


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1183/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.10.2024	<p>The application for restoration of Service appeal No. 353/2022 received today by registered post through Mr. Muhammad Idrees Khan Advocate. It is fixed for hearing before Division Bench at D.I.Khan on 22.10.2024. Original file be requisitioned. Counsel for the applicant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**Before the Worthy Services Tribunal, Khyber
Pakhtunkhwa, Peshawar.**

In Misc Petition. R.A no. 1183/2024
In Service Appeal no. 353/2022

Muhammad Zaib Un Nisa Versus Govt of Khyber Pakhtunkhwa,

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3.	Attested copy of impugned order	II	6
7.	Fresh Wakalatnama		7.

October 10,2024

Yours Humble Petitioner

Mst Zaib Un Nisa

Through Counsel

Muhammad Idrees Khan
Advocate High Court.

0346-5500060

**Before the Worthy Services Tribunal, Khyber
Pakhtunkhwa, Peshawar.**

Misc Petition R.A NO. 1183 -/2024
In S.A No. 353/2022 decided on. 08.10.2024

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 16715 ↑

Dated 14-10-24

Mst Zaib UN Nisa Retired S.E.T(BPS-16)

GGMS Narzai NAR, South Waziristan.

.....Petitioner

Versus

1. **Government of Khyber Pakhtunkhwa**, through secretary E & SE , Khyber Pakhtunkhwa Peshawar.
2. **Director General E & SE**, Khyber Pakhtunkhwa, Peshawar.
3. **DEO (F)** SWTD, South Waziristan.
4. **Secretary Finance** Khyber Pakhtunkhwa Peshawar

.....Respondents

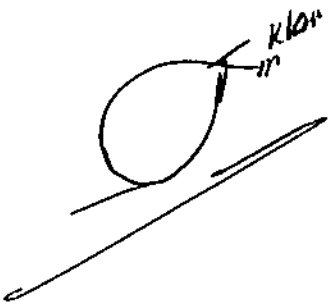
Petition under Rule 19 (3) of Services Tribunal Rules, 1974, for Restoration of Appeal no. 353/2022 titled, " Mst Zaib Un Nisa V/S Government of KPK etc", which was dismissed in default vide Order dated. 08/10/2024, Passed by the Learned Chairman of this Worthy Tribunal, due to default in appearance by the petitioner/appellant or his Counsel.

Petitioner amongst other grounds respectfully submits as under,

1. That service appeal titled "**Mst Zaib Un Nisa V/S Government of KPK etc**" was filed before this learned Tribunal, which was admitted for regular hearing, and after completion of all codal formalities, respondents were called to submit their comments/reply, who submitted their respective replies, and case was fixed for arguments on main appeal before Learned Division Bench of this Worthy Tribunal on 08/10/2024 at Peshawar principle office. Copies of appeal, and impugned order are annexed to the petition in hand as annexures I to II.

2.

3. That on 08nOctober 2024, the cited appeal was fixed before the Learned Division Bench, but due to non-



service of the petitioner/appellant as well being parda Nasheen lady petitioner/appellant was unable to appear before this learned tribunal.

4. That although the appellants counsel was served telephonically, but due to his engagement in Peshawar High Court, DIKhan bench, he was unable to leave station for case in hand, and hence has applied this learned Tribunal for hearing through video link through registrar of this Court through his official email registrar@kpst.gov.pk

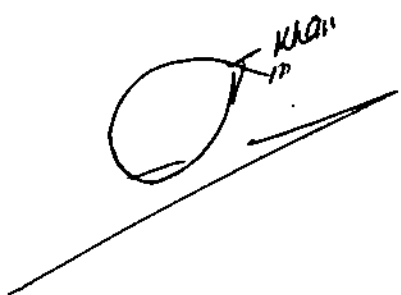
5. That beside passing any order upon the application of the appellant's counsel for hearing through video link, case in hand is being dismissed in default upon the date already fixed. Attested copy of the impugned order is annexed as annexure II, Which is now sought to be set aside on following grounds,

i. That impugned order has been passed inadvertently without confirmation of the knowledge of the petitioner/appellant regarding the date of hearing of her appeal before the Learned Division Bench of this Worthy Tribunal, which is reflected from the impugned Order.

ii. That through impugned order the petitioner/appellant has been condemned unheard, which is against the dictum of natural justice as APEX Courts and spirit of legislation has encouraged the decisions of the cases on merits rather to be decided on the basis of technicalities.

iii. That petitioner belongs to a far flung district of the Province of KP, and also belongs to a poor family, while valuable rights of the petitioner are there in the cited appeal, and in case the application/petition was not accepted, the petitioner will suffer irreparable loss.

iv. That after the date of knowledge the petition in hand in, well with in time.



- v. That petitioner/appellant has no other remedy, but to approach this earned forum, as his last hope and opportunity, while this Learned Tribunal may have a sympathetic attitude towards petitioner's rights to be dealt as in accordance with law.
- vi. That petitioner has unconditional faith in this Learned and Worthy Tribunal for redressal of his grievances and while this Worthy Tribunal has ample Powers to give an opportunity to the petitioner/appellant for adjudication of his valuable rights.

In wake of the submissions made above, it is humbly prayed that, through acceptance of petition in hand, appeal cited in the head of the petition titled "Mst Zaib Un Nisa V/S Government of KPK etc." may graciously be restored and be fixed for regular hearing.

October 10,2024

Yours Humble Petitioner

Mst Zaib Un Nisa

Through Counsel

Muhammad Idrees Khan
Advocate High Court.

Books Referred:-

1. Services Tribunal Act, 1973
2. Services Tribunal Rules, 1974
3. Civil Procedure Code, 1908

Verification:-

I, Muhammad Idrees , (Counsel for Petitioner/appellant), do solemnly affirm and verify that the contents of the petition are true, and nothing has been concealed.

Yours Humble Petitioner' counsel

Muhammad Idrees

Advocate High Court, DIK.

**Before the Worthy Services Tribunal, Khyber
Pakhtunkhwa, Peshawar.**

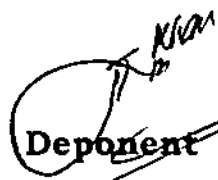
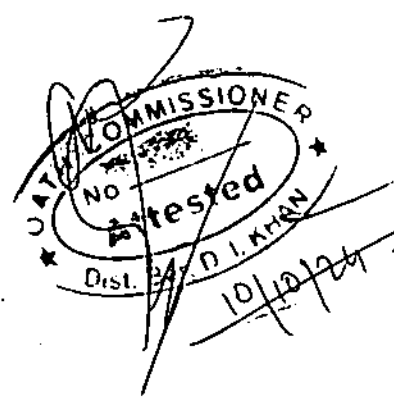
In Misc App: R.A NO. _____/2024

Mst Zaib Un Nisa Versus Govt of Khyber Pakhtunkhwa, etc

AFFIDAVIT:-

I, Muhammad Idrees, (Counsel for Applicant/Petitioner), do solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief, and nothing has been concealed.

Oct 10, 2024


Deponent


ORDI
8th O.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

ORDI
8th O.

APPEAL NO. _____ /2022

I/5

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 377

Date 27/02/2022

Mst. Zaib Un Nisa Retired-SET (BPS-16)
GCMS Nazari Nar District South Waziristan:

(APPELLANT)

ORDI
8th O.

VERSUS

1. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) South Waziristan.
4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

ORDI
8th O.

Filed to-day

Registrar
28/2/2022

ORDI
8th O.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

09-10-2021

ORDI
8th O.

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION DATED 19.12.2017, WHEREBY THE APPELLANT WAS ALLOWED TO RESUME HER DUTY WITH IMMEDIATE EFFECT SUBJECT TO THE APPROVAL OF HER EOL/EX-PAKISTAN LEAVE W.E.F.01.07.2009 TO 06.12.2016 I.E SEVEN YEARS FIVE MONTHS AND FIVE DAYS FROM THE COMPETENT AUTHORITY AND AGAINST THE NOTIFICATION DATED 16.02.2021 WHEREBY SANCTION WAS GRANTED OF EXTRA ORDINARY LEAVE WITH OUT PAY W.E.F 01.07.2009 TO 06.12.2016 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE WITHIN THE STATUTORY PERIOD NINETY DAYS.

I/6



Note

4th October, 2024 The case could not be fixed before DB at Camp Court, D.I. Khan due to cancellation of tour. Therefore, instant case be fixed on 08/10/2024 before D.B at the Principal Seat, Peshawar. Counsel has been informed telephonically.

(Habib Ur Rehman Orakzai)
Registrar

ORDER

8th Oct, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Muhammad Jan, District Attorney for the respondents present.

2. There is note of Registrar that case could not have been fixed because of cancellation of tour, fixing the case for today. The counsel has been informed telephonically, but today neither appellant nor his counsel turned up before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 8th day of October, 2024.*

ORDER

8th Oct, 2024

ORDER

8th Oct, 2024

Certified to be true copy

E. M. R
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

09-10-2024

(Farheenah Parik)
Member(E)

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

ORDER

8th Oct, 2024

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. (21) Date 09-10-24
Name of Applicant M. O. Arees
Number of Words (Pages) 2-P
Copying Fee 10/-
Urgent/Ordinary 5/-
Total 15/-
Name & Sign of Copyist Zeesha M. Q.
Date of Completion of Copy 09-10-2024
Date of Delivery of Copy 09-10-2024