Form-A FORM OF ORDER SHEET

Court of	1		
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	Restoration Application No.		1250/2024

		Restoration Application No. 1250/2024		
S.No.	S.No. Date of order Order or other proceedings with signature of judge Proceedings			
1	2	, 3		
1.	22.10.2024	The application for Service Tribunal No		
		14548/2020 submitted today by Mr. Sannaullah		
		Shamim Advocate. It is fixed for hearing before Division Bench at Peshawar on 12.11.2024. Original file b		
		requisitioned. Counsel for the appellant has be-		
		informed telephonically.		
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		By order of the Chairman		
		FOX!:		
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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR. . (CAMP COURT D.I.KHAN)

R.ANO:-1250/2024

Civil Misc: No.-----of 2024

In Service Appeal No._14548-D/2020.

SAIF UR REHMAN

VERSUS

GOVT OF KPK through Secretary Agriculture,

Livestock & Dairy Development, KP etc

INDEX

S.NO	Particulars	Annexure	Page NO.
1.	Grounds of CM along with affidavit.	-	1-34
2.	Copies of Appeal & order dated 23.09.2024	"A&B"	5-6
3.	Wakalatnama		7
	. 40-		

YOUR HUMBLE PETITIONER

Dated / 10/2024

SANA ULLAH SHAMIM GANDAPUR

Advocate supreme Court

of Pakistan D.I.Khan.

KANEEZ BATOOL

Advocate High Court D.I.Khan.

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR. (CAMP COURT D.I.KHAN)

Civil Misc: No. ----- of 2024 R.A NO: 1250/2024

In Service Appeal No.14548-D/2020.

Saif Ur Rehman Senior Veterinary Assistant at the office of Assistant Director, Livestock Darazinda, D.I.Khan, VERSUS Govt of KPK etc

Applicant/Appellant

VERSUS

- The Government of Khybur Pakhtunkhwa through Sectary Agriculture, Livestock and Dairy Development Khybur Pakhtunkhwa Peshawar.
- Director General (Extension) Khybur Pakhtunkhwa Peshawar. 2.
- 3. District Director, Livestock and Dairy Development, Darazinda, D.I.Khan.
- Assistant District Director, Livestock and Dairy Development, Darazinda, 4. D.I.Khan.
- Abdul Aziz Supervisor District Director, Livestock and Dairy Development, 5. D.I.Khan.
- 6. Muhammad Taus Khan District Director, Livestock Development, D.I.Khan.

Section.

Respondents ·

APPLICATION UNDER 19(3) KPK SERVICE TRIBUNAL, RULES 1974 READ WITH ORDER-9, RULE-IV AND SECTION 151 CPC FOR RESTORATION OF ABOVE TITLED SERVICE APPEAL WHICH WAS

DISMISSED FOR NONE PROSECUTION VIDE ORDER DATED:

23.09.2024 PASSED BY THIS HONORABULE SERVICE TRIBUNAL.

Note: Addresses given above sufficient the purpose of service.



The Applicant/Petitioner humbly submits as under:-

- 1. That above titled Service Appeal was pending adjudication before this Honorable Tribunal and the same was dismissed in default due to non-appearance of applicant/Petitioner and his counsel vide order dated 23.09.2024. Certified copies of Service Appeal and order dated 23.09.2024 are enclosed as Annexure-A&B respectively.
- 2. That the applicant humbly seeks indulgence of this Honorable Service Tribunal for setting aside order dared 23.09.2024 and for restoration of said Service Appeal, inter alia on following grounds;

GROUNDS;

- 1. That on 23.09.2024 the Applicant/Petitioner due to his illness could not attend hearing before the honorable Service Tribunal and the Counsel for applicant/appellant also could not appear before the Honorable Service Tribunal due to case work the Peshawar High Court Bench D.I.Khan.
- 2. That non-appearance was not deliberate nor will full but for the reasons mentioned above and the same was due to some un-avoidable circumstances and disposal of Lis on technical ground would discourage the end of justice and applicant/Petitioner's valuable rights in the Lis in hands ,so disposal on Lis on merits instead of technicality would foster the cause of justice. Affidavit here with.
- 3. That the becoming to know the factum of dismissal for non-prosecution the applicant/appellant has filed the present application after obtained certified copies of order properly without any delay.
- **4.** That on 07.10.2024 counsel for the applicant /appellant received order and got knowledge of dismissal, so application is within time.
- 5. That Counsel of Petitioner may please be allowed to argue additional grounds at the time of hearing.

Kame-Bertan Kali

Prayer:

It is, therefore, most humbly prayed that on acceptance of instant application/ Petition, and consideration of facts and grounds incorporated in the accompanying affidavit ,this Honorable Service tribunal may be pleased to set aside /recall the order dated 23.09.2024, dismissing the Service Appeal in default and restore the same to its original position, in the greater interest of justice and equity.

Dated: /10/2024

Your Humble Petitioner

Saif Ur Rehman

(Through Counsels)

SANA ULLAH SHAMIM GANDAPUR

Advocate Supreme Court of Pakistan

Station at D.I.Khan.

Kaneez Batool

Advocate High Court

Ď.I.Khan

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR. (CAMP COURT D.I.KHAN)

Civil Misc: No.----of 2024

In Service Appeal No._14548-D/2020.

SAIF UR REHMAN

VERSUS

GOVT OF KPK through Secretary Agriculture, Livestock & Dairy Development, KP etc

AFFIDAVITE

Saif Ur Rehman Senior Veterinary Assistant at the Office of Assistant Director, Livestock Darazinda, D.I.Khan, the applicant/ petitioner do hereby solemnly affirm and declare on oath that all the contents of the CM are true and correct to the best of my knowledge and belief and noting has been deliberately concealed from this Honorable Service Tribunal.

SANA ULLAH SHAMIM GANDAPUR

Advocate supreme Court

of Pakistan D.I.Khan.

Deponent

afec-Rahman





Service Appeal No. 2020

Saif-Ur-Raman, Presently restell as Senior Veterinary Assistant at the Office of Assistant Director, Livestock, Darazinda, D.I.Khan.

(Appellant)

- The Government of Khyber PakhtunKhwa through Secretary Agriculture, Livestock and Dairy Pevelopment Khyber PakhtunKhwa Peshawar.
- Director General (Extension), Khyber PakatunKhwa, Peshawar.
- District Director, Livestock and Dairy Development Department, D.I.Khan.
- Assistant Director, Livestock and Dairy Development Department, Darazinda, D.I.Khan.
- Abdul Aziz Supervisor District Director, Livestock and Dairy Development Department, D.I.Khan.
- Muhammad Taus Khan District Director, Livestock and Dairy Development Department, D.I.Khan.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT, TO DIRECT THE RESPONDENTS TO PROMOTE THE APPELLANT WITH EFFECT FROM 1.3.2017 ON THE BASIS OF SENIORITY LIST ALONG-WITH BACK BENEFITS OF SERVICE.

Note: That addresses of the parties given above are sufficient for the purpose of service.

DSTED



None present on behalf of the appellant. Mr. Noor

Badshah, Veterinary Officer alongwith Mr. Muhammad Jan.

District Attorney for official respondents present.

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

In view of the above, this appeal is dismissed in default for want of prosecution. File be consigned to the record room.

ANNOUNCED 23/09/2024

(Rashida Bano) Member (Judicial) (Aurangzeb Khanak) Member (Judicial)

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Naeem Amin

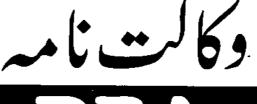
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Khyber Pakhtunkhwa **Bar Council**

B.C.No. 1 1 - 2

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مقدمه مندرجه بالاعنوان مي الى طرف بيروى واسطى وجوابدي برائ بيشي ياتصفيه مقدمه بمقام

کوحسب ذیل شرائط پروکیل مقرر کیا ہے، کہ میں ہر پیٹی پرخود بدر بعیختیار خاص روبر وعدالت حاضر ہوتار ہول گا۔اور ہر یکارے جانے مقد سروکیل صاحب موصوف کواطلاع دیکر حاضرعدالت کروں مے، اگر پیش برمظبر حاضرنہ ہوا۔ اور مقدمہ میری غیر حاضری کی جب سے کسی طرح پرمیرے برظاف ہوگیا۔ توصاحب موصوف اسكى طرح ذمددارند بول كانيزوكل صاحب موصوف صدرمقام كجبرى كعاده كسى جكمه يا كجبرى كاوقات سيليا يجيهي يابروز تعطيل بيروى كرن ك ذمددارنہ ہوں گے۔ نیز دکیل صاحب موصوف صدر مقا ایجبری کے علاوہ کسی جگہ یا تجبری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیردی کرنے کے ذمد دارنہ ہوں مے ۔اورمقدمہ کیجری کے علاوہ اور جگہ ساعت ہونے یا ہروز تعطیل یا کیجری کے اوقات آگے چیچے پیش ہونے پرمظبرکو کو کی نقصان پینچے تواس کے ذمہ داریاس کے داسطے کسی معاوضہ کے اداکرنے یا تحارنہ والیس کرنے کے بھی موصوف ذردارنہ ہوں مے۔ بھے کوکل ساختہ پردا خطرصا حب موصوف مثل کردہ ذات خودمنظور وقبول ہوگا۔اورصاحب موصوف کوعرضی دعویٰ یا درخواست اجرائے ڈگری دنظر ثانی اییل مجمرانی و ہرتسم درخواست پر دستخطانصد این کرنے کا بھی اختیار ہوگا۔اور کسی تھم یا ڈمری کرانے اور ہرتم کاروپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرتم کے بیان دینے اور اُس پر ٹالٹی یاراضی نامہ و فیصلہ بر حلف کرنے ،اقبال دعویٰ کا بھی اختیار ہوگا۔اوربصورت مقرر ہونے تاریخ پیٹی مقدمہ نہ کورہ بیرون از کچبری صدر پیروی مقدمہ نہ کورہ نظر ٹانی وائیل وگرانی و برآمد کی مقدمه یامنسوخی ڈگری کے طرف یا درخواست علم امتاع یا قرتی یا گرفتاری قبل از فیصله اجرائے ڈگری بھی صاحب موصوف کوبشرط ادا بیگی علیحدہ مختانہ پیروی کا اختیار ہوگا اورتما كساخته برداخته صاحب موصوف مثل كرده ذات خودمنظور وقبول موكاراور بصورت ضرورت صاحب موصوف كوريجي اختيار موكا كدمقد مه ندكوره يااسككسي جزو کی کاروائی یا بصورت درخواست نظر ثانی ایل یا تکرانی یادیگر معامله مقدمه ندکوره کسی دوسرے دکیل یا بیرسز کواین بجائے یا بینج ہمراہ مقرر کریں ۔ادرایسے مشیر قانون کو بھی ہرامر میں وہی ویسے اختیارات حاصل ہوں مے، جیسے صاحب موصوف کوحاصل ہیں،اور دوران مقدمہ میں جو پچھے ہرجانہ التواء پڑیگا،وہ صاحب موصوف کاحق ہوگا مگرصاحب موصوف کو بوری فیس تاریخ پیٹی سے پہلے ادانہ کروں گا۔ توصاحب موصوف کو بوراا فقیار ہوگا کہ وہ مقدمہ کی بیروی ندکریں اورالی صورت میں میرامطالبکی قتم کاصاحب موصوف کے برطاف ہوگا۔

لہذاوکالت نامہ کھھدیا ہے۔ تا کہ سندر ہے

مضمون وکالت نامه ک لیاہے۔اوراحچی طرح سمجھا

, Scuful-Kahman