# Form-A

# FORM OF ORDER SHEET

Court of Restoration Application No. 1244/2024 S.No. Date of order Order or other proceedings with signature of judge Proceedings 1 The application for restoration of Service appeal 18.10.2024 1 No. 12790/2020 submitted today by Clerk of counselfor the applicant. It is fixed for hearing before Division Bench at D.I.Khan on 22.10.2024. Original file be requisitioned. Paracha Peshi given to clerk of counsel for the applicant. By order of the Chairman

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA. PESHAWAR

PAKHTUNKHWA. PESHAWAR R.A. No 1244/2024

Service Appeal No. 12790 of 2020

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Kazim Shah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & Others...... Respondents

S #	Particulars	Annexure	Pages
1.	Restoration Application.		1-3
2.	Copy of Order Dated 04.10.2024 passed by this Honourable Tribunal.	A	4
3.	Wakalatnama		5

Dated:-17.10.2024

#### Your Humble Appellant

Kazim Shah

Principal Research Officer/Ex-Director Agriculture (BPS-09), Agriculture Research Institute, Dera Ismail Khan. Through Counsel

**Zia-ur-Rahman** Advocate Supreme Court of Pakistan Dera Ismail Khan

## INDEX

#### **Respectfully Sheweth**,

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**That** above captioned service appeal was filed by the appellant on 05.10.2020 before this Honourable Tribunal which came up for hearing on 04.10.2024 at Peshawar.

**That** on the date fixed i.e. 04.10.2024, due to announcement of protest of a political party, neither the Appellant nor his counsel were able to reach Peshawar due to closure of roads, therefore, the matter was dismissed in default. Copy of Order Dated 04.10.2024 is enclosed as <u>Annexure "A"</u>.

**That** the absence of Appellant and his counsel were neither intentional nor deliberate rather the same was beyond human control.

That valuable rights of the appellant are involved in adjudication of instant service appeal on merits, therefore, the propriety demands that the same may please be restored and adjudicated on merits.

**That** law favours the adjudication of cases on merits instead of knocking out the parties on technical grounds and the instant application is within the statutory time frame of 15 days from the date of dismissal of appeal in default.

**That** counsel for the appellant may please be allowed to urge additional grounds at the podium.

It is, therefore, most humbly prayed that instant application may please be allowed as prayed for.

Dated:-17.10.2024

#### Your Humble Appellant

Kazim Shah Principal Research Officer/Ex-Director Agriculture (BPS-**\$9**), Agriculture Research Institute, Dera Ismail Khan. Through Counsel

**Zia-ur-Rahman** Advocate Supreme Court of Pakistan Dera Ismail Khan

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### BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

#### Service Appeal No. 12790 of 2020

Kazim Shah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & Others...... Respondents

#### **RESTORATION APPLICATION**

#### AFFIDAVIT

I, Kazim Shah son of Charagh Hussain Shah, Principal Research Officer/Ex-Director Agriculture (BPS-\$9), Agriculture Research Institute, Dera Ismail Khan, the Appellant, do hereby solemnly affirm and declare on Oath:-

- 1. That instant restoration application has been drafted by my Counsel following my instructions.
- 2. That all Para wise contents of the restoration application are true and correct to the best of my knowledge, belief and information;
- 3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 17.10.2024

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#### RIBUNAL, KHYBER BEFORE THE SERVICE T PAKHTUNKH

Service Appeal No. of 2020

### Kazim Shah

Khan

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Son of Charagh Hussain Shah, Principal Research Officer/Ex-Director Agriculture (BPS-19), Agriculture Research Institute, Dera Ismail Khan

Appellant

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### VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Khyber Pakhtunkhwa Peshawar.
- 2. Director General Agriculture (Research), Agriculture University, Khyber Pakhtunkhwa Peshawar.
- 3. Director, Agricultural Research Institute (ARI) Ratta Kulachi, District Dera Ismail Khan

4. District Comptroller Officer/District Accounts Officer, Dera Ismail

Respondents

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED OFFICE ORDER NO.SOE (AD)6-52/2016 DATED 12.06.2020 FOR IMPOSITION OF MINOR PENALTY OF "STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT CUMULATIVE EFFECT AND RECOVERY OF RS:8,80,277.4/LOSS ACCRUED TO THE GOVERNMENT" AND ALSO AGAINST THE DEPARTMENTAL APPEAL'S REJECTION ORDERS (IF ANY) AND TO DIRECT THE RESPONDENTS TO

S.A No. 12790/2020

<u>ORDER</u> 04.10.2024 None present on behalf of the appellant. Mr. Abdur Rehman, Senior Research Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

On the previous date of hearing, the appellant was present in court and sought an adjournment on the grounds that his counsel had not arrived from D.I. Khan. It was directed to the appellant to either submit written arguments or to ensure the appearance of his counsel and he was also provided an alternative option, allowing the appellant to facilitate his counsel's participation through video link for the purpose of presenting arguments.

Today, despite repeated calls at different intervals until the court's rising, none appeared on behalf of the appellant.

In light of the above, it is evident that the appellant has failed to prosecute the appeal effectively. Therefore, we find no further grounds to proceed with this matter in the absence of representation. Accordingly, the appeal in hand is dismissed in default for want of prosecution. File be consigned to the record room.

ANNOUNCED 04.10.2024

Member (Executive)

(Aurang

Member (Judicial)

\*Naeem Amin\*

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- جرمین<sup>ی</sup>ن ، داج لیا بیج<sup>7</sup> ک کی ک<sup>وش</sup>ارد، ارت کوت لادن با م<sup>حف</sup> ب مدرد - د. د مصر د سراد، ابن -افع في الخدر في مع مرب الم الم من الله الحد من الم من الم لاكراردان المراجع المحديقة والمحديقة الدياء فحسف معالي المحالية والمحارثة الدالمجي والمتحدي فحارك المحديث والمدري الارابعان ب المويد الأيكروا يما يذلو برحري لشه مقدن اردرد الم الم الم في معدب له حشين دش المدر كم المتحاصية والشي ماجن الج ىكى بالكيشرك المارك بمكنه المراخيه الاخد الجزنية المكرية في المحرب المحرب المديق لالكالمة لكانت الكالي الكلي الكلي الكلي الكلي الكلي الكلي الكلي الكلي ال ، بر الرکن الِه، بول مدينة ما الأمديكة الأ<sup>ش</sup>يدين مع مدب لعت بدين مع<sup>ي</sup>د باله الأمدل لماني مدين مرك<sup>ا</sup>ك خدم مدين المرتبة المراكد بها الأبرراية الالابدينية العديدي الماليك بالمالية بالمسالين لارتجاع المليفي المالي كالمالي توالما المحسران بالمالي كمسي لارتجار كالمالية المعد لأسآرد بالأالي ليتاء بألابك فماء يمتعن واديري مالعان بدوما والمستقل فتشفت فت الافسان معاديا الحجيرا يتحال فخود التحال فوادع ورابقا وخد برخله Ŋ لاف راتيا مدة ايم مدين المحري المدلي المولية المالا محافي المراجد التداي الده فرون فرول في ماليا المحدل من مالك المعن المحدل من مالي المعن المحد المار المحدل من مالي المحد المار المح لك فيع مد العليمان بعد الملاطة - في مايد مايد في في مع رافظ ف رامايا بن التولف الدر سف المد ولحد اي في ال ؞ڹۘۮ؇ٳؾؘڿۣؿؚڕ٥ڵڡؾۜڶٚؽٝؠۯؠڬ؞ڕڂ؉ۯؿڋڿؿؚؚؖڴؖٲڂۊؠٳۮۘڵڔؠڋٳڸڮ<sup>ؾ</sup>ٞڹ؞ڔٳڂ؉ڛٙٵؠۮؖڣؠٳ؞؞ٳڐۮڵڔؖ؞؞ ىندايىد نىڭ خەركاندىنىكى<sup>لىتى</sup> ئەبرايىشى بىلىكە سەلەبلىكى بىر يەلىكى كەرىرىچە كەلىمەم نىمەمىب كەم كىنى بىنى بىر ن <u>حرف آن، بدو محققا لمرحبة المراحبة والمرابعة المرابعة المرابعة المرابعة المرابعة المرابعة المرابعة المرابعة المراجعة المرابعة المرابعة المراجعة المرابعة ا المرابعة المر</u> **[**] نىيىمىيىب لىرىمى بالىغىد بىنىدىرك كى لى <del>ت</del>ەرىبىلەلىيۇلارىمەلىيە كىرىدىلەررا بىرىمەلىدىك بى<sup>لىد</sup>ىرلىڭ ئى<sup>1</sup>اركى لىدىك كەرلەللەلىك بىرى بەللەللەر بىي بەلسەر كەرلەللەللەر بىي بىر <u>0</u> h ب له المدينة جد الله المالة المالة من المالة من المعادين الموادين المنافع المنافع المنابع التي في المرابع المرابع المالي المنابع المسلم المس 1/angenter and for a for القديمية بيفعة لألثن خربادن ببلع بطن إدان يومن كماني المثرن المنابع بالإجرار ) / CAR for -لريمة الجرمون مستعيق  $\mathcal{G}_{\mathcal{I}}^{\mathcal{I}}$ 31 5) 210 Ś · 5962T00 001-/SA 91 B.C.No. ••• Bar Council Khyber Pakhtunkhwa