


Form-A  
FORM OF ORDER SHEET

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

**Restoration Application No. 434/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.05.2024	<p>The application for restoration of Appeal No. 1093/2019 resubmitted today by Mr. Inayat Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on 03.06.2024. Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  <b>REGISTRAR</b></p>

The application for restoration of appeal no. 1093/2019 received today i.e. on 24.05.2024 is returned to the counsel for the applicant with the following remarks.

- 1- Application is not on proper format.
- 2- Spare copies for respondents may also be submitted with the application.

No. 77 /Inst;/2024/KPST,

Dt. 29/05 /2024.

*Resubmitted*

Inyat Khan Ad  
High Court Peshawar.

*[Signature]* 29/5/24  
REGISTRAR  
KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL  
PESHAWAR

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER  
PAKHUNKHWA, PESHAWAR**

R-A-No. 434/2024

In  
Service Appeal No. 1093/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13023

Dated 27-05-2024

Dr. Rooh Ullah Jan ..... Applicant/ Appellant

**VERSUS**

Government of KPK and others..... Respondents

**APPLICATION FOR RESTORATION OF THE  
ABOVE TITLED SERVICE APPEAL, WHICH  
WAS DISMISSED IN DEFAULT ON  
13.05.2024.**

Respectfully Sheweth:

1. That the above titled case was posted for hearing on 13.05.2024 before this Hon'ble Tribunal, which was dismissed in default due to non-appearance.
2. That on 13.05.2024, Counsel for the appellant was ill and could not appeared before the Court and the entry of date in the diary of the counsel was wrongly updated with the date and the date in diary was mentioned as 15.05.2024 inadvertently and unfortunately the case was dismissed.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER**

**PAKHUNKHWA, PESHAWAR**

In

Service Appeal No. 1093/2019

R. A - no-434/2024

Dr. Rooh Ullah Jan

Ex-District Specialist Orthopedic BPS-18, Government  
Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

..... Applicant/ Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar
2. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Director General Health at Health Directort, Peshawar
4. Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
5. Medical Director, Government Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

..... Respondents

**APPLICATION FOR RESTORATION OF THE  
ABOVE TITLED SERVICE APPEAL, WHICH WAS  
DISMISSED IN DEFAULT ON 13.05.2024.**

Respectfully Sheweth:

1. That the above titled case was posted for hearing on 13.05.2024 before this Hon'ble Tribunal, which was dismissed in default due to non-appearance.

2. That on 13.05.2024, Counsel for the appellant was ill and could not appeared before the Court and the entry of date in the diary of the counsel was wrongly updated with the date and the date in diary was mentioned as 15.05.2024 inadvertently and unfortunately the case was dismissed.
3. That absence of the counsel was neither intentional nor deliberate but due to the reason stated above.
4. That the restoration application is well within time and there is no legal bar in allowing the instant application.
5. That valuable rights of the appellants are involved in the case and if the case is not restored, the appellant will suffer irreparable loss.

*It is, therefore, humbly requested that on acceptance of this application, the above titled service Appeal may kindly be restored in the best interest of justice.*

Applicant/Appellant

Through

**Inayat Khan**  
Advocate High Court,

Dated: 31.05.2024

### AFFIDAVIT

I, do hereby solemnly affirm and declare 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 Hon'ble Court.



Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

*Appeal no. 1093/2019*

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1168

Dated 09-8-2019

Dr. Rooh Ullah Jan

Ex-District Specialist Orthopedic BPS-18, Government

Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

.....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary Health , Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Director General Health at Health Directorate, Peshawar.
4. Secretary Finance, Government of Khyber Pakhtunkhwa, at Civil Secretariat, Peshawar
5. Medical Director, Government Naseerullah Khan Babar Hospital, Kohat Road, Peshawar .....Respondents

*Filed to-day*  
*09/08/19*  
*Registrar*

*Re-submitted to-day*  
*and filed.*

*28/8/19*

**APPEAL UNDER SECTION 4 OF**  
**SERVICE TRIBUNAL ACT, 1973,**  
**AGAINST THE ORDER DATED**  
**16/04/2019, PASSED BY**

**ATTESTED**  
*[Signature]*  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**  
*22-5-24*

SA 1093/2019

13.05.2024

Dr. Roohullah Jan vs Govt



01. Nemo for the appellatant. Mr. Arshad Azam, Assistant A.G alongwith Hashmatullah, Superintendent for the respondents present.

02. Called several times till rising of the course but nobody appeared on behalf of the appellatant. The appeal is, therefore, dismissed in default. Consign.

03. Pronounced in open Court at Peshawar and given under our hand and the seal of the Tribunal on this 13<sup>th</sup> day of May, 2024.

(FARDEHA PAUL)  
Member (I)

(RASHIDA BANO)  
Member (J)

ATTESTED \*Fazle Subhan, PS\*

*[Signature]*  
Fazle Subhan  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 15/5/2024  
Number of ~~Words~~ page = 2  
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