


Form-A

FORM OF ORDER SHEET

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

**Restoration Application No. 1098/2024**


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.09.2024	<p>The application for restoration of Service appeal No. 2354/2023 resubmitted today by Mr. M.Asif Yousafzai Advocate. It is fixed for hearing before Single Bench at Peshawar on 27.09.2024. Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The application for restoration of appeal no. 2354/2023 submitted to-day by Mr. Muhammad Asif Yousafzai Advocate is incomplete on the following score which is returned to the counsel for completion and resubmission within 10 days.

1- Application is not on proper format.

No. 820 /Inst./2024/KPST,

Dt. 23/9 /2024.

  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Asif Yousafzai Adv.,  
High Court Peshawar.

Respaired Sir,

is objection clear, Resubmitted.



**BEFORE THE KP, SERVICE TRIBUNAL, PESHAWAR.**

R.A. No. 1098 /2024  
IN

Service Appeal No. 2354/2023

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 15975

Date 23/9/2024

Jehan Pari

V/S Health Department & Others.

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2.	Copy of memo of appeal	---A1---	03
3.	Copy of order sheet dt: 30.07.2024	---A2----	04-05

**APPELLANT**

*Jehan Pari*  
Jehan Pari

THROUGH:-

*M. Asif Yousafzai*

(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,  
OF PAKISTAN.

&

*Hilal Zubair*  
(HILAL ZUBAIR)  
ADVOCATE

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03339103240

**BEFORE THE KP, SERVICE TRIBUNAL, PESHAWAR.**

R.A. No. 1098 /2024  
IN

Service Appeal No. 2354/2023

Jehan Pari W/o Fazli Mehmood  
Ex-Lady Health Worker R/o Muhallah Shams Ul-Qamar  
Town, Dora Road, Peshawar.

**VERSUS**

1. Government of Pakhtunkhwa through Secretary Health Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat Peshawar.
3. District Coordinator Lady Health Workers Program, DHO Office, Maulvee Gee Hospital, Hashtnagri, Khyber Pakhtunkhwa Peshawar.
4. Accountant General Khyber Pakhtunkhwa, Fort Road, Peshawar.

**APPLICATION FOR RESTORATION OF SERVICE  
APPEAL NO. 2354/2023 WHICH WAS DISMISSED IN  
DEFAULT VIDE ORDER DATED 30.07.2024.**

**RESPECTFULLY SHEWETH:**

1. That the instant appeal was pending before this august Tribunal which was fixed for before S.B on 30.07.2024.
2. That as the appellant belongs to far flung area of District Dir and due to unavoidable circumstances in family at Dir, the appellant was unable to attend the august Tribunal on 30.07.2024 and resultantly due to absence the appeal was dismissed for non prosecution on 30.07.2024.
3. That on return from Dir, the appellant came to know about dismissal on appeal for non prosecution, and forthwith apply for order dated 30.07.2024.
4. That the instant application is in time from the date of knowledge and the absence was not intentional.

5. That the appellant has good prime facie case, and has every legal right to defend her cause.

It is therefore, most humbly prayed that on acceptance of this application, the appeal may kindly be restored which was dismissed in default due to non presence of the appellant with further prayer of deciding the appeal on merit. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

*J. Pari*  
APPELLANT

Jehan Pari

THROUGH:-

*M. Asif Yousafzai*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,  
OF PAKISTAN.

& *H. Zubair*  
(HILAL ZUBAIR)  
ADVOCATE

**AFFIDAVIT**

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

*J. Pari*  
DEPONENT



A I  
2



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA AT PESHAWAR.  
In Appeal No. 9354 /2023

Jehan Pari, W/O Fazli Mehmood, Ex LHW, Ex Gulshan Rehman Colony, Peshawar  
R/O Muhallah Shams Ul Qamar Town, Dora Road, Kohat Road,  
Peshawar (through lawful attorney, Fazli Mehmood).

-----Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Gate No. 5, District Courts, Khyber Road, Peshawar.
3. Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat Peshawar.
4. District Coordinator Lady Health Workers Program, Khyber Pakhtunkhwa Peshawar.
5. Accountant General Khyber Pakhtunkhwa, Ford Road, Peshawar Cantt.

-----Respondents

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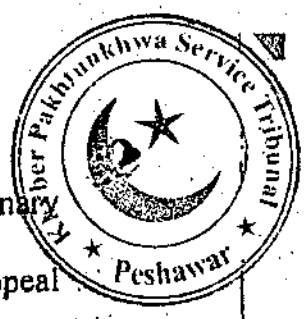
APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ILLEGAL IMPUGNED ORDER NO. SOSR-II/FD/3-1/2023 DATED: 07-02-2023 PASSED BY FINANCE DEPARTMENT/ RESPONDENT NO. 2 COMMUNICATED TO THE PETITIONER VIDE LETTER NO. 19107/DHO/Pesh DATED: 11-10-2023 WHEREBY THE SERVICES RENDERED BY THE PETITIONER FROM THE DATE OF INITIAL APPOINTMENT I.E. DATED: 14-05-1996 FOLLOWED BY CONFIRMATION WAS NOT COUNTED FOR THE PURPOSE OF PENSIONERY BENEFITS AND THE PETITIONER WAS HELD NOT ENTITLED FOR THE PENSIONARY BENEFITS

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Prayer in appeal: On acceptance of this appeal, this Honorable Court may kindly hold and declare that the impugned Letter/ Notification No. SOSR-II/FD/3-1/2023 dated: 07-02-2023 communicated vide Letter No. 19107/DHO/Pesh dated: 11-10-2023 is totally illegal, arbitrary, unwarranted and is against the law on the subject and the services rendered by the petitioner from the date of initial appointment i.e. dated: 14-05-1996 followed by confirmation be counted for the purpose of pensionery benefits and the petitioner is entitled for the same after counting her entire service

**ATTENDED**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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15.05.2024

1. Learned counsel for the appellant present. Preliminary arguments heard. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections. Appellant is directed to submit security fee within seven days, thereafter, notices be issued to the respondents for submission of written reply. Respondents be summoned through TCS the expenses of which be deposited by the appellant within seven days. To come up for written reply/comments on 11.06.2024 before S.B. P.P given to learned counsel for the appellant.

SCANNED  
LIST  
Peshawar

(Rashida Bano)  
Member (J)  
Camp Court, Swat.

Kaleemullah

11.06.2024 1. Appellant present in person.

2. Security fee & TCS expenses not deposited. Appellant is directed to deposit the same within three days. Adjourned. To come up for written reply/comments on 02.07.2024 before S.B. P.P given to the appellant.

SCANNED  
LIST  
Peshawar

(Rashida Bano)  
Member (J)

Kaleemullah


ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

02.07.2024

01. Counsel for the appellant present.

02. Despite clear directions on 11.06.2024, security has not been deposited till date. Last opportunity is granted to the appellant to deposit the same within 02 days. Thereafter, notices be issued to the respondents through TCS, the expenses of which shall be deposited by the appellant within two days. To come up for reply/comments on 30.07.2024 before the S.B. PP given to the learned counsel for the appellant.

SCANNED  
KPST  
Peshawar

  
(Farzana Paul)  
Member(1)


\*Fazle Subhan, P.S\*

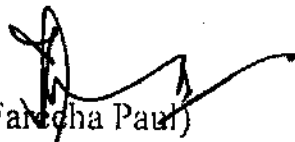
30.07.2024

01. Nemo for the appellant.

02. Vide order sheet dated 02.07.2024, last opportunity was granted to the appellant to deposit the security and TCS expenses within two days. Today no one is present on her behalf which indicates that she is not interested in pursuing the case. Dismissed in Default. Consign.

3. *Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 30<sup>th</sup> day of July, 2024.*

  
Certified to be true copy  
E. JINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
(Farzana Paul)  
Member(1)

\*Fazle Subhan, P.S\*