## Form-A

### FORM OF ORDER SHEET

Restoration Application No. 440/2024		
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.06.2024	The application for restoration of 12(2) CPC Petition No. 516/2023 submitted today by Mr.
		Muhammad Asif Qazi Advocate. It is fixed for hearing
		before touring Division Bench at A.Abad on
		25.06.2024.Original file be requisitioned. Parcha Peshi
		given to counsel for the applicant.
1 1		By the order of Chairman
		REGISTRAR
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### BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR R. A - NO.440/2024 Diary No. 13/6/

Syeda Munaza Andleeb PTC, BSC, Teacher, resident of Sheikh-ul-Bandi, Tehsil & District Abbottabad.

...APPLICANT

..RESPONDENT

Dated 04-06-24

### VERSUS

### Executive District Officer School and Literacy, Abbottabad

# APPLICATION UNDER SECTION 12(2) CPC

<u>APPLICATION</u> FOR RESTORATION OF TITLED APPLICATION UNDER SECTION 12(2) CPC WHICH WAS DISMISSED IN DEFAULT DUE TO NON-PROSECUTION VIDE ORDER DATED 28/11/2023.

Respectfully Sheweth; -

2.

- That the applicant has filed the application under Section 12(2) CPC against the order dated 16/04/2018 which was dismissed due to non-prosecution vide order dated 28/11/2023.
  - That the counsel of applicant has joined the service but the clerk of counsel instead informing about the service of counsel he started misguiding the applicant regarding proceeding of the titled case.
- 3. That on the date fixed the applicant could not appear before the Honourable Tribunal due to the above said reason.
- 4. That on 29/05/2024 the applicant inquired about her case and has got knowledge that the case has been dismissed in default on 28/11/2023.

- 5. That the absence was not made deliberately but due to misunderstanding and misguiding of the clerk of counsel.
- 6. That the valuable rights of the applicant are involved.
- 7. That the application is well within time.
- 8. That the other points shall be urged at the time of arguments with the permission of this Honourable tribunal.

It is, therefore, humbly prayed that on acceptance of instant application, titled application under Section 12(2) CPC may graciously be restored in the highest interest of justice.

Dated: 04/06 /2024

Through;

...APPLICANT

(Muhammad Asif Qazi) Advocate Supreme Court of Pakistan at Abbottabad

#### AFFIDAVIT;-

I, Syeda Munaza Andleeb PTC, BSC, Teacher, resident of Sheikh-ul-Bandi, Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



5 Mon<sup>ozfi</sup> DEPONENT

12(2) Petition No. 516/2003, Speak Mumazza Andeleeb This matter pertains to Division Bench but was fixed before Nov. 2023 1. the Single Bench. Therefore, it be fixed before the Division Bench, akhwa by today i.e. 28.11.2023 at Camp Court, Abbottabad. ¥ (Kalim Arshad Khan) eshaway Chairman \*Mutaze Shah \* Camp Court, Abbottabad ORDER  $28^{th}$ Nov. 2023 Nobody is present on behalf of the petitioner. 1. This case was called several times but neither the petitioner 2. nor her counsel turned up before the Tribunal, till its rising. Therefore, the petition in hand is dismissed in default. Consign. 3. Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this  $28^{th}$  day of November, 2023. (Salah-Ud-Din) (Kalim Arshad Khan) Member (J) \*Mutazem Shah \* Chairman TESTEI Camp Court, Abbottabad y Rai Pakhtukh Date of Presentation of Application 04-06-Service Tribunal Restances Number of Worth Copying Fee Urgent Total Name of Copylési Date of Complection of Copy

Date of Delivery of Copy.



# BEFORE THE KPK SERVICE TRIBUNAL,

PESHAWAR 12 (2) petition no sib/2023 Appeal No.1324/1

Syeda Munaza Andleeb PTC, BSC. Teacher, resident of Sheik-ul-Band

and District Abbottabad.

Applicant

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VERSUS

Executive District Officer School and literacy, Abbottabad

. Respondent

APPLICATION UNDER 12 (2) CPC FOR SETTING ASIDE THE ORDER DATED 16-4-2018 OF THIS HONORABLE COURT BY WHICH THIS HONORABLE COURT DISMISS THE APPEAL OF APPLICANT as withdrawn the appeal of applicant GRACIALOUSLY BE DECIDED, on merit ACCORDING TO LAW AND JUSTICE.

**RESPECTFULLY SHEWETH !** 

1. That applicant submitted the appeal before this honorable court for adjustments and release of salary.

2. That applicant appeal was dismissed as withdrawn on 16-4-2018 without consent and knowledge with fraud and misrepresentation.

3. That the applicant asked the council got the update of the appeal from time to time but was dodged.

4. That the applicant has prima facia case because the appeal of applicant was dismissed as withdrawn in absentia with fraud & misrepresentation.

5. The pandemic also added to her misery and due to misrepresentation and dodging, the applicant has become patient of anxiety and B.P.

6: Precious rights are involved in this very case.

TESTE Khyber Pa ice Tribana Pesha

7. It is pertenant to submit that soon after the fact came to my knowledge on 28th February, 2023, the afore said appeal was dismissed as withdrawn with fraud and misrepresentation.

It is therefore requested that the applicant application under 12(2) C.P.C for setting aside the order of this Honorable court dated 16-04-2018 may kindly be accepted the appeal of the applicant may graciously be decided on merit according to law and justice.

DATED: 21 / 7./2023

### Applicant

Syed Munaza AndleeP S. Munath

Cell# 0334-8973365

& Aness Mughul Advocate 0313-0557578

Through

AN Muhammad Asif Qazi

Advocate Supreme Court of Pakistan BC: 10-1138 SCBAP-1001-3762 Email: Asif Q121. ed Vegeniel.com 1361-1434175-9 0310-151778

### AFFIDAVIT:

It is affirmed and declared that the contents of the application are true and correct to the best of my knowledge and belief.



S. Munope

Deponent 13101-7901510-8

ATTES/TED 04-6-24 EΧ

hyber Pakhniki Service Tribunal Personas

116235 DBA number Abboliabad BC No. 69 Name of Advocate : 1 : .... مخان<u>: سنم*اً رل*لً</u> . نوعیت مقدمہ 🗕 درحر باعث تحريرآ نكر مقدمه مندرجه بالاعنوان مين المي طرف محسب داسط بيردى وجواجدي برائ يبش بإتصفيه مقدمه بمقا شرار وف تحافی/ مذور من مند م کورٹ (ف ماک <u>ان)</u> ب ن حاضر ہوتار ہول گااور بردنت پکارے کو سب ذیل شرائط برد کمل مقرر کمائے کہ بش ہر چیش برخود یا کذر لیے مخارخاص رد بردعدالم جانے مقد مدد کیل صاحب موصوف کواطلاع دے کر حاضرعدالت کر دل گا۔ اگر پیش پرمظہر حاضر نہ ہواا درمقد مد میر کی غیر حاضر ک کی دند ے کمی طور بر مرے خلاف ہو کمیا تو صاحب موصوف اس کے کمی طور برذ مددار نہ ہوں کے نیز دیک صاحب موصوف صدر مقام کچبر ک کے ۔ علاوہ کمی جگہ یا بجبری کے اوقات سے پہلے یا یکھیے ابروز تعطیل پیروی کرنے کے ذمددارنہ ہوں کے ادر مقدمہ کچبری کے علادہ کمی ادرجگہ ساعت ہونے پر پابر در تعطیل پا کچہری کے اوقات کے آگے بیچیے پیش ہونے پر مظہر کوکو کی نقصان پنچے تو اس کے ذمہ دار پاس کے داسطے می معاد فر کے اداکر نے بامخاند کے داہی کرنے کے بھی صاحب موصوف ذمدارنہ ہو یکھے۔ بچھ کوکل ساختہ پر داختہ صاحب موصوف مش كرده ذات منظور دمتبول بوكاد درصاحب موصوف كوعرض دعوئ بإجواب دعوئ اورد دخواست اجرائ فركرى دنظر تانى اييل تكرانى دبرتسم درخواست پردستخط دتصد یق کرنے کام بھی اختیار ہوگا ادر کس تھم یا ڈ کری کرانے ادر برتسم کارد سیدد سول کرنے ادر دسیدد بے ادر داخل کرنے ادر ہر مس سے بیان دینے ادراس پر ثالثی درامنی تا مدونیعلہ بر صلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا ادر بصورت جانے بیردنجات از کچبری صدرا بیل، برآیدگی مقدمہ یاسنسوخی ڈکری بیطرند درخواست بحکم امّنا کی یا قرتی پاکر فقار کی نوآری داجرائے ڈگری بھی صاحب موصوف کو بشرط ادا یکی علیجد و محتاند بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بید محکا اختیار ہوگا کہ مقدمہ خدکوریا اس کے کس جز وکی کاردائی کے پابصورت اپیل کسی دوسرے دکیل کواینے بجائے پااینے ہمراہ مقرر کریں ادرا یے دکیل کوہمی ہرا مریں دان ادروب اختيارات حاصل موسلكم جيسے صاحب موصوف كو حاصل بيں ادرد دران مقدمہ جو سچھ ہرجاندالتوا پڑے گا دہ صاحب موصوف کاحق ہوگا۔اگر دیک صاحب موصوف کو پوری فیس تاریخ بیش سے پہلےادا نہ کر دن گا تو صاحب موصوف کو پورا اختیار ہوگا کہ دہ مقدمہ کی پردی ند کریں اورالی صورت میں میراکوئی مطالبہ کمی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ 2024 /05/204 لېدادكالت نامدلكود باب كمسندرب-مضمون دکالت نامہ تن کیا ہے اور اچھی طرح سمجھ کیا ہے اور معطورہے۔ مال Accepted my S. Muraje