


## Form-A

## FORM OF ORDER SHEET

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

Restoration Application No. 1066/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.09.2024	<p>The application for restoration of service appeal No. 8640/2020 submitted today by Syed Abdul Haq Advocate. It is fixed for hearing before touring Division Bench at Swat on 09.10.2024. Original file be requisitioned. Parcha Peshi given to the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

CM No-  
M 1066 M/2024  
In  
S.A No. 8640/2020

RA No-1066/2024

Yaseen Khan S/o Sham Ur Rehman R/o of Bangai Tehsil Timargara District  
Dir Lower .....Appellant

**VERSUS**

1. Govt of Khyber Pakhtunkhwa, through Secretary Public Health Engineer Department at Peshawar.
2. Superintending Engineer Public Health Engineer (PHE) Circle Malakand at Timergara.
3. Executive Engineer Public Health Engg: Division Dir Lower at Timergara.
4. Chief Engineer (North) Public Health Engineer Department Peshawar.
5. Deputy District Officer Water Supply & Sanitation dir lower at Timergara ..... Respondents.

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3.	Copy of the order dated 02.09.2024		6

Applicant/appellant through Counsel

*Gilm*

**SYED ABDUL HAQ**

*Advocate Supreme Court*

*Bar Room Swat*

*Cell No. 0333-9546154*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

G.M. 1066 M/2024  
In  
S.A No.8640/2020

RA No. 1066/2-24

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15812

Dated 19-09-24

Yaseen Khan S/o Sham Ur Rehman R/o of Bangai Tehsil Timargara District  
Dir Lower .....Appellant

**VERSUS**

1. Govt of Khyber Pakhtunkhwa, through Secretary Public Health Engineer Department at Peshawar.
2. Superintending Engineer Public Health Engineer (PHE) Circle Malakand at Timergara.
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5. Deputy District Officer Water Supply & Sanitation dir lower at Timergara ..... Respondents.

**APPLICATION FOR RESTORATION OF THE APPEAL TITLED ABOVE AND BE DECIDED ON MERIT.**

***Respected Shewith,***

The Facts of the instant application are, as under.

1. That the appellant/ applicant filed the appeal bearing No.8640/2020 on 16.07.2020 before this Hon'ble Tribunal, wherein the appeal was admitted to regular hearing vide order dated 03.11.2021.
2. That after his honorable tribunal time and again directed the respondents for submission of written reply / comments however due to non-compliance Rs.200/-

were imposed upon them vide order dated 08.09.2022.

3. That the appellant/applicant always attended this honorable tribunal as reflected from the order sheet of the file, furthermore the respondents has been placed ex-parte vide order dated 05.10.2022.
4. That on 02.09.2024, the counsel for applicant/appellant was not available due to summer vacation and he was under impression, that there would be no Court work on the said date. (Copy of the order dated 02.09.2024 is attached)
5. That it is relevant to mention here that the applicant was in Rawalpindi <sup>as</sup> he got knowledge about the fate of the case, he proceeded to Peshawar and got a copy of the same order, and now filing the instant application for restoration of the main case.
6. That the applicant/appellant have strong prima facie case and hopeful about its success, furthermore, the respondents has

been proceeded ex-parte and in such scenario the appellant is optimistic that the fate of the case be decided on his favor.

7. That the absence of the appellant and his counsel on the said date was purely a result of an inadvertent misunderstanding regarding the court schedule during the summer vacation period. The appellant was under the impression that the case would not be heard during the vacation, which led to his non-appearance. This was an unintentional error and should not be held against the appellant, who has diligently pursued the matter.

8. The appellant has appeared in each and every proceeding, as is evident from the order sheets on record. His conduct throughout the proceedings reflects his genuine intent to prosecute the appeal and seek justice. A single absence on account of a reasonable mistake should not prejudice his entire case.

*It is, therefore, humbly prayed that  
on acceptance of this application, the  
appeal may kindly be restored and be  
decided on merit.*

Applicant/appellant  
Through Counsel

**SYED ABDUL HAQ,**  
Advocate, Supreme Court

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

G.M \_\_\_\_\_ M/2024

In

S.A No.8640/2020

Yaseen Khan S/o Sham Ur Rehman R/o of Bangai Tehsil Timargara District

Dir Lower .....Appellant

**VERSUS**

1. Govt of Khyber Pakhtunkhwa, through Secretary Public Health Engineer Department at Peshawar.
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4. Chief Engineer (North) Public Health Engineer Department Peshawar.
5. Deputy District Officer Water Supply & Sanitation dir lower at Timergara ..... Respondents.

**AFFIDAVIT**

I, Yaseen Khan S/o Sham Ur Rehman R/o of Bangai Tehsil Timargara District Dir Lower, do hereby solemnly affirm & declare on oath that the contents of above application are true & correct to the best of my knowledge & belief and nothing has been kept concealed from this Hon'ble Court.

DEPONENT

  
YASEEN KHAN

CNIC: 15302-7685234-7

CELL NO: 0346-8002270

**ATTESTED**



C

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Service Appeal No. 8640 /2020

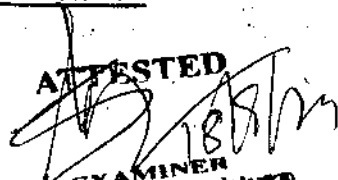


Yaseen Khan Son of Shams ur Rehman Resident of Bangai Tehsil  
Timeragra District Dir Lower ..... Appellant

**VERSUS**

- 1) Govt. of Khyber Pakhtunkhwa, through Secretary Public Health Engineering Department at Peshawar.
- 2) Superintending Engineer Public Health Engineering (PHE) Circle Malakand at Timergara.
- 3) Executive Engineer Public Health Engg. Division Dir Lower at Timergara.
- 4) Chief Engineer (North) Public Health Engineering department Peshawar.
- 5) Deputy District Officer Water Supply & sanitation dir lower at timergara..... Respondents

**APPEAL UNDER SECTION 4 OF THE GOVT. OF**  
**KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**ACT, 1974 AGAINST THE ILLEGAL, UNLAWFUL**  
**ACTION WHEREIN THE OFFICIAL RESPONDENTS**  
**REJECTED THE APPEAL (REGARDING**  
**RE-INSTATEMENT IN SERVICE), VIDE ORDER**  
**DATED 25.6.2020.**

**ATTESTED**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**



Service Appeal No. 8640/2020 titled "Yaseen Khan Vs. Government of Khyber Pakhtunkhwa through Secretary Public Health Engineering and others"



**ORDER**


02.09.2024

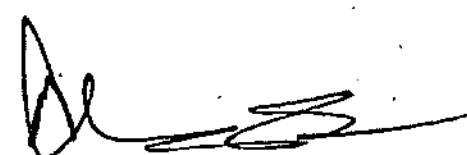
**Kalim Arshad Khan, Chairman:** Nemo for the appellant, Mr.

Muhammad Jan, District Attorney for the respondents present.


2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court at camp court, Swat and given under our hands and seal of the Tribunal on this 2<sup>nd</sup> day of September, 2024.*

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

  
(Kalim Arshad Khan)  
Chairman  
Camp Court, Swat

Kaleemullah

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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