


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1112/2024

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. 03/2024 submitted today by Mr. Shah Faisal Nasapi Advocate. It is fixed for hearing before Single Bench at Peshawar on 30.09.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:
Service Appeal No. _____/2024

M. Qasim Khan.....**Appellant**

VERSUS

The Secretary E&SE & other.....**Respondents**

APPLICATION WITH THE REQUEST FOR
FIXATION OF TITLED APPEAL BEFORE THE
PRINCIPAL SEAT AT PESHAWAR.

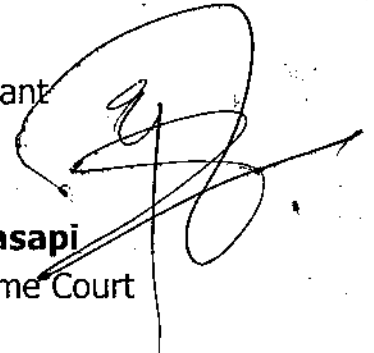
Respectfully Sheweth:

1. That the applicant/appellant has filed the instant service appeal in which was dismissed in default and now the instant application for restoration in which no date of hearing is yet fixed.
2. That the counsel for the applicant/appellant is doing legal practice at Peshawar as well as the addresses of the main respondents i.e. Secretary (E&SE) are also at Peshawar and the appellant also wants to pursue his case at the principal seat at Peshawar.
3. That it will be convenient for the counsel as well as for the applicant/appellant and respondents to fix the instant service appeal and restoration application at principal seat at Peshawar for just decision.

It is therefore most humbly prayed that on the acceptance of this application, the instant service appeal alongwith application for restoration may kindly be fixed and heard at principal seat at Peshawar

Through
Applicant/Appellant

Shah Faisal Nasapi
Advocate Supreme Court



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

R.A
~~CM~~ No. 1112 /2024
In
Service Appeal No.03/20254

M. Qasim khan.....**Applicant**

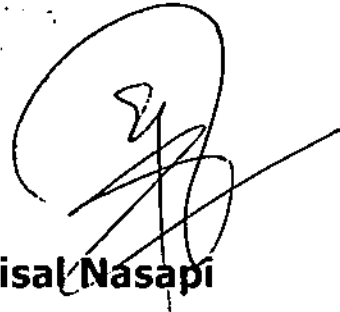
V E R S U S

The Secretary E&SE & others.....**Respondents**

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 03.09.2024		4-8

Through Applicant



Shah Faisal Nasapi
Advocate
Supreme Court of Pakistan

Dated 23.09.2024

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

R.A
C.M. No. 1112 /2024
In
Service Appeal No.03/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16047

Dated 28-09-2024

M. Qasim Khan Son of Hashim Khan, Sweeper Govt. Middle
School Kalkatak Darosh Chitral Lower

.....**Applicant**

VERSUS

1. The Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. District Education Officer Lower Chitral

.....**Respondents**

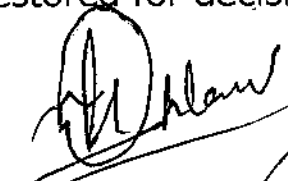
**APPLICATION FOR THE
RESTORATION OF THE APPEAL
TITLED ABOVE DISMISSED
DEFAULT ON 03.09.2024.**

Respectfully Sheweth:-

1. That the titled service Appeal was pending adjudication
before this Hon'ble Service Tribunal at Camp Court Swat
and the same was dismissed for non-prosecution vide
order dated 03.09.2024.

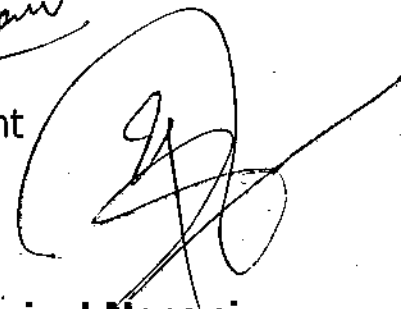
2. That applicant hails to District Chitral due to illness was not in a position to appear before this Hon'ble Tribunal.
3. That counsel for the applicant was also failed to appear before this Hon'ble Tribunal due to wrong noting of date of hearing and was also busy with his brother passing through eyes surgery.
4. That absence was not deliberate rather was due to the reason mentioned in this petition while non-compliance of the order of this Hon'ble Tribunal was also due to some technical reasons as the applicant was in view that the court will be closed due to summer vacation.
5. That valuable rights of the petitioner/applicant are involved with the appeal and this Hon'ble Tribunal has got the jurisdiction to restore the appeal and decide it on merit.

It is, therefore most humbly prayed that on acceptance of this application, the captioned service appeal may kindly be restored for decision on merit.



Applicant

Through



Shah Faisal Nasapi

Advocate

Supreme Court of Pakistan

Dated 23.09.2024

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

C.M. No. _____/2024

In

Service Appeal No.03/20254

M. Qasim khan.....**Applicant**

VERSUS

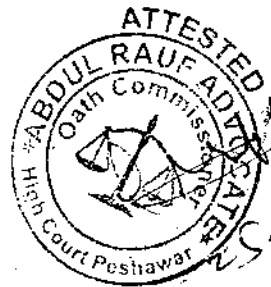
The Secretary E&SE & others.....**Respondents**

AFFIDAVIT

I, M. Qasim khan Son of Hashim khan, Sweeper Govt. Middle School Kalkatak Darosh Chitral Lower, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



25-09-24

(1)

42



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 03 /20231

Mohammad Qasim Khan Son of Hashim Khan, Sweeper Govt.
Middle School Kalkatak Darosh Chitral Lower
.....Appellant

V E R S U S

1. The Secretary
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar
2. District Education Officer
Lower ChitralRespondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974.**

Prayer-In-Appeal

By accepting this Service Appeal,
the respondents may kindly be directed
to promote the appellant to the post of
Junior Clerk being fully qualified both
academically and experience.

Respectfully Sheweth:

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. That the appellant was appointed as Sweeper on 07.10.1989 and is still serving on the same post.
2. That the appellant being senior on the seniority list as per list provided and prepared on 31.12.2022 and qualified both ~~essentially~~ and experience however the respondents are reluctant to promote the appellant on 33% quota. (Copy of the seniority list is attached as annexure and academic documents are annexed as annexure A & B).
3. That appellant approached respondents by filing departmental appeal, however the respondents failed to redress his grievances. Copy Annexed 'C'
4. That now the appellant has got no other remedy hence this appeal on the following amongst other grounds:

G R O U N D S:

- A. That the act and omission of the respondents by not promoting the appellant on 33% quota is against the law and facts.
- B. That under the law governing the matter the respondents are bound to promote the

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(3)

6

appellant on the post of Junior Clerk being qualified both academically and experience.

- C. That according to law no typing test is applicable to the appellant as vide notification No.10061- 10121/F-No.A-20/class-iv dated 17.03.2023, the competent authority exempted the class-IV from typing test. (Copy of Notification dated 17.03.2023 is attached as annexure D).
- D. That appellant is highly qualified being graduate and also got CT-qualification, hence is a perfect person to be promoted as clerk.
- E. That appellant is performing his duties since 1989 as class-iv upto the entire satisfaction of their high-up's and is also a high qualified hence is entitled for promotion, however the respondents are reluctant and not promoting the petitioner.
- F. That in the seniority list appellant is also at the top, hence the act and omission of respondents by not considering him is against the law.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

87

- G. That the appellant has not been treated in accordance with law and he has also been deprived of equal protection of law.
- H. That any other ground, not specifically mentioned, may be raised at the time of arguments, with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that by accepting this Service Appeal, the respondents may kindly be directed to promote the appellant to the post of Junior Clerk being fully qualified both in academically and experience.

Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed in favour of the appellant.

Certified to be true copy
 JUNIOR
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

(Signature)

Appellant

Through

(Signature)

Shah Faisal Nasapi

Advocates High Court(s) 16-09-2024

Dated 21.12.2023

Date of Presentation of Application	_____
Number of Words	41-8
Copying Fee	20/-
Urgent	_____
Total	20/-
Number of Copy	_____
Date of Completion of Copy	16-09-2024
Date of Delivery of Copy	20-09-2024

8



Service Appeal No. 03/2024 titled " Muhammad Qasim Khan Versus Government of Khyber Pakhtunkhwa and others"

ORDER

3rd Sept, 2024

Mr. Kalim Arshad Khan, Chairman: Nobody is present on behalf of the appellant.

2. Case was called several times till last hours of the court but nobody turned up on behalf of the appellant nor expenses of TCS have been deposited. Therefore, the instant appeal is dismissed in default as well as for non-compliance of the court order. Consign.

3. *Pronounced in open court in Swat and given under my hand and seal of the Tribunal on this 3rd day of September, 2024.*

Adnan Shah

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	16-09-2024
Number of Words	1-P
Copying Fee	51-
Agent	-
Total	51-
Number of Copies	-
Date of Disposal	16-09-2024
Date of Delivery of Copy	20-09-2024