


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 1369 /2024 :

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.11.2024	<p>The application for restoration of Service Appeal No. 1245/2022 submitted today by Naila Jan Advocate. It is fixed for hearing before Division Bench at Peshawar on 18.11.2024. Parcha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

R.A NO: 1364 /2024  
IN  
APPEAL NO.1245/2022

Nowshad Khan

VS

Govt of KPK & Others

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S.No.	Documents	Annexure	P. No.
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2.	Copy of order	-A-	3-4

**APPLICANT /APPELLANT**

THROUGH:

(NAILA JAN)

Advocate Supreme Court of  
Pakistan.

*Naila Jan*  
ASC

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

R.A NO: 1369/2024  
IN  
APPEAL NO.1245/2022

Khyber Pakhtunkhwa  
Service Tribunal  
Case No. 17841  
Dated 11-11-24

Nowshad Khan Ex Assistant Public Health Engineering  
Department Khyber Pakhtunkhwa, Peshawar.

**APPLICANT /APPELLANT**

**VERSUS**

1. Govt of Khyber Pakhtunkhwa, through Secretary Public Health Engineering Department Peshawar.
2. Chief Engineer (Centre) Public Health Department Peshawar.
3. Secretary Establishment & Admn Department Khyber Pakhtunkhwa Peshawar.
4. Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.

**RESPONDENTS**

**APPLICATION FOR RESTORATION OF APPEAL  
NO. 1245/2022 WHICH WAS DISMISSED IN  
DEFAULT VIDE ORDER DATED 06/11/2024.**

**RESPECTFULLY SHEWETH:**


1. That the instant appeal No. 1245/2022 was filed before this Honorable Tribunal against the preforma promotion.

2. That the instant appeal was in arguments stage fixed on 06.11.2024 at Hon'able Service Tribunal. The counsel for the appellant not attends the court due engagement in High Court & Session Courts. Therefore, the above mentioned appeal was dismissed in default vide order dated 06/11/2024. **Copy of the order is attached as annexure-A.**
3. That counsel for the appellant file application for attested order sheet, which was handed over to the counsel for appellant on 11/11/2024, so the instant restoration application is well within time.
4. That valuable right is involved in the instant appeal of the appellant, So, it is in the interest of justice that the appeal should be dealt on merit rather to dismiss in default.
5. That not attaining the tribunal is not intentional but due to the reason above.

It is therefore, most humbly prayed, on acceptance of this application, the above mentioned appeal No. 1245/2022 may be restore in interest of justice.

APPLICANT / APPELLANT

Through:

  
(NAILA JAN)  
Advocate Supreme Court of  
Pakistan.

**AFFIDAVIT**

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

  
DEPONENT





1

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR.**

**SERVICE APPEAL NO. 1245/2022**

Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber  
Pakhtunkhwa, Peshawar..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health  
Engineering Department, Peshawar
2. Chief Engineer (Centre), Public Health Department Peshawar
3. Secretary, Establishment and Admin Department, Khyber Pakhtunkhwa,  
Peshawar
4. Secretary, Finance Department, Khyber Pakhtunkhwa Peshawar  
..... (Respondents)

**Appeal under Section 04 of the Khyber Pakhtunkhwa Service  
Tribunal Act 1974 for considering the appellant for proforma  
promotion as Superintendent (BPS 17) from the date when the  
posts of Superintendent become vacant and inaction on the  
part of respondents on the departmental appeal of the  
appellant which is against the law Rules and principles of  
Natural justice.**

**Respectfully Sheweth;**

1. That appellant was inducted into the service of the respondent department as junior clerk, on 18.03.1980, who got promoted as Senior Clerk in 30.05.1991 and as Accounts Clerk on 27.10.2011 and as Assistant (BPS 16) on acting charge basis on 01.01.2016 and on regular basis on 09.03.2017. (Copy of seniority list as stood on 30.06.2020 is Annex A)
2. That eight numbers of posts of Superintendent (BPS-17) were laying vacant; which according to the service rules in vogue were to be filled:

***"By promotion on the basis of seniority-cum-fitness from  
amongst the Assistant and Senior Scale Stenographer (BPS-16)  
with five years' service as such"***

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar 11-11-24





**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 1245/2022

Noshad Khan

versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	<b>Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary</b>
<u>Order-17</u> 6 <sup>th</sup> November, 2024.	<p><b><u>Mr. Kalim Arshad Khan, Chairman:</u></b></p> <p>Present:</p> <ol style="list-style-type: none"><li>1. None for the appellant.</li><li>2. Syed Naseer Ud Din Shah, Assistant Advocate General for the respondents.</li><li>3. 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</li><li>4. <i>Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 6<sup>th</sup> day of November, 2024.</i></li></ol> <p style="text-align: center;"> (Rashida Bano) Member(J)</p> <p style="text-align: center;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Adnan Shah*</i></p> <p><b>Certified to be true copy</b></p> <p><b>EXAMINER</b> Khyber Pakhtunkhwa Service Tribunal Peshawar 11-11-24</p> <p style="text-align: right;">Khyber Pakhtunkhwa Service Tribunal, Peshawar Application No. <u>566</u> Date <u>11-11-24</u> Name of Applicant <u>Najta Jan</u> Number of Words/Pages <u>2-1</u> Copying Fee <u>10/-</u> Urgent/Ordinary <u>5/-</u> Total <u>15/-</u> Name &amp; Sign of Copyist <u>Zeesham</u> Date of Completion of Copy <u>11-11-24</u> Date of Delivery of Copy <u>11-11-24</u></p>