


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 555/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.06.2024	<p>The application for restoration of Appeal No. 1095/2019 submitted today by Syed Muddasir Pirzada Advocate. It is fixed for hearing before Division Bench at Peshawar on 24.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

R.A. No. 555/2024

CM No. _____/2024

In Re:

Service Appeal No. 1095/2019

Nigar AliAppellant

VERSUS

The Secretary Higher Education & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-3
2.	Affidavit		4
3.	Copy of Order dated 04.06.2024	A	5-6

Applicant/ Appellant
Through

SYED MUDDASIR PIRZADA

Advocate, High Court
At District Courts Kohat
Cell # 0345-9645854

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

R.A-No 555/2024

Khyber Pakhtunkhwa
Service Tribunal

CM No. _____/2024

Diary No. 13507

In Re:

Dated 13-06-2024

Service Appeal No. 1095/2019

Nigar Ali S/o Bahar Ali, Ex-Chowkidar GDC Kohat.

.....Appellant

VERSUS

1. The Secretary Higher Education KPK Peshawar.
2. The Director Higher Education KPK Peshawar.
3. The Principal Govt Degree College KDA Township Kohat.

.....Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 04.06.2024.

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 04.06.2024.

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2. That the counsel of the Appellant as well as Appellant are belongs to District Kohat, moreover on the date fixed they were on way to Court and due to blockage of Road, they were unable to appear before the Court on time and when appear, they came into knowledge that the Appeal was dismissed in default on 04.06.2024. **(Copy of Order dated 04.06.2024 is attached)**

3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

A. That the absence of the Appellant was neither willful not intentional.

B. That valuable rights of the Appellant is involved in the case in question.

C. That the law otherwise favour the decision of cases on merit.

D. That the application is within time.

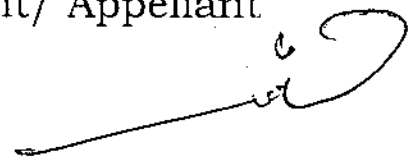
E. That there is no legal bar on acceptance of the instant Application.

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F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Applicant/ Appellant
Through



SYED MUDDASIR PIRZADA
Advocate, High Court
At District Courts Kohat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No. _____/2024

In Re:

Service Appeal No. 1095/2019

Nigar AliAppellant

V E R S U S

The Secretary Higher Education & others.....Respondents

AFFIDAVIT

I, Nigar Ali S/o Bahar Ali, Ex-Chowkidar GDC Kohat, 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.

(Handwritten signature)

D E P O N E N T



② ⑤

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1095 / 2019.

Nigar Ali S/o Bahar Ali Ex Chowkidar GDC Kohat

(Appellant)

Versus

- 1:- The Secretary Higher Education KPK Peshawar
- 2:- The Director Higher Education KPK Peshawar.
- 3:- The Principal Govt Degree College KDA Township Kohat.



(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED LETTER /ORDER DATED 05-12-2018 & VIDE Endst No 1139-113/P-1 IN WHICH THE RESPONDENT NO:- WITHOUT ANY INQUIRY REMOVED FORM SERVICE WITH IMMEDIATE EFFECT DATED 08-09-2018. APPELLANT FEELING AGRRIVED FILE DEPARTMENTAL REPRESENTATION DATED 20-05-2019 WHICH WAS NOT ENTERTAIN NOR CONSIDER TILL TO DATE.

Pray:

It is respectfully prayed that on acceptance of instant service appeal the Hon bale Tribunal may direct to respondents above to set a side all illegal or impugned order and the Appellant may graciously be re-instated in service with all back benefits and set a side the impugned order dated 05-12-2018 & blessed with any other remedy in the larger interest of Justice.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellants on the following grounds:-

FACTS

- 1:- That the appellant was serving as Chowkidar in Govt Degree College KDA Township Kohat with the entire satisfaction of superior from the date of appointment.
- 2:- That due to a fake criminal case the Appellant services were removed by respondent No-3 without any lawful cogent reason as well as without enquiring the allegation directly issued the impugned order (Copy of impugned order annexed as annexure A)

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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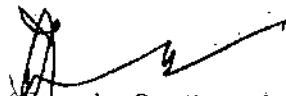



Service Appeal No.1095/2019 titled "Nigar Ali Vs. Higher Education Department"

4th June, 2024 **Kalim Arshad Khan, Chairman**: Nobody is present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Sohrab Khan, Lecturer for the respondents present.

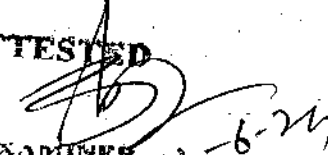
2. This case was called several times but nobody put appearance on behalf of the appellant till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of June, 2024.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Muzoon Shabb

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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