


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 366/2024

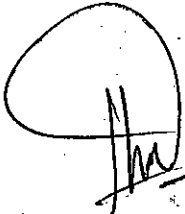
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.05.2024	<p>The application for restoration of Appeal No. 1713/2023 submitted today by Mr. Asad Zeb Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The application for restoration of appeal no. 1713/2023 submitted to-day i.e on 08.05.2024 by Mr. Asad Zeb Khan Advocate is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

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

No. 02 /S.T,


Dt. 09/05 /2024.


8/5/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Asad Zeb Khan Adv.
High Court Peshawar.

S/o

Resubmitted Revised
all objection


15-5-2024

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Restoration Appli. no. 366/2024

C. M No. _____/2024

In Service Appeal No. 1713/2023

Pir Nosh S/O Muhammad Nisar, Mohallah Mazid Khel, Village & Post Office Kalabat, Tehsil Topi, District Swabi. (Ex-PTC/PST Govt. Primary School No. 1, Kalabat, Swabi). _____ **Appellant**

Versus

- 1. Govt. of Khyber Pakhtunkhwa** Through Secretary Elementary & Secondary Education Department, Peshawar.
- 2. Director,** Elementary & Secondary Education Department, Peshawar.
- 3. District Education Officer (M),** Swabi.

_____ **Respondents**

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Applicant/Appellant

Through


Asad Zeb Khan

Advocate High Court.

Dated: 07-05-2024

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Restoration Appli. no 366/2024

C. M No. _____ /2024

In Service Appeal No. 1713/2023

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2. **Director**, Elementary & Secondary Education Department, Peshawar.
3. District Education Officer (M), Swabi.

_____ **Respondents**

APPLICATION FOR THE GRANT OF ORDER OF RESTORATION OF SERVICE APPEAL No. 1713/2023 WHICH WAS DISMISSED IN DEFAULT FOR NON-APPEARANCE ON DATE FIXED VIDE ORDER DATED: 24-04-2024 BY THE HON'BLE TRIBUNAL.

Respectfully Sheweth:

The appellant/applicant most humbly submits as under:

1. That the above captioned appeal was pending in this Hon'ble Tribunal, which was dismissed in default on 24-04-2024 by the Hon'ble Tribunal.
2. That the non-appearance of the applicant/appellant was not intentional but due to the engagement of counsel of applicant/appellant at Islamabad due to his personal matter.
3. That on date fixed, clerk of the counsel informed the Hon'ble Tribunal that counsel is at Islamabad but he was informed that the tribunal will not adjourn the case, so when the counsel reached to the Hon'ble Tribunal at about 12:30 PM and get information from the tribunal assistant, he learnt

②

about dismissal of appeal in default and at that time, Hon'ble member of the Tribunal was in Divisional Bench so no request was made at that time.

{True copy of order dated: 24-04-2024 is attached, as mark Annex-AA}

4. That the non-appearance of the applicant/appellant is not intentional but due the reason mentioned above.
5. That the present application, in the circumstances mentioned above, is well within time and being involvement of valuable rights of the applicant/appellant, restoration of the appeal and its decision on merits is the need of hour and in the best interest of justice.
6. Other points will be raised at the time of arguments.

IT IS, THEREFORE, MOST HUMBLY SUBMITS THAT WHILE ACCEPTING THE INSTANT APPLICATION, ORDER OF RESTORATION OF SERVICE APPEAL MAY KINDLY BE PASSED AND THE APPLICANT BE PERMITTED TO ARGUE THE MATTER ON MERITS.

Dated: 07-05-2024

Through

Applicant/Appellant


Asad Zeb Khan
Advocate High Court.

AFFIDAVIT

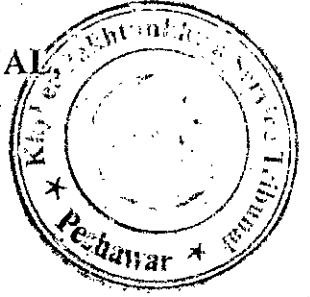
I, Asad Zeb Khan, Advocate High Court, Peshawar (as per instructions of my client), do hereby solemnly affirms and declare upon oath that the contents of the instant application are true and correct to the best of information given by my client and nothing has been kept concealed or withheld from this Hon'ble Tribunal.




Deponent

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BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 1713 /2023

Pir Nosh S/O Muhammad Nisar, Mohallah Mazid Khel, Village & Post Office Kalabat, Tehsil Topi, District Swabi. (Ex-PTC/PST Govt. Primary School No. 1, Kalabat, Swabi). _____ **Appellant**

Versus

1. **Govt. of Khyber Pakhtunkhwa** Through Secretary Elementary & Secondary Education Department, Peshawar.
2. **Director, Elementary & Secondary Education Department, Peshawar.**
3. **District Education Officer (M), Swabi.**

_____ **Respondents**

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF RESPONDENT No. 2 WHO DISMISSED THE APPEAL OF APPELLANT VIDE ORDER DATED: 06-07-2023 AND AGAINST THE IMPUGNED ORDER OF RESPONDENT No. 3 WHO VIDE ORDER DATED: 10-02-2015 DISMISSED THE APPELLANT FROM SERVICE.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED: 10-02-2015 & 06-07-2023 MAY KINDLY BE SET ASIDE, RESULTANTLY APPELLANT MAY KINDLY BE RE-INSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:

The appellant most humbly presents his grievances as under:-

1. That appellant was appointed as PTC/PST vide appointment order dated: 21-05-1987 and was posted at Govt. Primary School No. 1, Kalabat, Swabi.

Certified to be true copy

{True copy of appointment order is attached, as mark Annex-A}

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

06-5-23

SA No: 1713/2023, Pir Nosh vs Govt

(4)

24.04.2024

01. Clerk of counsel for the appellant present.

02. On the previous date i.e 15.03.2024* last

opportunity was granted. Today again counsel for the appellant is not present. His clerk states that learned counsel for the appellant is not available today. Repeated adjournments indicate that the appellant and his counsel are not interested in pursuing the case. Dismissed for non-prosecution. Consign.

03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 24th day of April, 2024.

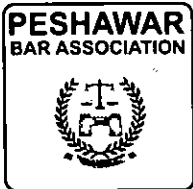




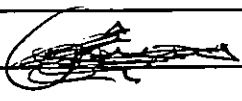
(Signature)
(FAREHA PAUL)
Member(I)

Fazle Subhan, PS

Certified to be true copy
(Signature) 06-5-24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 06-05-24
Number of ~~words~~ pages = 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist Shahzad
Date of Completion of Copy 06-05-2024
Date of Delivery of Copy 06-05-2024

قیمت 50 روپے	39103	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: اسد زید خان	بار کونسل ایسوسی ایشن نمبر: B-091577	رابطہ نمبر: 0346 9800565
		 

بعدالت جناب:  سر سید بی بی حسنا بیگم

منجانب: <u>اسد زید خان</u>	دعویٰ:
	علت نمبر:
مورخہ: <u>اسد زید خان بنام حکومت</u>	مورخہ:
	جرم:
	تھانہ:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ 1/1 آن مقام جسٹس کیلئے اسد زید خان اور گودیل مہر کی نور کر کے اقرار کیا جاتا ہے کہ صاحب موصوفے کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ برحالیف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل گزارائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور یہ ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختارین کو اپنے ہمراہ یا اپنے ہی نام سے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کے ساتھ پیشہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوالی مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 813/2024

AA
Accipit

العبد العواہد العبد
مقام حسنا بیگم کے لئے منظور ہے

