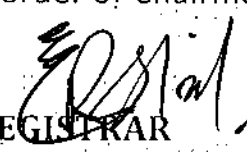


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 541/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.06.2024	<p>The application for restoration of appeal No. 197/2024 submitted today by Malik Muhammad Anwar Khan Banvi Advocate. It is fixed for hearing before Single Bench at Peshawar on 13.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HONORABLE KP SERVICE TRIBUNAL,**PESHAWAR R.A-NO. 541/2024****SERVICE APPEAL NO: 197/2024**

Mr. Ahmad Faraz Khan

VS

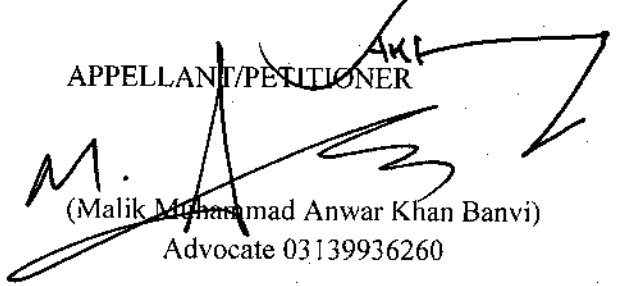
Government of Khyber Pakhtunkhwa

INDEX

S.No.	Description of Documents	Annexure(s)	Page(s)
1.	Restoration of Application	-	1
2.	Affidavit	-	2
3.	Impugned Order Dated 05-06-2024	-	3
4.	Service Appeal	-	4

APPELLANT/PETITIONER

Through


(Malik Muhammad Anwar Khan Barvi)
Advocate 03139936260

BEFORE THE HONORABLE KP SERVICE TRIBUNAL,

PESHAWAR R.A. No. 541/24
SERVICE APPEAL NO: 197/2024

Khyber Pakhtunkhwa
 Service Tribunal

Diary No. 13430

Dated 11-06-2024

Mr. Ahmad Faraz S/O Sarfaraz khan, IT Officer Network (BPS-17) (PR-8028),
 Staff Training Institute, Peshawar..... Appellant.

VS

1. Government of KP through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar..... Respondents

**APPLICATION FOR RESTORATION OF SERVICE APPEAL
 NO. 197/24 FIXED ON 05-06-2024 AND DISMISSED IN
 DEFAULT DUE TO NON-PROSECUTION**

Respectfully Sheweth,

1. That the above title Appeal was pending adjudication before this Honorable Tribunal for 05-06-2024 and was dismissed in default due to non-prosecution.
2. That inadvertently the case was noted as 07-06-2024, as conveyed by the Reader of the Court.
3. That absence of the Appellant/Petitioner 05-06-2024 was not willful but due to the reason stated above.
4. That the Application is well within time and there is no bar on acceptance of this Application.
5. That Appellant/Petitioner has valuable rights in the above mentioned Appeal and there is every likelihood of success of the Case and if the Appeal is not restored, the Appellant/Petitioner will be deprived from valuable rights.
6. That it is the mandate of law and justice that the Case should be decided on merits rather than technicalities.
7. That the valuable rights of the Appellant/Petitioner are involved and if the Appeal is not restored, the Appellant/Petitioner will suffer irreparable loss.
8. That this Honorable Tribunal has ample power to set aside the impugned order dated 05-06-2024 and to restore the Appeal of the Appellant/Petitioner so as to meet the ends of justice.

It is, therefore, humbly prayed that on acceptance of this Application of the Appellant/Petitioner and the impugned order 05-06-2024 may graciously be set aside and the Appeal/Petition of the Appellant/Petitioner be restored and be decided on merits rather than technicalities in the larger interest of justice.

Through

APPELLANT/PETITIONER
 (Malik Muhammad Anwar Khan Banvi)
 Advocate 03139936260

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No:197/2024

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028)....Appellant

VS

1-Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar

2-Secretary Establishment, Khyber Pakhtunkhwa Civil Secretariat, PeshawarRespondents

AFFIDAVIT

I, Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17)(PR-8028), Staff Training Institute , Establishment & Administration Department, Civil Secretariat, Peshawar, do hereby affirm and declare that the contents of this Application/Petition for restoration of the case and to set a side the Impugned order 05-06-2024 is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

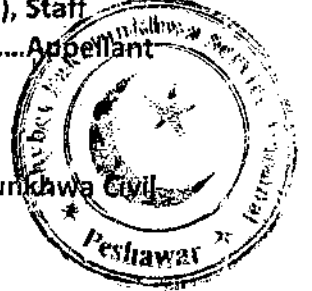


Appellant/Petitioner
CNIC No: 11101-1471803-1
Cell No: 03315615267

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARSERVICE APPEAL No: ~~197~~/2024

Mr. Ahmad Faraz Khan S/O Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028), Staff Training Institute, Estb: & Admn: Department, Civil Secretariat, PeshawarAppellant

VS



- 1-Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar
- 2-Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.....Respondents

SERVICE APPEAL UNDER S-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR ISSUANCE OF DIRECTIONS TO GOVT: OF KHYBER PAKHTUNKHWA, FOR CORRECTION OF DATE OF SERVICE REGULARIZATION OF THE APPELLANT W.E.F 07.03.2018 INSTEAD OF 01.07.2018, VIDE IMPUGNED NOTIFICATION NO.SOE-V/E&AD/5-09/2009 DATED: 18-10-2018. THE APPEAL OF THE APPELLANT IS WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Prayers:

It is most humbly prayed that on acceptance of instant Service Appeal of the Appellant this Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar may graciously direct the Respondent to treat the Appellant equally at par with his other Colleagues/ Counter parts in terms of Service Regularization w.e.f 07.03.2018 instead of 01.07.2018, vide Impugned Notification NO.SOE-V/E&AD/5-09/2009 Dated: 18-10-2018, from the commencement of Khyber Pakhtunkhwa Employees Regularization of Services Act, 2018 without "ifs & buts" & hesitation together with Seniority, Promotion and all back benefits, etc. and proper correction/corrigendum in this juncture may kindly be issued accordingly so as to meet the ends of justice.

Respectfully Sheweth

ON FACTS:

- 1- That the Appellant is law abiding citizen of Pakistan and have every legal and constitutional right duly protected under the law of the land.
- 2- That the Appellant was appointed as IT Officer/Network BS-17 in the Project titled as "IT Professional Training Center" dated 16-03-2016 vide Offer of Appointment Order.NO.SOE/ST&IT/KP/2-5/DoIT/15 & Joining of Service dated 25-03-2016(Annex-I)
- 3- That in the year 2018, Govt: of Khyber Pakhtunkhwa has passed an Act titled as "The Khyber Pakhtunkhwa Employees Regularization of Services Act 2018".(Annex-II)

That after promulgation of the said Act, number of Project Employees of the various Projects was regularized from the date of commencement of the Act.

- 5- That the Govt: of Khyber Pakhtunkhwa, Establishment Department has Regularized 24 number of the Project Employees of "IT Professional Training Center for Unemployed IT Graduates & Govt: Employees" in the Staff Training Institute under DDO Code PR-8028 w.e.f 01.07.2018, instead of 07.03.2018 vide impugned Notification No: SOE-V/E&AD/5-09/2009 dated 18.10.2018. (Annex-III)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11-6-24

Service Appeal No.197/2024 titled "Ahmad Faraz Khan Vs. Government of Khyber Pakhtunkhwa"

5th June, 2024 Kalim Arshad Khan, Chairman: Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General for the respondents present.



2. This case was called several times but nobody put appearance till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 5th day of June, 2024.*

(Signature)
(Kalim Arshad Khan)
Chairman

Mutazem Shah

Date of Presentation of Application 07-6-24
Number of Words Page 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist Shahid
Date of Completion of Copy 10-6-24
Date of Delivery of Copy 11-6-24

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(Signature) 11-6-24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar