


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 652/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.07.2024	<p>The application for restoration service appeal No.2466/2023 submitted today by Mr. Muhammad Anwar Advocate. It is fixed for hearing before Single Bench at Peshawar on 04.07.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

CM No. _____/2024

R. A. NO. 652/2024

In

Service Appeal No. ~~2465~~/2023

Fazal Dayan.....Petitioner/Appellant

VERSUS

Secretary and others.....Respondents

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Appellant

Through

Inamullah Alizai

Muhammad Anwar

Jahanzeb Shinwari

Date: 29/06/2024

Advocates High Court,

Cell: 0333-8866902

①

BEFORE THE KPK SERVICE TRIBUNAL,

PESHAWAR

R.A.No. 652/2024

CM No. _____/2024

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1389/S

Dated 2-07-2024

In

Service Appeal NO. 2466/2023

Fazal Dayan S/O Mir Nawas

Account Assistant BPS-16 DG Health Office, KPK Peshawar

.....Petitioner/Appellant

V E R S U S

1. Secretary to Government of KPK, Health Department, Peshawar
2. Director General (Admn) Directorate General, Health Services KPK, Peshawar
3. Deputy Director (Admn) Directorate General, Health Services KP, Peshawar
4. Additional Director General (HR) Directorate General, Health Services KP, Peshawar
5. Accountant General KP, Peshawar
6. Accounts Section DHIS Cell, KP, Peshawar

.....Respondents/ Defendants

Application for restoration of Service appeal under Rule-19(3) of the Service Tribunal Rules, 1974 which has been dismissed in default vide Order dated 13/06/2024 to be heard and to be decided on merit. (Copies annexed)

Respectfully Sheweth,

- 1) That appeal titled above was pending and fixed for 13/06/2024 for preliminary hearing.
- 2) That the petitioner requests for setting aside the Order dated 13/06/2024 and restoration of the case on the following grounds inter alia.

GROUND:

- A) That the nonappearance of the counsel for the petitioner was not intentional but due to engagement in the Peshawar High Court, Peshawar at time of call of the appeal.
- B) That when the counsel for the petitioner, after getting free from the Peshawar High Court, Peshawar at about 1:00 PM, came to the Hon'ble Tribunal, wherein he was informed about the impugned order.
- C) That valuable interests of the petitioner are attached to case.
- D) That in the light of judgments of the superior courts, the cases are to be decided on merits rather than technicalities.
- E) That the application is well within time.
- F) That it will be in the best interest of justice, if this Hon'ble court is pleased to restore the case and decide the same on merits.

It is, therefore, very humbly prayed that on acceptance of this application the order dated 13/06/2024 may kindly be set aside and the suit be restored to meet the ends of justice.

Petitioner

Through

Dated: 29/06/2024

Jahanzeb Shinwari

Muhammad Anwar

Inamullah Alizai

Advocates, Peshawar

Affidavit:

I, do hereby solemnly affirm and declare on oath that contents of this application are true and correct and nothing has been kept concealed.



DEPONENT

Handwritten signature and circled number 3.

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 91085

Dated 15-11-2023

Service Appeal No. 24/bb of 2023

Fazal Dayan S/O Mir Nawas
Account Assistant BPS-16, DGHS Health Office, KP, Peshawar
.....Appellant



VERSUS

1. Secretary to Government of KPK, Health Department, Peshawar
2. Director General (HEALTH) Directorate General, Health Services KPK, Peshawar
3. Deputy Director (Admn) Directorate General, Health Services KP, Peshawar
4. Additional Director General (HR) Directorate General, Health Services KP, Peshawar
5. Accountant General KP, Peshawar
6. Accounts Section DHIS Cell, KP, Peshawar

.....Respondents

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned office order bearing No. 5898 dated 18/10/2023 whereby departmental appeal/application of the appellant has been regretted (Copy annexed hereto marked A).

ATTESTED

Handwritten signature and date 21-6-23.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

A. No. 2466/2023

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Fazal Dayan vs Govt



13.06.2024

01. Nemo for the appellant.

02. Perusal of order sheets shows that the case has been adjourned several times either by the learned counsel for the appellant or his junior. On the previous date last chance was given but today no one is present on behalf of the appellant which indicates that the appellant is not interested in pursuing the matter. The appeal is dismissed in default. Consign.

03. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 13th day of June, , 2024:

ATTESTED (FARZEHA PAUL)
Member(E)

Fazle Subhan, PS

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 21-6-24

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قیمت 50 روپے	48154	پشاور بار ایسوسی ایشن، خیبر پختونخوا
ایڈویکٹ:		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: BC-10-3303		
رابطہ نمبر: 0333-8876902		

بعدالت جناب: *سید سعید احمد*

دعویٰ:	منجانب: <i>علی</i>
علت نمبر:	<i>نام</i>
مورخہ:	<i>بنام سید سعید احمد</i>
جرم:	
تھانہ:	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام ⁽¹⁰⁾ *مرکز* کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوفی، نیز
 دائر کرنے اپیل نگزانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب باہندانہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: *21/1/2024*
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTOONKHWA

العبد *سعید احمد* العبد *سعید احمد*
 مقام *سعید احمد* کے لیے منظور ہے۔