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is the Law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That briefly stated the fact relevant for the purpose of this Appeal are that, Appellant was initially appointed by the Respondents as Chowkidar after fulfilling all codal formalities. **(Copy of Appointment order is attached as annexure A)**
3. That after submitting joining report in Govt Higher Secondary School Sikander Khel Bala, the
4. That after appointment, the Appellant took over the

Be true copy
Khyber Pakhtunkhwa
Service Tribunal
Bannu

ORDER

26th March, 2024

1. Learned counsel for the applicant present and heard.
2. Instant application is for restoration of Service Appeal No. 1183/2022, which was dismissed in default on 24.11.2023, while this application has been moved on 21.12.2023 which is barred by limitation. Considering the contention of learned counsel for the applicant and in the interest of justice, Service Appeal No. 1183/2022 is restored on its original number but on payment of cost of Rs. 3000/-. To come up for preliminary hearing on 17.04.2024 before the S.B. Parcha Peshi given to learned counsel for the applicant.
3. *Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 26th March, 2024.*

Certified to be true copy

ISLAMIC
Shariat Bench
Service Tribunal
Peshawar

Naveen Amin



(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 17/4/24
Number of Words 2 Pages
Copying fee 60/-
Urdu 15/-
Total 75/-
Name of _____
Date of Completion of copy 17/4/24
Date of Delivery of Copy 17/4/24