Form-A

FORM OF ORDER SHEET

Court of

Restoration Application No. 1184/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
	-	
1	15.10.2024	The application for restoration of Service appeal
		No. 7389/2021 submitted today Mr. Kanwar Kamal
		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.
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		By order of the Chairman
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BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

R. A- WO.1184/2024

Faiz Ul Haq

- 3

_____(Petitioner)

VERSUS

Govt. of KP and others

_____(Respondents)

- 1

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Petitioner / Appellant

Through

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Jan

Kanwar Kamal Advocate High Court, Peshawar

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1. J.

Date: 04.10.2023

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

R.A. No.1184/2024

Chyller Pakbrokh Diars No. 16738 David 15-10-24

Faizul Haq S/o Noorul Haq (Late),

Office Asistant (BPS-16) Coord Section, DGHS, KP Peshawar

_(Petitioner)

VERSUS

- Government of KP through Secretary Health Department, Peshawar
- 2) Director General (DG) Health Services, KP Peshawar

_____(Respondents)

Petition for restoration of the captioned appeal, bearing No. 7389/2021 which was dismissed in default by this hon'ble Tribunal on 01.10.2024.

Respectfully Sheweth,

The appellants most humbly submit as under:

- 1. That the petitioner brought the captioned appeal before this hon'ble tribunal, which was admitted to full hearing and the respondents were ordered to submit the reply.
- 2. That after submission of parawise comments, the

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appellants / petitioners requested the hon'ble tribunal to submit rejoinder which was graciously allowed and the appellants submitted / documented the appeal and was fixed for arguments.

- That earlier date was fixed as 02.09.2024, on date fixed D.B. was not made, and reader informed petitioner/ appellant, that to collect the date from office.
- 4. That office / reader informed petitioner / appellant that your next date is 02.10.2024 while it was 01.10.2024 and counsel of the petitioner also noted 01.10.2024 in his diary.
- That as non-appearance of the petitioner in 02.10.2024 was not willful, but an ugly misunderstanding, resulting in default of petitioner's appeal.
- That petitioner has got vital interest, attached to this appeal and is pretty sure about the success of his appeal.
- That if the appeal of the petitioner / appellant is not restored, petitioner / appellant would suffer, irreparable loss.
- 8. That scheme of law is to decide the matter on merit

instead of technicalities.

- That in the better interest of justice, the appeal of the appellant be restored and the appeal be decided on merits.
- 10. That any other ground will be raised at the time of arguments with prior permission of this hon'ble tribunal.

It is, therefore, most humbly prayed that on acceptance of this application, the appeal of the appellant may kindly be restored for the ends of justice.

Petitioner / Appellant

Through

Kanwar Kamal Advocate High Court, Peshawar

Date: 04.10.2023

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Faiz Ul Haq

_(Petitioner)

VERSUS

Govt. of KP and others

(Respondents)

AFFIDAVIT

I, Faiz UI Haq S/o Haji Noor UI Haq R/o Phase 5, Hayatabad, House No. 117-B, Street No. 2, Sector C-1, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the instant restoration application are true and correct to the best of my knowledge and belief and nothing has been conceal from this hon'ble court.

DEPONENT

CNIC No. 17102-4813942-9



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



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Service Appeal No. _____/2021

Faizul Haq S/o Noorul Haq (Late), Office Assistant (BPS-16), Coord Section, DGHS, KP Peshawar

(Appellant)

VERSUS

1) Government of KP through Secretary Health Department, Peshawar

2) Director General (DG) Health Services, KP Peshawar

(Respondents) J

Appeal under section 4 of the Service Tribunal Act, 1974, that on acceptance of this appeal the respondents may kindly be directed that the Appellant is otherwise senior, fit and eligible to be promoted to BPS-17 with all back benefits, and dropping appellant for the fault of which he is not responsible, is totally against the law, fair play and principle of natural justice.

Respectfully Sheweth,

- 1) That the appellant was initially appointed as Office Assistant in BPS-11 on dated 19.08.1996 by respondent No. 2 on contract basis in the year 1996-97 and which is extendable, and posted in the Social Action Programme Cell (FATA). (Copy of appointment Order is attached as Annexure-A)
- 2) That a meeting of DPC (Departmental Promotion Committee) was held on <u>01-04-2015</u>, respondents prepared a seniority list of 25 Office Assistants(BPS-16) and recommended them to be promoted to the vacant Posts of Superintendent (BPS-17), and

Junior to counsel for the appellant and Mr. Asif Masood 1. Ali Shah, Deputy District present.

Lawyers are on strike, case is adjourned. To come up for 2. arguments on 02.09.2024 before D.B. P.P given to the parties,

(Muhammad Akbar Khan) Member (E)

(Kalim Arshad Khan) Chairman

shawa

*Mhuazem Shah *

10th June. 2024

2-9-24

Due to cancellation of bench the case is adjourned to 1/10/24

Service Appeal No.7389/2021 titled "Faizul Haq Vs. Government of Khyber Pakhtunkhwa"

ORDER 1st Oct. 2024

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

The case in hand pertains to the year 2021 and marked as red 2. in the cause list. 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.

Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 1st day of October, 2024.

(Rashida Bano) Member (J)

(Kalim Arshad Khan) Chairman

*Mutazem Shah *

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