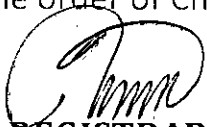


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 327/2024

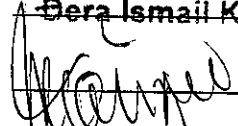
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.04.2024	<p>The application for restoration of Appeal No. 7513/2021 received today by registered post through Muhammad Ismail Alizai Advocate. It is fixed for hearing before touring Single Bench at D.I.Khan on Original file be requisitioned. The counsel for the applicant has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Sami Ullah vs. Govt of KP & others (SA 7513/2021) CHECK LIST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent has signed the requisite documents?	✓	
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Muhammad Ismail Alizai
 Advocate High Court
~~Gera Ismail Khan~~
 Signature: 
 Dated: _____

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Misc: Application in
Service Appeal No: 7513/2021

R. A. No - 327/2024

Sami Ullah s/o Qadir Baksh,
PST GPS No. 5, Paroa Distt D.I. Khan

(Appellant)

VERSUS

1. Govt; of KPK through Chief Secretary, Civil Secretariat, Peshawar,
2. Secretary Elementary & Secondary Education, KP Peshawar,
3. Director Elementary & Secondary Education, KP Peshawar,
4. Assistant Director Estb: Elementary & Secondary Education, Peshawar,
5. District Education Officer (Male), D.I. Khan,
6. Sub-Divisional Education Officer (Male), D.I. Khan,
7. Sub-Divisional Education Officer (Male), Paharpur,
8. Sub-Divisional Education Officer (Male), Kulachi,
9. Sub-Divisional Education Officer (Male), Paroa,
10. Sub-Divisional Education Officer (Male), Daraban,
11. Aqal Khan, GPS No. 1 Rehman-khel, Distt D.I. Khan,
12. Zia-ur-Rehman, GPS No. 1 Rehman-khel, Distt D.I. Khan,
13. Hizbullah Khan, GPS No. 1 Takwara, District D.I. Khan,
14. Muhib-ullah, GPS No.2 Dhala, District D.I. Khan,
15. Asad Hussain Shah, GPS Wanda Talgi, District D.I. Khan,
16. Abdul Rauf Khan, GPS Kot-Masudin, District D.I. Khan,
17. Muhammad Zafar, GPS Mandhra Saidan, District D.I. Khan.

(Respondents)

APPLICATION FOR RESTORATION OF SERVICE APPEAL

I N D E X

<u>S.No.</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page(s)</u>
1.	Application with Grounds & affidavit.	-----	(1-2)
2.	Copy of order sheet dtd 18.01.2023.	A	(3-4)
3.	Wakaltname	-----	(5)

Dated: 27/03/24

Sami Ullah

Appellant
(Sami Ullah)

Through Counsel

Muhammad Ismail Alizai
(Muhammad Ismail Alizai)
Advocate High Court, DI Khan.

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Misc: Application in
Service Appeal No: 7513/2021

R. A. No. 327/2024

Sami Ullah s/o Qadir Baksh,
PST GPS No. 5 , Paroa Distt D.I. Khan

(Appellant)

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12473

Dated 30/4/24

1. Govt; of KPK through Chief Secretary, Civil Secretariat, Peshawar,
2. Secretary Elementary & Secondary Education, KP Peshawar,
3. Director Elementary & Secondary Education, KP Peshawar,
4. Assistant Director Estb: Elementary & Secondary Education, Peshawar,
5. District Education Officer (Male), D.I. Khan,
6. Sub-Divisional Education Officer (Male), D.I. Khan,
7. Sub-Divisional Education Officer (Male), Paharpur,
8. Sub-Divisional Education Officer (Male), Kulachi,
9. Sub-Divisional Education Officer (Male), Paroa,
10. Sub-Divisional Education Officer (Male), Daraban,
11. Aqal Khan, GPS No. 1 Rehman-khel, Distt D.I. Khan,
12. Zia-ur-Rehman, GPS No. 1 Rehman-khel, Distt D.I. Khan,
13. Hizbullah Khan, GPS No. 1 Takwara, District D.I. Khan,
14. Muhib-ullah, GPS No. 2 Dhala, District D.I. Khan,
15. Asad Hussain Shah, GPS Wanda Talgi, District D.I. Khan,
16. Abdul Rauf Khan, GPS Kot-Masudin, District D.I. Khan,
17. Muhammad Zafar, GPS Mandhra Saidan, District D.I. Khan.

(Respondents)

APPLICATION FOR RESTORATION OF SERVICE APPEAL

Respectfully, the Appellant very humbly submits as under: -

1. That the service appeal filed by the Petitioner was dismissed in default on 18/01/2023.
2. That the Appellant had been regularly pursuing his service appeal in personal capacity as well as through Counsel and had not absented himself either intentionally or deliberately.
3. That during the month of October 2022 the Hon'ble Service Tribunal did not hold Camp Court at D. I. Khan and the Appellant was informed that he would receive notice as and when his appeal would be fixed again.
4. That when the Hon'ble Tribunal resumed holding Camp Court at D. I. Khan station, the Appellant not being served in person or informed through his Attorney could not attend the proceedings thus his appeal besides other appellants in similar appeals were dismissed in default. For the ibid mentioned reason the Appellant inadvertently remained unable to attend the Hon'ble Tribunal either in person or through his appointed Counsel which was neither a deliberate nor an intentional act on part of Appellant.
5. That a number of appeals earlier dismissed for default have since been restored recently.
6. That this Hon'ble Tribunal has got ample powers in considering the instant application and request of the Applicant towards restoration of his appeal.
7. That during the course of arguments on the instant application the Counsel for the Appellant may kindly be allowed to raise additional points/grounds, if need be.

(Signature)

PRAYER:

In view of the supra-mentioned facts it is most humbly requested to graciously restore the service appeal of the Applicant in the interest of justice.

Dated: 27/03/24

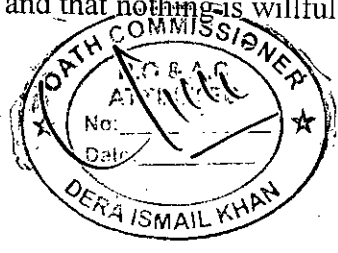
Humbly,
Si ulleh
Appellant,

Through Counsel,
Muhammad Ismail Alizai
(Muhammad Ismail Alizai)
Advocate High Court

AFFIDAVIT

I, Samiullah s/o Qadir Baksh, the appellant, affirm and declare on oath that contents of this application are true & correct as per my knowledge & belief besides the records made available, and that nothing is willfully concealed or kept from the Tribunal.

Dated: 27/03/24



Si ulleh
Deponent,

- 3 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____ /2021

SAMI ULLAH PST GPS PAROVA NO 5. S/o

Qadir Baksh R/o Parova Tehsil Parova D.I.Khan (Appellant)

Khyber Pakhtunkhwa Service Tribunal

Diry No. 7296

Dated 15/7/2021

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHAWA THROUGH CHIEF SECRETARY, CIVIL SECRETARIAT, PESHAWAR
2. THE SECRETARY ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
4. ASSISTANT DIRECTOR (Estb:) ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHAWA, PESHAWAR.
5. DISTRICT EDUCATION OFFICER (DEO) MALE, D.I.KHAN.

Answer

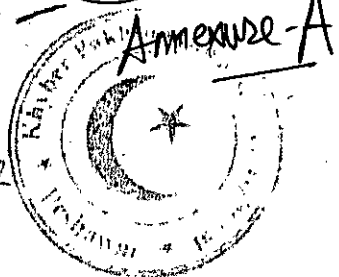
Answer
M. Anwar
Advocate Supreme Court
D.I.Khan

Filed to-day

Registrar

6. AQAL KHAN GPS NO.1 REHMANIKHEL DISTT: D.I.KHAN
7. ZIA UR REHMAN GPS NO.1 REHMANIKHEL DISTT: D.I.KHAN
8. HIZBULLAH KHAN GPS NO.1 TAKWARA DISTT: D.I.KHAN
9. MUHIB HUSSAIN SHAH GPS NO. 2 DHALLAH DISTT: D.I.KHAN
10. ASSAD HUSSAIN SHAH GPS WANDA TALGI DISTT: D.I.KHAN
11. ABDUR RAUF KHAN GPS KOT MASOODAN DISTT: D.I.KHAN
12. MUHAMMAD ZAFFAR GPS MANDHRA SAIDAN DISTT: D.I.KHAN

3



A. No. 7513 / 2021
Samiaullah vs Govt

18.01.2023

Nemo for the appellant. Mr. Muhammad Riaz Khan. Paindakhel,

Assistant Advocate General for the respondents present.

02. Case called several times till last hours of the court but nobody turned up on behalf of the appellant, therefore, the appeal in hand is dismissed in default as well as for non-compliance of the court order.

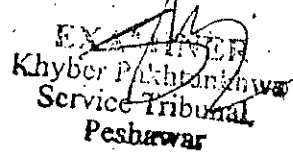
Consign.

03. Pronounced in open court at camp court D.I Khan and given under my hand and seal of the Tribunal this 18th of January 2023.

Attested
Muhammad Ismail Alizai
Advocate High Court
Dera Ismail Khan

(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan

Certified to be true copy




Date of Presentation of Application 24-5-2023
Number of Words page 2
Copying Fee 10/-
Urgent _____
Total 15/-
Name _____
Date of _____ 24-5-2023
Date of Delivery of Copy 24-5-2023

(5)

VAKALATNAMA

N.W.F.P. BAR COUNCIL

MUHAMMAD ISMAIL ALIZAI
Advocate High Court
N.I.C. 12101-0958025-3
S.No 1228



Issuing Authority

Father's Name: MUHAMMAD IBRAHIM KHAN ALIZAI
Address: ALIZAI HOUSE KIKI ALIZAI, D.I.KHAN.
Office Tel: 09449401133, 0333980770
Enrolment Dt. L.C: 1984(R 31-1-2001)
Enrolment Dt. H.C.: 25-03-2003
Place of Practice: DERA ISMAIL KHAN
Date of Birth: 17.04.1961
Blood Group: B+ve

1st Floor @ Block, Khyber Road Peshawar. Ph. 091-8211172
E-mail: wipbarcouncil@yahoo.com, nwfpbarcouncil@gmail.com

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

In Service Appeal Sami ullah vs Court of KP & others (SA.7513/2021)
I/WE, (Sami ullah), Appellant,

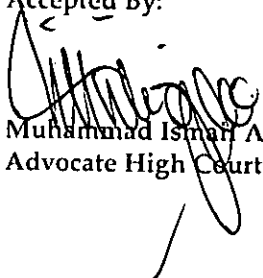
hereby appoint, Mr. Muhammad Ismail Alizai, Advocate High Court, D.I. Khan,
in the above mentioned matter / case and authorize him/them to do all or any of the following acts,
in my/our name and on my/our behalf, that is to say,

1. To appear, act and plead for me/us in the above mentioned case in this Court/ tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/them and to conduct prosecution or defense of the said case at all its stages,
3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I / we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on this 26th Day of March 2024

Accepted By:


Muhammad Ismail Alizai,
Advocate High Court.

Thumb Impression / Signature(s) of Executant(s)

Sami ullah
.....