


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1140/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.10.2024	<p>The application for restoration of Service appeal No. 7857/2021 submitted today by Mr. Nadeem Zafar Advocate. It is fixed for hearing before Division Bench at Peshawar on 09.10.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By order of the Chairman  REGISTRAR</p>

**BEFORE THE CHAIRMAN SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

MIAN MUHAMMAD HASSAN

VS

GOVT OF KP & OTHERS

**APPLICATION FOR FIXATION FOR ABOVE MENTIONED
RESTORATION APPLICATION TO THE PESHAWAR BENCH**

Respectfully Sheweth:-

That the above mention restoration application is pending before this hon'ble tribunal where no date has been fixed yet.

That the above mention restoration application may kindly be fixed before Peshawar bench for its disposal on merits.

It is therefore most humbly prayed that on acceptance of this application the restoration may kindly be fixed here in Peshawar for its disposal.

Dated: 07/10/2024

Through

Applicant


Nadeem Zafar

Advocate

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

R.A
G.M No. 1140 of 2024

IN

Service Appeal No. 7857 of 2021

Mian Muhammad Hassan.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary, Elementary and Secondary
Education, Peshawar etc.....RESPONDENTS

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S#	Particulars of documents	Annexure	Pages
1	Memo of Civil miscellaneous alongwith affidavit.	1-4
2	Attested copy of impugned order.	"A"	5
3	Wakalat Nama.	6.

Dated 04.10.2024

Mian Muhammad Hassan
...APPELLANT

Through


JUNAID ANWAR KHAN,

Advocate Supreme Court,
Of Pakistan.

(1)

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

R.A
C.F.M No. 1140 of 2024

IN

Service Appeal No. 7857 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16355

Dated 07-10-2024

Mian Muhammad Hassan son of Mian
Mehmood resident of Shahotar, Tehsil Balakot
District Mansehra, Ex-PSHT, Govt. Primary
School Pludran Circle Kaghan, Tehsil Balakot
District MansehraAPPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through
Secretary, Elementary and Secondary
Education, Peshawar.
2. Director, Elementary and Secondary
Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (Establishment). Elementary
and Secondary Education, Khyber
Pakhtunkhwa Peshawar.
4. District Education Officer (Male), Mansehra.
5. Sub-Divisional Education Officer, Balakot.
6. A.S.D.E.O Circle Balakot.
7. Muhammad Aslam, Principa, Govt. High
School Shohal Mazullah, Tehsil Balakot
District Mansehra.
8. Muhammad Sajid, Head Master, Govt. High
School Paras, Tehsil Balakot District
Mansehra.....RESPONDENTS.

SERVICE APPEAL

**APPLICATION SEEKING RE-ADMISSION
OF THE ABOVE-TITLED SERVICE
APPEAL.**

Respectfully Sheweth!

1. That, the above-titled service appeal was pending before this Honourable Tribunal which was dismissed in default vide order dated 23.09.2024 by this Honourable Tribunal.
2. That, the previous date was fixed on 23.09.2024 before this Honourable Tribunal and on the date fixed, the counsel for the appellant duly appeared before this Honourable Tribunal and arguments were heard by this Honourable Court, later on, it was told to the appellant that the Honourable Chairman/Judges have take break and later on, it was told to the appellant that the Tribunal has been adjourned hence the appellant alongwith his counsel returned back and it was directed to the appellant and his counsel to get intimation regarding the date on next date.
3. That, later on the next date, when the appellant got intimation regarding the case, it was told to the appellant that the titled appeal has been dismissed in default vide order dated 23.09.2024.

(Attested copy of the order dated 23.09.2024 is annexed as annexure "A").

4. That, valuable rights of the appellant are involved in the titled Service Appeal and in case, if the same has not been re-admitted/restored then the appellant would suffer an irreparable loss.
5. That, the absence of the appellant or his counsel is neither deliberate nor intentional but due to the above said reasons, the appellant or his counsel could not appear before this Honourable Tribunal. Furthermore, record speaks volume about the regular presence of the petitioner as well as his counsel on each and every date before this Honourable Tribunal.
6. That, as per the settled dictums of the apex court of the country, the cases must be decided on merits and technicalities be avoided, therefore, keeping in view the settled dictums of the apex court, the titled Service Appeal is liable to be restored/re-admitted.
7. That, the instant application is being filed well within time after attaining the knowledge of the dismissal in default of the titled Service appeal.

.....PRAYER.....

It is, therefore, most humbly
requested that on acceptance of the

(4)

instant application, the titled Service Appeal may please be restored/re-admitted and be decided on merits for the ends of justice.

Dated 04.10.2024

Mian Muhammad Hassan
...APPELLANT

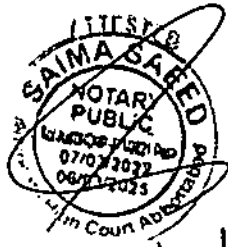
Through



JUNAID ANWAR KHAN,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT.

I, Main Muhammad Hassan son of Mian Mehmood resident of Shahotar, Tehsil Balakot District Mansehra, EX-PSHT, Govt. Primary School Pludran Circle Kaghan, Tehsil Balakot District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.



05/10/24

Dated 04.10.2024



Mian Muhammad Hasan
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 7857/2021

Main Muhammad Hassan son of Mian Mehmood resident of Shahoter, Tehsil Balakot
District Mansehra, Ex-PSHT, Govt. Primary School Pludran, Circle Kaghan, Tehsil
Balakot District Mansehra.

..APPELLANT

Hassan

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (Establishment), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Mansehra.
5. Sub-Divisional Education Officer, Balakot.
6. ASDEO Circle Balakot.
7. Muhammad Aslam, Principal, Govt. High School Shohal Mazullah, Tehsil Balakot, District Mansehra.
8. Muhammad Sajid, Head Master, Govt. High School Paras, Tehsil Balakot, District Mansehra.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07-10-2021

..RESPONDENTS

SERVICE APPEAL UNDER SECTION OF
KP SERVICE TRIBUNAL ACT, 1974

ORIGINAL
23rd Sept, 2024



Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Case was called after various intervals, however, neither appellant nor his counsel put appearance before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.

3. ~~Transcribed in open court at camp court Abbottabad and given under our hands and seal of the Tribunal this 23rd day of~~
September, 2024.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
27-09-2024

(Farzana Paul)
Member (E)
Camp Court Abbottabad

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Date of Presentation of Application 27-09-2024
Number of Words 2-p
Copying Fee 10/-
Agent 10/-
Total 10/-
Name of C. 26-09-2024
Date of C. 27-09-2024
Date of Delivery 27-09-2024



Name of Advocate محمد اویس
 BC No. 10-1322
 HCBA Reg No. 399-7
 Place of Practice مالنگہ

Cell: (6)

S. No. 4050

وکالت نامہ

بعدالت: سروس ٹریبونل ضلع خوشنور اور کھنڈ

عنوان: صباں محمد سن نام: گورنمنٹ

منجانب: سج نوعیت مقدمہ: سروس رسل

باعث تحریر آئندہ: اسیج / سروس رسل

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بہ مقام ضلع خوشنور ضلع خوشنور اور کھنڈ کے ذمہ دارانہ ہونے کے لئے اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات سے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخانتہ کے واپس کرنے سے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل شناخت پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذمہ دار یا اس کے واسطے کسی معاوضہ و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ناشی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جائے بیرون مقامات از پکھری صدر ایبل و برآمدگی مقدمہ یا منسوخی ڈگری یا پکھری درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از گرفتاری و اجراء کے ذمہ دار یا اس کے کسی جزویں ادا بھی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزویں کارروائی کے یا بصورت ایبل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانب التوا ہونے کا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ بصورت فوتیگی صاحب موصوف ادا شدہ فیس کی نسبت ان کے جملہ وارثان ذمہ دار نہ ہوں گے۔ راضی نامہ کی صورت میں وکیل صاحب کو طے شدہ کھل فیس ادا کرنے کا پابند ہوں گا۔

مورخ: 2024/10-1-9

دن مہینہ سال

Accepted

لہذا وکالت نامہ لکھ دیا ہے تاکہ مندرجہ
 مضمون وکالت نامہ پڑھ کر اس کو اور اس کے
 اپنے دستخط / انگوٹھا ثبت کر دیے ہیں جو کہ من و عن عن ہیں

نوٹ: اس وکالت نامہ کی فونوگرافی یا کاپی قابل قبول ہوگی۔

Accepted by me

Hasan