Form-A

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FORM OF ORDER SHEET

	Court of	
		Restoration Application No. 1213/2024
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
	· _ ·	
- 1	16.10.2024	The application for restoration of Service appeal
		No. 797/2022 submitted today by Mr. Hassan Nasir
		Advocate. It is fixed for hearing before Division Bench
		at Peshawar on 22.10.2024. Original file be
		requisitioned. Paracha Peshi given to counsel, for the
		applicant.
		By order of the Chairman
		REGISTRAR
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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

R. A NO: - 1213/2024

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Service Appeal No:- 797-P/202%

Rhyber Pakhtukhwa Service Teihunat 1-15×16\$18 Dareal 6-10-24

Attauliah Shah S/O Amanuliah Shah R/O House No 65, Street-1,Sector G, Shiekh Maltoon Town, Mardan

Appellant/Applicant



- 1. Allama Iqbal Open University, Through its Registrar Islamabad.
- 2. Federation of Pakistan, Ministry Of Education, Islamabad
- 3. Government of Khyber Pukhtunkhwa through its Chief Secretary. Peshawar.
- Secretary Communication & work (C&W) department Knyber Pakhtunkhwa, Peshawar.
- 5. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 6. Government Of Khyber Pakhtunkhwa through Secretary, Finance department, Peshawar.

APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL, WHICH HAS BEEN DISMISSED IN DEFAULT VIDE ORDER DATED 30/09/2024.

Respectfully Sheweth:-



Respectfully Sheweth:-

- 1. That the above titled Service Aepeal was pending adjudication before this Honorable Court, which was at its final stage of disposal.
- 2. That on 30/09/2024 counsel for the petitioner was serious ill due to viral infection of eyes and both eyes of the counsel for the applicant was badly affected along with temperature and was unable to appear in the above title service appeal while applicant was in Gilgit Baldistan where as clerk of the counsel was before the Hon'ble tribunal and mark the attendance with the reader of this Hon'ble court early in the Morning. (Copy of the order sheet dated 30/09/2024 and medical certificate are attached)
- 3. That absence of the Applicant was not intentional rather was for the reason mentioned above.
- 4. That equity demands disposal of cases on merits, rather then on technicalities whereas the Service Appeal was at its final stage of disposal.





5. That valuable rights of the applicant are involved in the case and if the Writ Petition is not restored, the petitioner would suffer irreparable loss.

It is, therefore, most graciously prayed that while allowing this application the Service Appeal may very graciously be restored for deposal on merits

Dated:- \$\$/10/2023

Through:-

Petitioner Hassar ourt



<u>AFFIDAVIT</u>

I, Hassan Nasir Advocate High Court Peshawar, do hereby solemnly affirm and declare on oath that the contents of this accompanying Application for restoration are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT

15 OCT 2024 ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:- 797-P/2022

Attauilah Shah S/o Amanullah Shah R/o House No. 65, Street-1, Sector-G, Sheikh Maltoon Town, Mardan.

..... Appellant

Versus

- 1. Ailama Iqbal Open University, through its Registrar, Islamabad.
- 2. Federation of Pakistan, Ministry of Education, Islamabad.
- 3. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
- 4. Secretary Communication & Works (C&W) Department Khyber Pakhtunkhwa, Peshawar.
- 5. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6. Government of Khyber Pakhtunkhwa through Secretary, Finance Department, Peshawar.

.....Respondents

Respectfully Sheweth:-

Learned counsel for the appellant present. Mr. 15th July, 2024 1. Muhammad Jan, District attorney for respondents present. Shawar ** Former seeks adjournment on the ground that he has 2. not prepared the case. Adjourned by way of last chance. To come Peshawa up for arguments on 30.09.2024 before D.B. P.P given to the 1213 parties. (Kalim Arshad Khan) Pual) 2 tilled "Atta Ullah Shah Vs. Govennenene Khyber Service Appeal No. 79792 Membe Pakhtunkhwa" ORDER Kalim Arshad Khan, Chairman: Nobody is present on behalf of 30th Sep. 2024 applicant. Mr. Muhammad Jan, District Attorney present. This case pertains to the year 2022, the same was called 2. 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 30^{th} day of September, 2024. (Kalim Arshad Khan) (Rashida Bano) Chairman Member (J) *Mutazein Shah * be ture copy 08-10-2024 Certi Date of Pre Number of 51 lakhtunk ice Tribunal. Copying Fue-Peshawar -11-2024 Urgen: -----Total-Name o 📑 Date of Cem 08-10 Date of Delivery

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