


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 637/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.06.2024	<p>The application for restoration of Appeal No. 943/2019 submitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 28.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

CM No; 637/2024

in

Service Appeal No-943/2019

Nuzhat Afshan

.....Appellant

V E R S U S

Govt & Others

.....Respondents

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-2
2.	Copy of Order Dated 12-06-2024	A	3-4

Petitioner

Dated:-26-06-2024

Through

u/s
Fazal Shah Mohmand ASC

Ibad Ur Rehman Khalil *Yk*

& Baseer Shah

Baseer Ahmad Shah

Advocates Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell # 0301-8804841

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

C.M. No 637 /2024

Khyber Pakhtukhwa
Service Tribunal

In

Diary No. 13790

Service Appeal No: 943 /2019

Dated 26-06-2024

Nuzhat Afshan Senior Arabic Teacher (BPS-16) Govt. Girls Middle School
Zarif Kore District Mohmand. **Appellant**

VERSUS

1. Director, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Female) Mohmand.
3. Secretary, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa Peshawar.
4. Nazia Saeed Secondary School Teacher, (General) Govt. Girls Middle School Baz Mohmand Kore District Mohmand..... **Respondents**

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Service Appeal was pending before this honorable Tribunal which has been dismissed in default on 12-06-2024.
2. That actually the appellant was of the view that date is fixed on 13-06-2024 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

2

It is therefore most humbly prayed, that on acceptance of this application, the above mentioned service appeal may kindly be ordered to be restored.

Dated:--26-06-2024

Nuzhat
Appellant

Through

cu
Fazal Shah Mohmand,
Advocate
Supreme Court of Pakistan,
& *Ibad*
Ibad Ur Rehman Khalil
& *Baseer Shah*
Baseer Ahmad Shah
Advocates Peshawar.

A F F I D A V I T :-

I, Nuzhat Afshan Senior Arabic Teacher (BPS-16) Govt. Girls Middle School Zarif Kore District Mohmand, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Nuzhat
DEPONENT



3

[Handwritten mark]

Khyber Pakhtunkhwa Service Tribunal

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

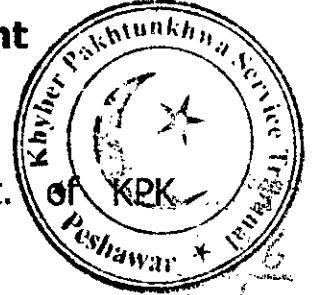
Diary No. 1026

Service Appeal No 943 /2019

Dated 22/7/19

Nuzhat Afshan Senior Arabic Teacher (BPS-16) Govt. Girls Middle School
Zarif Kore District Mohmand.....**Appellant**

V E R S U S



1. Director, Elementary and Secondary Education, Govt. Peshawar.
2. District Education Officer (Female) Mohmand.
3. Secretary, Elementary and Secondary Education, Govt. of KPK Peshawar.
4. Nazia Saeed Secondary School Teacher (General) Govt. Girls Middle School Baz Muhammad Kore District Mohmand.

.....**Respondents**

APPEAL APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE PROMOTION ORDER/NOTIFICATION DATED 29-03-2019 WHEREBY RESPONDENT NO 4 HAS BEEN PROMOTED AS SST (GENERAL-BPS-16)AND AGAINST WHICH DEPARTMNETAL APPEAL OF THE APPELLANT DATED 15-04-2019 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

Filed to day
Registrar
[Handwritten signature]

On acceptance of this appeal, the impugned Order/Notification dated 29-03-2019 to the extent of respondent No 4 may kindly be set aside and the appellant may kindly be ordered to be promoted as Secondary School Teacher (General)(BPS-16) w.e.f 29-03-2019 with all back benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified, has passed her Master Degree in' Arabic with Bachelor of Education and was appointed as Arabic Teacher on 19-11-1994 and since then she performed his duties with honesty and full devotion and to the entire satisfaction of her high

ATTESTED
[Handwritten signature]
EXAMINER
Khyber Pakhtunkhwa Service Tribunal Peshawar


2. That the appellant being at the top of Seniority list of the cadre, was promoted/upgraded as Senior Arabic Teacher (BPS-16) vide


Appeal No. 943/2019
Nuzhat Absham vs Govt (4)

29.05.2024 1. Learned Counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Noor Badshah, ADEO for the respondents present.

2. Representative of respondent is directed to produce seniority lists of Arabic Teachers and Senior Arabic Teachers on the next date positively. Adjourned. To come up for record and arguments on 12.06.2024 before D.B. P.P given to parties.

RECORDED
10-5-24
Peshawar


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)



Kaleemullah

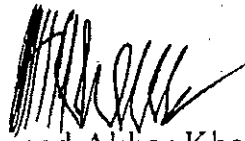
ORDER

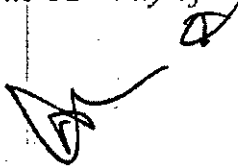
12th June, 2024

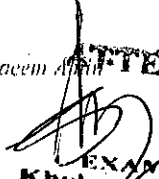
1. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Noor Badshah, ADEO for the respondents present.

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

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12th day of June, 2024.*


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman

*Nasim Akbar
TESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 13/6/2024
Number of Writs page 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist Shahzad
Date of Completion of Copy 14-6-24
Date of Delivery of Copy 25-6-24