


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1309 /2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.10.2024	<p style="text-align: center;">The application for restoration of Service appeal No. 265/2023 submitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 01.11.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

RA
CM No; 1309/2024

In

Service Appeal No-265/2023

Manzoor Khan

.....Appellant

V E R S U S

DEO & Others

.....Respondents

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-2
2.	Copy of Order Dated 22-10-2024	A	3-4

منظور
Petitioner

Dated:-28-10-2024

Through

Tahir Khan
Tahir Khan

Advocate High Court

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

R.A
C.M. No 1309 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17342

Dated 29-10-24

In

Service Appeal No 265 /2023

Manzoor Khan Ex Sweeper, Govt Girls Middle School Swati Gate, Peshawar,
S/O Alam Sher R/o Swati Pathak, Mohalla Malik Mushtaqabad, Peshawar.

.....**Appellant**

V E R S U S

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa at Directorate of E & SE at G.T Road Peshawar.
2. District Education Officer (Female) Peshawar, at Directorate of E & SE at G.T Road Peshawar.**Respondents**

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Appeal was pending before this honorable Tribunal which has been dismissed in default on 22.10-2024. **(Copy of Order dated 22.10.2024 is enclosed as Annexure A).**
2. That actually the appellant was of the view that date is fixed on 23-10-2024 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.

Dated:-28-10-2024

Appellant

Through

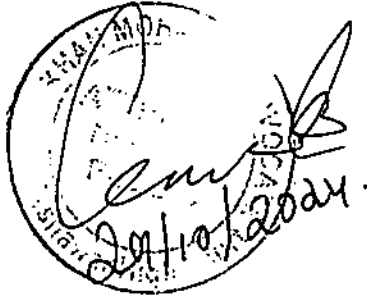
Tahir Khan

Advocate High Court.

A F F I D A V I T:-

I, Manzoor Khan Ex Sweeper, Govt Girls Middle School Swati Gate, Peshawar, S/O Alam Sher R/o Swati Pathak, Mohalla Malik Mushtaqabad, Peshawar, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

DEPONENT

 28/10/2024

Annex A (3)



①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A. 765/2023

Manzoor Khan Sweeper, Govt Girls Middle School
Swati Gate, Peshawar, S/o Alam Sher R/o Swati
Pathak, Mohalla Malik Mushtaqabad, Peshawar
Cantt.

Appellant

1. Director Elementary and Secondary Education
Khyber Pakhtunkhwa at Directorate of E & SE at
G.T Road Peshawar.
2. District Education Officer (Female) Peshawar, at
Directorate of E & SE at G.T Road Peshawar.

Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED OFFICE ORDER NO:
3893-98 DATED:18-09-2021 OF THE OFFICE OF
DISTRICT EDUCATION OFFICER (F) PESHAWAR
WHEREBY THE APPELLANT WAS REMOVED
FROM SERVICE AND AGAINST THE IMPUGNED
OFFICE ORDER NO. 636/E. NO/A-20/C-IV DATED
19/08/2022, OF THE OFFICE OF ASSISTANT
DIRECTOR (ADMN) DIRECTORATE OF E & SE
KHYBER PAKHTUNKHWA PESHAWAR, WHEREBY
DEPARTMENTAL APPEAL OF THE APPELLANT
WAS DISMISSED IN A CURSORY AND WHIMSICAL
MANNER.**

Respectfully Sheweth:-

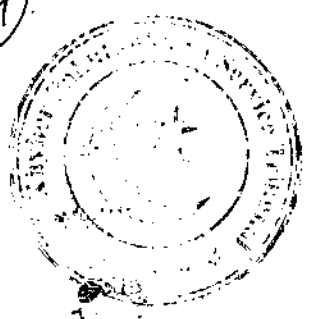
1. That the Appellant is a bonafide citizen of
Islamic Republic of Pakistan &hails from a
respectable family.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

25-10-24

4



05th Sept, 2024

Appellant alongwith his counsel present. Mr. Shahid Anwar, ADEO alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant seeks further time for preparation of brief. Granted. To come up for arguments on 22/10/2024 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (Executive)

(Aurangzeb Khattak)
Member (Judicial)

Naseer Amin
ORDER
22nd Oct, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. The case was called several times till last hours of the court but nobody turned up on behalf of the appellant. Therefore, the appeal in hand is dismissed in default. Consign.

Naseer Amin
ORDER
22nd Oct, 2024

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 22nd day of October, 2024.*

Naseer Amin
ORDER
22nd Oct, 2024

(Muhammad Akbar Khan)
Member(E)
(Kalim Arshad Khan)
Chairman

Naseer Amin, P.A.

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal
Peshawar
22-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar
Case No. 326
Date 24-10-24
Name of Applicant Usman
Number of Words 1-1
Filing Fee 51
26-10-24
25-10-24