


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1375 /2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.11.2024	<p>The application for restoration of Service Appeal No. 613/2022 submitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for hearing before Division Bench at Peshawar on 21.11.2024. Parcha Pehsi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

RA
C.M. No 1375 /2024

In

Service Appeal No: 613 /2022

Dr. Khalid Zaman.Appellant

V E R S U S

Secretary Health & OthersRespondents

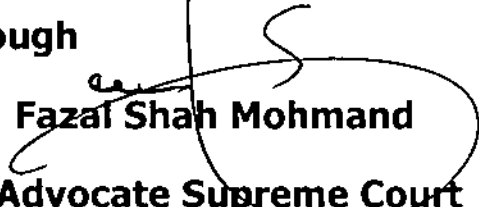
I N D E X

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-2
2.	Copy of Order Dated 05-11-2024	A	3-4


Petitioner

Dated:-14-11-2024

Through


Fazal Shah Mohmand
Advocate Supreme Court
Of Pakistan.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell:- 0301-8104841

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

①

PESHAWAR

R-A
G.M. No 1375 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17956

Dated 14-11-24

In

Service Appeal No: 613 /2022

Dr Khalid Zaman, Ex Medical Officer (BPS-17), District Hospital, Abbottabad,
R/o Village & Post Office Miranshah (North Waziristan).

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Service Appeal was pending before this honorable Tribunal which was dismissed in default on 05-11-2024. **(Copy of Order dated 05-11-2024 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.

2

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

Dated:--14-11-2024

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand,
Advocate

Supreme Court of Pakistan,

&

[Signature]
Ibad Ur Rehman Khalil

&

[Signature]
Baseer Ahmad Shah
Advocates High Court.

A F F I D A V I T:-

I, Dr Khalid Zaman, Ex Medical Officer (BPS-17), District Hospital, Abbottabad, R/o Village & Post Office Miranshah (North Waziristan), (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 nothing has been concealed from this honorable Tribunal.

[Signature]
DEPONENT





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No _____/2022

Dr Khalid Zaman Ex Medical Officer (BPS-17) District
Headquarters Hospital Abbottabad, S/O Sakhi Jan R/O Village & Post
Office Miranshah (North Waziristan).Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Health
Department, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa,
Peshawar.Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE NOTIFICATION DATED 13-08-2014 TO THE
EXTENT OF THE APPELLANT WHEREBY THE APPELLANT
HAS BEEN REMOVED FROM SERVICE AND AGAINST
WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS
NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF
MORE THAN THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:-

On acceptance of this appeal the impugned Notification dated
13-08-2014 to the extent of the appellant may kindly be set
aside and the appellant may kindly be ordered to be reinstated
in service with all back benefits.

Respectfully Submitted:-

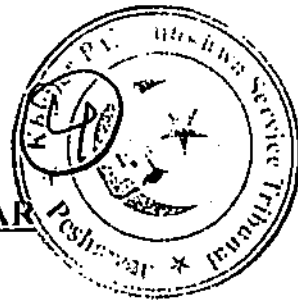
1. That the appellant along with others was appointed as Medical
Officer (BPS-17) on one year contract vide Notification dated
29-01-2002 and later on, upon the recommendations of Khyber
Pakhtunkhwa Public Service Commission was appointed along
with others as Medical officer (BPS-17) on regular basis and
since appointment the appellant performed his duties with
honesty and full devotion and to the entire satisfaction of his
high ups. (Copy of Notification dated 29-01-2002 is
enclosed as Annexure A).
2. That in the year 2005 the appellant while lastly posted as
Medical Officer at District Headquarters Hospital Abbottabad,
requested vide written application for the grant of No Objection
Certificate for proceeding abroad and also requested for the
grant of 730 days Ex Pakistan Leave which was duly processed
and finally NOC was granted by the department and 730 days

ATTESTED

EX. CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07-11-24

"A"



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.613/2022

Dr. Khalid Zaman

Versus

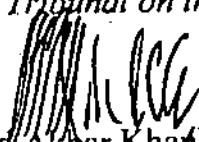
Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
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Order-17
5th
November,
2024.

Present

1. Nobody present on behalf of appellant.
2. Mr. Naseer Uddin Shah, Assistant Advocate General assisted by Mr. Safiullah, Focal Person for the respondents.
3. 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.
3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 05th day of November, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

Kaleemullah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07-11-24 Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 692 07-11-24

Name of Applicant Abbas Clerk

Number of Vords/Pages 2-P

Copying Fee 10/-

Urgent/Ordinary 10/-

Total 20/-

Name & Sign of Copyist Zees Khan

Date of Completion of Copy 07-11-24

Date of Delivery of Copy 14-11-24