


## Form-A

## FORM OF ORDER SHEET

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

**Restoration Application No. 739/2024**

S.No.	Date of order, Proceedings	Order or other proceedings with signature of judge
1.	2	3
1	15.07.2024	<p>The application for restoration service appeal No. 2476/2023 submitted today by Mr. Muhammad Maaz Madni Advocate. It is fixed for hearing before Division Bench at Peshawar on 22.07.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

RA =  
GM. NO. 739 /2024

IN

Appeal No. 2476/2023

MUSARAT BIBI

VS

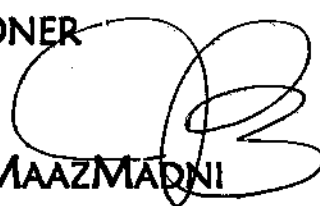
HEALTH DEPTT:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application	.....	1-2
3.	Judgment/order sheet	A	3-4

PETITIONER

THROUGH:

  
MUHAMMAD MAAZMADNI  
ADVOCATE HIGH COURT,  
PESHAWAR  
0333-9313113, 0314-9965666

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

*RA*  
**CM. NO. 739 /2024 IN Appeal No. 2476/2023**

**MUSARAT BIBI W/O Raees Khan(LHW@ BPS-05),**  
r/o Mohallah Sahibzada Banda, Jamal Garhi, Tehsil & District, Mardan

..... APPELLANT

**VERSUS**

**Khyber Pakhtunkhwa  
Service Tribunal**

**1- GOVERNMENT OF KHYBER,**  
through Secretary (Finance Department),  
Civil Secretariat, Peshawar.

Diary No. 14280

Dated 15-07-2024

**2- DIRECTOR GENERAL HEALTH SERVICES,**  
Khyber Pakhtunkhwa, Warsak Road, Peshawar.

**3- THE DISTRICT HEALTH OFFICER,**  
District Mardan.

**4- ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA,**  
Fort Road, Peshawar Cantt.:

.....RESPONDENTS

**APPLICATION FOR RESTORATION OF THE ABOVE-MENTIONED**  
**SERVICE APPEAL**

**R/SHEWETH:**

- 1- That the above title service appeal is pending adjudication before this august Tribunal which was fixed for hearing on 04-07-2024.
- 2- That the appellant ailing & retired woman who filed the above service appeal for allowing/granting pension & pensionary benefits.
- 3- That case of the appellant was fixed before the DB on ~~20-12-2023~~ 04-07-2024 and was in the 1<sup>st</sup> hearing of arguments stage. *OR*
- 4- That due to non appearance of the appellant or his Counsel for the petitioner/appellant on the date fixed i.e. 04-07-2024 well in time in the above mentioned case of the appellant is dismissed in default by this Honourable Tribunal vide judgment/Order Sheet dated 04-07-2024.

**Copy of the order sheet dated 04.07.2024 is attached as Annexure .....A**

- 5- That counsel for the appellant/petitioner was busy in Peshawar High Court, Peshawar in a case title Muhammad Jamal VS GOVT. OF KP, Review Petition No. 64/2024 in writ petition No. 3175/2022 as the case was time and again placed in waiting for the appearance of respondents.

- 6- That when counsel for the appellant/petitioner approached this Tribunal after the Tea Break the appellant/petitioner counsel was informed that order sheet has been scribed and the has been dismissed in default.
- 7- That as the counsel was informed about the fate of the case, filed application for attested copy of the order sheet dated 04-07-2024 on the same date which was delivered on 04-07-2024.
- 8- That the non-appearance of the counsel was neither deliberate nor intentional but caused due to the above mentioned reasons.
- 9- That, valuable rights of the appellant are involved in the instant case and the case has also got finality as being fixed in arguments stage.

It is therefore, most humbly prayed that on acceptance of this application the abovementioned appeal may very kindly be restored.

Dated: 15-07-2024

PETITIONER/APPLICANT

  
MUSARAT BIBI

Through:

  
MUHAMMAD MAAZ MADNI  
Advocate, Peshawar

AFFIDAVIT

It is solemnly affirmed that the contents of the instant restoration petition are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honourable Tribunal.



  
DEPONENT  
16101-4956368-0

5/7/24

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**



Service Appeal NO. 2476 /2023

MUSARAT BIBI W/O Raees Khan (LHW@ BPS-05),  
r/o Mohallah Sahibzada Banda, Jamal Garhi, Tehsil & District, Mardan  
..... APPELLANT

**VERSUS**

- 1- **GOVERNMENT OF KHYBER,**  
through Secretary (Finance Department),  
Civil Secretariat, Peshawar.
- 2- **DIRECTOR GENERAL HEALTH SERVICES,**  
Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- 3- **THE DISTRICT HEALTH OFFICER,**  
District Mardan.
- 4- **ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA,**  
Fort Road, Peshawar Cantt.  
.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ**  
**WITH ALL ENABLING LAWS & RULES AGAINST NOT**  
**RELEASING PENSION & OTHER PENSIONARY BENEFITS TO**  
**THE APPELLANT AS WELL AS NOT COUNTING OF**  
**CONTRACT SERVICE SERVED SINCE 2000 TILL**  
**REGULARIZATION I.E. 01/07/2012 AND AGAINST NOT**  
**TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL**  
**DATED 10/08/2023 OF THE APPEAL WITHIN THE**  
**STATUTORY PERIOD OF 90 (NINETY) DAYS.**

**PRAYER:**

That on acceptance of this appeal the act of the respondent by not releasing the pension and other pensionary benefits to the appellant as well as not counting of contract service served from the Year 2000 till regularization i.e. 01/07/2012 may very kindly be declare as illegal, void abi initio & unconstitutional. That the respondent may be directed to release the pension & other pensionary benefits by calculating the contract service served for sufficient time since 2000 till regularization i.e. 01/07/2012. Any other remedy which this August Tribunal deems appropriate and has not specifically

**TESTED**  
*[Signature]*  
15/11/23  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ORDER


4<sup>th</sup> July 2024

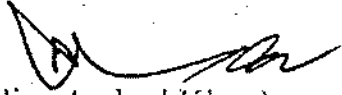
**Kalim Arshad Khan, Chairman:** Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.




2. The case was called several times but neither appellant nor his counsel turned up before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 4<sup>th</sup> day of July, 2024.*

  
(Rashida Bano)  
Member(J)

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 04-07-24  
Number of ~~Pages~~ Page = 2  
Copying Fee 10/-  
Urgent ✓  
Total 10/-  
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Date of Completion of Copy 10-7-24  
Date of Delivery of Copy 15-7-24