

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 15878/2020

Restoration Appli no 267/23

Shafi Ullah S/O Zahir Shah Regulation Jamadar,
Sub division Dargai.

APPELLANT

VERSUS

1. Government of K.P.K through Chief Secretary Civil Secretariat Peshawar.
2. Chief Engineer North Irrigation Department K.P.P at Kababyan Peshawar.
3. Executive Engineer Malakand Irrigation Divison Malakand.
4. Enquiry officer/ S.D.O Drainage Irrigation Sub Division Mardani.

RESPONDENTS

**APPLICATION FOR RESTORATION OF THE INSTANT APPEAL
WHICH WAS DISMISSED IN DEFAULT ON 05.04.2023**

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 20.08.2020 through which the appellant was awarded major penalty of dismissal from service from Govt. service to compulsory retirement from service with immediate effect.
2. That the appellant filed departmental appeal on which the appellate authority passed an order/memo dated 18.11.2020, however, the appellant did not impugned the order/memo dated 18.11.2020 in his service appeal, therefore, the appellant filed application to the impugned the order/memo dated 18.11.2020 in his service appeal by the amending his appeal which was allowed by the Honorable Tribunal on 15.03.2023 and the case was also transfer to Camp Court Swat and fixed for 05.04.2023 and as the counsel of the appellant was busy at Principal seat at Peshawar, therefore, he told the appellant to appear in the case on 05.04.2023, the appellant was appeared on dated 05.04.2023 fixed at Camp Court Swat and requested for adjournment as well as for allowing him to submit the amended appeal on or before the next date and the case of the appellant

was adjourned to 04.05.2023, which is evident from cause list dated 05.04.2023 and when the counsel for appellant asked for order sheet dated 15.03.2023 form concerned official, so that he prepare the amended appeal and submit it, but he when took the order sheet dated 15.03.2023 on 20.04.2023, he was informed that his case was dismissed in default on 05.04.2023. (Copies of cause list dated 05.04.2023 and orders sheet dated 05.04.2023 are attached as Annexure-R-1& R-2)

3. That the appellant was appeared in the Camp Court Swat on 05.04.2023 and requested the Honorable Tribunal to allow him to submit his amended appeal on or before the next date and also requested for adjourned of the case and the case was adjourned to 04.05.2023, but despite that his appeal was dismissed in default on 05.04.2023.
4. That the appellant's valuable interest was involved and if the appeal may not be restored the appellant suffer great loss.
5. That the application is well in time from the date of acknowledgment and that it will be in the interest of justice to restore the instant appeal and to decide it on merit to meets the end of justice.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may be restored and to decide the appeal of the appellant on merit to meet the ends of justice.


APPELLANT

Shafi Ullah

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIG COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.




DEPONENT

R-1 (3)

Cause List 5th April 2023

LIST OF D.B CASES FIXED BEFORE KALIM ARSHAD KHAN (CHAIRMAN) AND
MR. SALAH UD DIN KHAN (MEMBER JUDICIAL)
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR
AT CAMP COURT (SWAT)

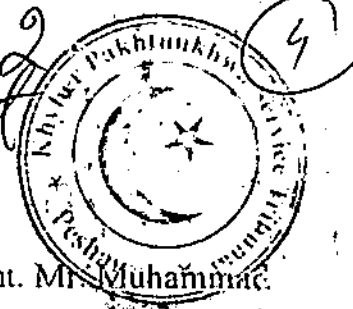
ARGUMENTS - TRANSFER CASES

S.NO	S.A/NO	APPELLANT NAME	DEPTT
1	1147/22	NISAR AHMAD Argo	EDU ✓ Dismissed
2	1763/2022	Mst. NOOR NISA	EDU ✓ Disposed off

ARGUMENTS - OTHER CASES

S.NO	S.A/NO	APPELLANT NAME	DEPTT
1	1498/19	NOOR KHAN	POLICE ✓ Disposed off
2	15878/20	SHAFI ULLAH	IRRIG ✓ 4-5-23
3	6221/20	TAUHEED ANJUM	EDU ✓ Default
4	5675/20	ADNAN	POLICE ✓ 4-5-23
5	7798/21	NUSRAT BIBI	EDU ✓ Dismissed
6	7026/21	USMANI GUL	POLICE ✓ 4-5-23
7	2768/21	BAHAR UL MULK (1)	POLICE ✓ 4-5-23
8	10/21	JAMAL UD DIN (1)	POLICE ✓ 4-5-23
9	523/21	HAMID IQBAL - ASDFC - ASDFC	POLICE ✓ 4-5-23
10	1630/21	AHMAD KHAN - ASDFC	AGGRI APP: ✓ 4-5-23
11	1387/22	ZAHID IQBAL	POLICE ✓ Default
12	1254/22	KIFAYAT ULLAH	FOREST ✓ 4-5-23
13	901/22	UMER ZEB	TREASURY ✓ Disposed off
14	155/22	HAKHEEM SAID	POLICE ✓ 4-5-23
15	1546/22	M ALI - Argo	POLICE ✓ 6/4/23
16	441/22	FAZAL WADOOD	HOME 4-5-23

R-2
Shafiullah vs Govt



05th April, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.
2. On 15th March, 2023, learned counsel for the appellant was directed to submit amended appeal as prayed in the application within 15 days but neither amended appeal is submitted nor anybody on behalf of the appellant is present today before the court, therefore, the appeal in hand is dismissed in default as well as non-compliance of court order. Consign.
3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 05th day of April, 2023.*

(Salah-ud-Din)
Member (J)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Certified to be true copy

Khatun Jwa
Service Tribunal
Peshawar

Date of Presentation of Application 20/04/2023
 Number of Words Page 3
 Copying Fee 15/-
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