


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1185/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.10.2024	<p>The application for restoration of Service appeal No. 1602/2022 submitted today by Syed Noman Ali Bukhari Advocate. It is fixed for hearing before Division Bench at Peshawar on 21.10.2024. Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

R.A NO: 1185 /2024
IN

APPEAL NO.1602/2022

Dilawar Hussain

VS

Education Deptt:

INDEX

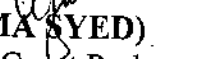
S.No.	Documents	Annexure	P. No.
1.	Memo of Application	-----	1-2
2.	Copy of order	-A-	3-4

APPELLANT

THROUGH:


(SYED NOMAN ALI BUKHARD)

&


(UZMA SYED)
Advocates, High Court Peshawar

(1)

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

R.A NO: 1185 /2024
IN
APPEAL NO.1602/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16745

Date 15-10-24

Dilawar Hussain (PET-15) S/O Sattar Ali R/o P/o Para Chinar, Luqman
Khel, Tehsil Upper Kurram, District Kurram.

(APPELLANT)

VERSUS

1. The Director Elementary and Secondary Education, KP, Peshawar.
2. The District Education Officer, District Kurram.

RESPONDENTS

**APPLICATION FOR RESTORATION OF APPEAL NO.
1602/2022 WHICH WAS DISMISSED IN DEFAULT VIDE
ORDER DATED 30/09/2024.**

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 1602/2022 was filed before this Honorable Tribunal against the dismissal order.
2. That the instant appeal was in arguments stage and on previous date the application for amendment was allowed and the appellant was directed to file amended appeal on or before 30/09/2024.
3. That the appellant as per direction properly submitted amended appeal on 30/09/2024 and counsel for the appellant also put appearance before the court and request for adjournment which was properly granted But now the appellant was informed that the appeal of the appellant was dismissed in default vide order dated 30/09/2024. **Copy of the order is attached as annexure-A.**
4. That counsel for the appellant file application for attested order sheet, which was handed over to the counsel for appellant on 15/10/2024, so the instant restoration application is well in time.

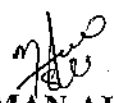
2

5. That valuable right is involved in the instant appeal of the appellant, So, it is in the interest of justice that the appeal should be dealt on merit rather to dismiss in default.

It is therefore, most humbly prayed, on acceptance of this application, the above mentioned appeal No. 1602/2022 may be restore in interest of justice and decides on merit in interest of justice.

APPELLANT/APPLICANT

Through:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT

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



DEPONENT

15-10-24

A (B) ①

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

S.A No. _____/2022

Dilawar Hussain (PET-15) S/O Sattar Ali R/o P/o Para Chinar, Luqman
Khel, Tehsil Upper Kurram, District Kurram.

VERSUS

- 1) The ~~Director~~ Director Elementary and Secondary Education, KP
Peshawar.
- 2) The Deputy Director, Elementary and Secondary Education, KP
Peshawar.
- 3) The Deputy Director, (Estab) Merged Areas, Directorate of
Elementary and Secondary Education, KP, Peshawar.
- 4) The Deputy District Education Officer (Male), Lower & Central
Kurram Satta, District Kurram.
- 5) The District Education Officer, District Kurram.
- 6) The District Monitoring Officer (DMO), Kurram (EMA).
- 7) Assistant Director Education (Estab), Directorate of Elementary and
Secondary Education, KP, Peshawar.

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED OFFICE
ORDERS No.8203-11/Edu, Dated: 02.11.2021 &
IMPUGNED ORDER No: 10289-294/Edu, DATED:
14.10.2022 ISSUED BY THE RESPONDENT No. 5
& 4 WHEREBY THE SERVICE OF THE
APPELLANT HAS REMOVED AND THE
DEPARTMENTAL APPEAL OF THE APPELLANT
HAS BEEN REGRET FOR RE-INSTATMENT ON
ACCOUNT OF "ABSENCE", FOR NO LEGAL
REASON TO BE DECLARED AS ILLEGAL,
UNJUST, WITHOUT THE NATURAL JUSTICE
AND ILLEGAL ENCHROACHMENT UPON THE
LEGAL AND VALID RIGHTS OF THE
APPELLANT.

Respectfully Sheweth,

(4)

Service Appeal No.1602/2022 titled "Dilawar Hussain Vs. Government of Khyber
Pakhtunkhwa"


ORDER

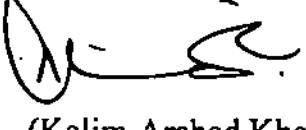
30th Sept. 2024

Kalim Arshad Khan, Chairman: Nobody is present on behalf of applicant. Mr. Muhammad Jan, District Attorney present.

2. The case in hand pertains to the year 2022. Case was called several times but nobody put appearance on behalf of the appellant till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 30th day of September, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *