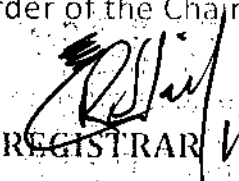


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1244/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.10.2024	<p>The application for restoration of Service appeal No. 12790/2020 submitted today by Clerk of counsel for 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.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

R.A. No. 1244/2024

Service Appeal No. 12790 of 2020

Kazim Shah.....Appellant

Versus

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

INDEX

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

(2)

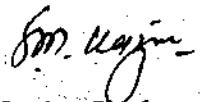
Respectfully Sheweth,

1. **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.
2. **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 **Annexure "A"**.
3. **That** the absence of Appellant and his counsel were neither intentional nor deliberate rather the same was beyond human control.
4. **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.
5. **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.
6. **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-09), Agriculture Research
Institute, Dera Ismail Khan.
Through Counsel



Zia-ur-Rahman

Advocate Supreme Court of Pakistan
Dera Ismail Khan

3

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

Service Appeal No. 12790 of 2020

Kazim Shah.....Appellant

Versus

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

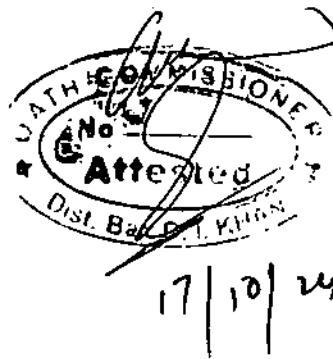
RESTORATION APPLICATION

AFFIDAVIT

I, **Kazim Shah** son of Charagh Hussain Shah, Principal Research Officer/Ex-Director Agriculture (BPS-09), 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



Kazim Shah
Deponent

①

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. of 2020

Kazim Shah

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

Appellant

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
Khan

Respondents

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

Handwritten signature
5.10.2020

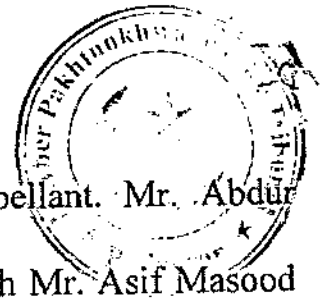
TESTED

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

19-10-20

S.A No. 12790/2020

ORDER
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


(Fardena Paul)
Member (Executive)


(Aurangzeb Khattak)
Member (Judicial)

Naeem Amin

certified to be true copy
14-10-24

Khyber Pakhtunkhwa Section Tribunal, Peshawar

Application No. 87 Date 14-10-24
Name of Applicant M. Lagman
Number of Words/Pages 2-0
Copying Fee 10/-
Urgent/Ordinary 5/-
Total 15/-
Name & Sign of Copyist Zeebhan
Date of Completion of Copy 14-10-24
Date of Delivery of Copy 14-10-24

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بھوان سوات میں ہے۔ اور اس طرح ہی جانے اور پھرنے۔

2002/4/17

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امید ہے کہ یہ سب باتیں

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وکالت خانہ

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Khyber Pakhtunkhwa Bar Council B.C.No. RS/-100 00122354