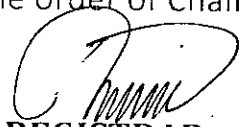


Form-A

FORM OF ORDER SHEET

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

**Restoration Application No. 357/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.05.2024	<p>The application for restoration of Appeal No. 7400/2021 submitted today by Mr. L.Nawab Ali Noor Advocate. It is fixed for hearing before Division 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><b>REGISTRAR</b></p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Restoration application NO.

*in s. Appeal # 7400/21*

1. Inam Gul S/O Hamish Gul Tehsil Katlang Distt Mardan .

.....Applicant/ Appellant.

**VERSUS**

1. Govt of K.P.K & others.

.....Respondents.

**Index**

S.NO.	Description	Annexure	Pages
1.	Restoration application		1-2
2.	Affidavit		2
3	Copy of the order	A	3-4
4	Waklat Nama		5

**Applicant/ Appellant**

**Through**

**L.Nawab Ali Noor**  
**Advocate**  
**High Court Peshawar.**  
**03469076945**

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Restoration application NO. IN S.Appeal no.7400/21

Diary No. 12704

1. Inam Gul S/O Hamish Gul Tehsil Katlang Distt Mardan .

Dated 13/5/24

.....Applicant/Plaintiff.

**VERSUS**

1. Govt of K.P.K Through Secretary (E & SE) Civil Secreteriat  
Peshawar.

2. Director Of Education KPK Directorate of Education Peshawar.

3. DEO (M) Mardan. .... Respondents

Application with utmost respect to Restore / set seaside order dated 25.4.24 through which the titled above S. Appeal was dismiss in default.

Respectfully submitted,

1. That cited above titled S. appeal was fixed before this Honorable tribunal for 25.4.24 which dismissed in default .  
(Copy of the order dated 25.4.24 as annexure A.)

3. That applicant/ appellant being aggrieved approach this Honorable trabunil to restore on following amongst others

Grounds.

a. That applicants/appellant didn't appear was not intention but due to no knowledge of the date nor any notice was served over the applicants/ appellants.

b. That applicants/appellants counsel on cited date was busy in High Court Peshawar in W.P NO.4365/22 ,2917/22 & one

other titled Muhamad Amir vs Govt along with other case like Gula jan VS Muhammad Ghni, Mst Shakila vs Rafiq were also before the different courts.

c. That applicants valuable rights are very much attached with the case in question & no bar/ nor any legal hurdle nor non appearance was not deliberate nor intention but due mentioned reason.

d. That law favor to decide the cases on merit rather than technicality & superior courts judgments favor the cases to be decided on merits.

It is therefore most humbly prayed that on acceptance of this application your honor may graciously be pleased to set aside the order dated 25.4.24 & may please restore the S. Appeal and decide the same on merit.

Applicant/ Appellant  
L.Nawab Ali Noor  
Advocate High Court Peshawar.  
03469076945

Through

Certificate: Certified that mentioned above are true and correct.

Applicant

**AFFIDAVIT.**

I, Inam Gul S/O Hamish Gul Tehsil Katlang Distt Mardan ,do solemnly affirm and declare on oath that the contents of the accompanying restoration application are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.

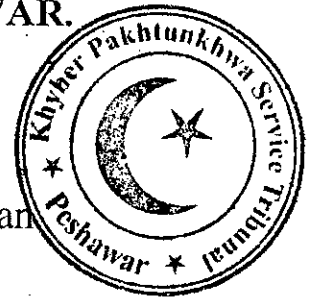
Deponent



Page A-3  
1

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.**

S. Appeal No. <sup>7400</sup> of 2021.



1. Inam Gul S/O Hamish Gul Tehsil Katlang Distt Mardan  
.....Appellant.

**VERSUS**

1. Govt of K.P.K Through Secretary Elementary and Secondary Education Civil Secretariat Peshawar.
2. Director of Education K.P.K Directorate of Education Peshawar.
3. District Education Officer male Mardan.

.....Respondents.

Appeal under section -4 of the N.W.F.P service tribunal Act 1974 against the impugned act of respondent no. 3 whom not decided/ responded the appellant appeal in respect of untrained period to consider from 10.12.1987 to 1.4.1992 for promotion, within the stipulated time of ninety days .

**Prayer:**

On acceptance of this service appeal this honorable court may graciously be pleased to direct the respondents to consider the untrained period of service of appellant which is from 10.12.1987 to 1.4.1992 for promotion.

**Certified to be true copy**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
-05-24

Ans A. 4



S.A No. 7400/2021

02.01.2024 1. Clerk of counsel for the appellant present. Mr. Asif Masood Ali Shah Deputy District Attorney for the respondent present.

2. Bench is incomplete, therefore, case is adjourned to 25.04.2024 for arguments before the D.B. Parcha Peshi given to parties.

(Fareeha Paul)  
Member (E)

\*Zia ul haq \*

25.04.2024 1. Nobody present on behalf of appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 25<sup>th</sup> day of April, 2024.

(Fareeha Paul)  
Member (E)

(Rashida Bano)  
Member (J)

Certified to be true copy

\*Kaleem Ullah

Date of Presentation of Application 07-05-2024  
 Number of Pages 2  
 Copying Fee 10/-  
 Urgent 5/-  
 Total 15/-  
 Name of Copyist Shahzad  
 Date of Completion of Copy 07-05-24  
 Date of Delivery of Copy 07-05-24

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
07-05-24

# بعدالت سروس ٹریڈ مارک لٹریچر

کورٹ فیس

مورخہ: 13/5/24 2024ء منجانب  
 مقدمہ: انٹرا سیکٹور  
 نام: حکومت  
 دعویٰ:  
 جرم:

## باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام سروس ٹریڈ مارک کے لئے اہل ضرورت کی تفریق اور ان کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تفریق ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے کے لئے وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخی دائر کرنے کی اپیل نگرانی کے واسطے پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دودہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ

دیاتا کہ سندر ہے  
 المرقوم

13 ماہ 2024ء

بد گواہ شدہ العبد

بمقام: سروس ٹریڈ مارک لٹریچر کے لئے منظور ہے