


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 721/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.07.2024	<p>The application for restoration service appeal No. 2820/2021 submitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 15.07.2024. 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 SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

CM No; _____/2024

in *R: A. No-721/2024*

Service Appeal No-2820/2021

Dr Tahir Aziz

.....Appellant

VERSUS

Govt & Others

.....Respondents

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-2
2.	Copy of Order Dated 02-07-2024	A	3-4

Petitioner

Dated:-12-07-2024

Through

Fazal Shah
Fazal Shah Mohmand ASC

Ibad Ur Rehman Khalil *Ibad*

&

Baseer Ahmad Shah *Baseer*

Advocates High Court

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell # 0301-8804841

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

C.M. No _____/2024

R.A-NO-721/2024

Khyber Pakhtunkhwa
Service Tribunal

In

Diary No. 16147

Service Appeal No: 2820 /2021

Dated 11.07.2024

Dr. Tahir Aziz, Senior Medical Officer (BPS-18) District Head Quarter
Haripur.

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Secretry, Health Department Peshawar.
2. Director, General Health Services Khyber Pakhtunkhwa Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretry, Finance Department Peshawar. Govt. of Khyber Pakhtunkhwa Peshawar.
4. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Service Appeal was pending before this honorable Tribunal which has been dismissed in default on 02-07-2024.
2. That actually the appellant was of the view that date is fixed on 03-07-2024 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.


2

It is therefore most humbly prayed, that on acceptance of this application, the above mentioned service appeal may kindly be ordered to be restored.

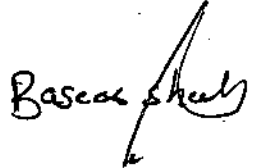
Dated:--12-07-2024

Tahir
Appellant

Through


Fazal Shah Mohmand,
Advocate
Supreme Court of Pakistan,

& 
Ibad Ur Rehman Khalil

&
Baseer Ahmad Shah 
Advocates High Court.

A F F I D A V I T :-

I, Dr. Tahir Aziz, Senior Medical Officer (BPS-18) District Head Quarter Haripur, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Tahir
DEPONENT

1. That the appellant was appointed as Medical Officer (BPS-17) on contract basis in the Ministry of Health, Govt. of Pakistan wide order/letter dated 21-11-2003 initially for a period of one year or till the availability of regular incumbent. According to the appellant reported arrival into appointment the appellant performed his duties with honesty and full devotion with spousess service career and to the entire satisfaction of his high ups. (Copy of Appointment Order dated 21-11-2003 is enclosed as Annexure A).

2. That in the meanwhile the Provincial Government advertised the post of medical officer and the appellant being perfectly fit and eligible also applied for the same through proper channel. The appellant was accordingly appointed as Medical Officer (BPS-17) in March 2005 where he reported arrival on 16-03-

On acceptance of his appeal the respondents may kindly be directed to count the previous contract service w.e.f 21-11-2003 to 16-03-2005 rendered by the appellant for the purpose of pay protection and pension etc. with all back benefits.

Respectfully Submitted:-

PRAYER:-

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE NON-COUNTING THE PREVIOUS CONTRACT SERVICE W.E.F 21-11-2003 TO 16-03-2005 OF THE APPELLANT AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

- Respondents.....
1. Govt of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
 2. Director, General Health Services Khyber Pakhtunkhwa Peshawar.
 3. Govt of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
 4. Chief Secretary, Govt of Khyber Pakhtunkhwa Peshawar.

VERSUS

Appellant.....
 Dr. Yahir Aziz, Senior Medical Officer (BPS-18) District Head Quarter
 Hanjpur.....

Service appeal no. 2820/2021
 D/O No. 2769
 16/12/2021
BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR



(3)

Handwritten notes and signatures in the top left corner, including a signature and some illegible text.

ORDER
2nd July 2024

A. No. 2824/2021
Tahir Aziz vs Govt (9)




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.

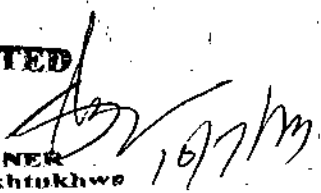
3. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 2nd day of July, 2024.


(Rashida Bano)
Member(I)


(Kalim Arshad Khan)
Chairman

Khyber Pakhtunkhwa, Peshawar

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 02-7-24

Number of Words Page 2

Copying Fee 10/-

Urgent _____

Total 10/-

Name of Copyist Shahzad

Date of Completion of Copy 10-7-24

Date of Delivery of _____ 10-7-24