


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1396/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.11.2024	<p>The application for restoration of Service Appeal No. 1566/2022 submitted today by Mr. Mujeeb Ullah Advocate. It is fixed for hearing before Division Bench at Peshawar on 27.11.2024. Parcha Pehsi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

RA
GM No. 1396/2024

In
Service Appeal No. 1566/2022

Fazal Mabood

Versus

Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & Others

APPLICATION FOR FIXATION OF THE INSTANT APPEAL FOR
HEARING AT PRINCIPAL SEAT.

Respectfully Sheweth,

1. That the above titled appeal is filed before this Hon'ble Tribunal which was dismissed in default for non-prosecution on 05/11/2024, Restoration application has been filed before this Hon'ble Court wherein no date of hearing is yet fixed.
2. That the Applicant/ counsel is requesting for fixation of the instant appeal before principal seat.
3. That most of the contesting Respondents also belong to Peshawar.
4. That there is no legal impediment on acceptance of this application.

In wake of above submissions, the instant appeal may kindly be fixed before principal seat for ends of justice.


Mujeeb Ullah

Advocate
Counsel for Appellant

**BEFORE THE HON'BLE ADDITIONAL DISTRICT AND SESSIONS
JUDGE, PESHAWAR**

RA
EM No. ---1396/2024

In

Service Appeal No. 1566/2022

Fazal Mabood

Versus

Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & Others

**APPLICATION FOR RESTORATION OF THE CAPTIONED
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

INDEX OF DOCUMENTS

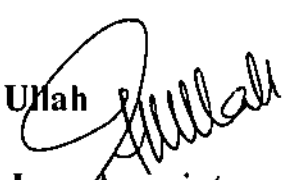
S. No	Description of Documents	Annexure	Page No
1	Restoration Application along with affidavit		1-3
2	Copy of the impugned order dated 05/11/2024	A	4-5
3	Copy of medical certificate	B	6



Applicant/Appellant

Through:

Mujeeb Ullah


Khalid & Law Associates
46-C, 2nd Floor, Cantonment Plaza
Peshawar Cantt

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

R.A
No. 1396 /2024

In
Service Appeal No. 1566/2022.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 18126
Dated 20/11/24

Fazal Mabood S/O Fazal Haq Junior Technician (Pathology BPS-12) Central
Prison Mardan R/O Village Godar, P/O Munda, Tehsil Samarbagh, District
Dir Lower.

.....**APPLICANT/APPELLANT**

VERSUS

1. Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs
Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent Central Prison Mardan

.....**RESPONDENTS**

**APPLICATION FOR RESTORATION OF THE CAPTIONED
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

Respectfully Sheweth,

1. That the above titled Appeal was pending adjudication before this Hon'ble
Court and was fixed for 05/11/2024 before Camp Court at Swat.
2. That on previous date i-e 05/11/2024, this Hon'ble Court was please to pass
an order wherein the appeal in hand was dismissed in default for non-
prosecution.
{Attested copy of the order sheet dated 05/11/2024 is annexed as A}
3. That the Applicant/ Appellant seeks restoration of the captioned appeal inter
alia on the following grounds.

GROUND

- A. That the instant Application is within time and there is no legal bar on the
acceptance of this Application.

B. That the absence of the appellant on the date fixed was not intentional rather he was at Karachi in search of a job. Furthermore counsel of the Appellant was not feeling well due backaches issue and was unable to travel for long.

{Copy of medical certificate is annexed as B}

C. That with utmost respect this Hon'ble Court has non suited the Appellant without following the prescribed procedure under the law for attendance as well as awarding opportunity of personal service which amounts to the gross miscarriage of justice and is against the National Judicial policy.


D. That admittedly the Appellant is pursuing his case vigilantly and above all valuable rights of the petitioner are involved hence on this score alone the impugned Order is liable to be set aside.

E. That in plethora of judgments the Superior Court has held that les should be decided on merits and technicalities should be avoided. Thus the absence of the appellant and his counsel on the date fixed was not intentional but rather due to the above stated reasons.


F. That the Impugned Order is against the express provisions of Article 10A of the Constitution of Islamic Republic of Pakistan 1973, thus fair trial is the fundamental guaranteed right of the Appellant.

G. That any other grounds may be raised at the time of arguments before this Hon'ble Court with prior permission of this Hon'ble Court.

In wake of the above submissions it is, therefore, most humbly prayed that on the acceptance of the instant application the impugned order dated 05/11/2024 may kindly be set aside and the captioned Appela mentioned above may graciously be restored for ends of justice.


Applicant/Appellant

Through:

Mujeeb Ullah 

Khalid & Law Associates
46-C, 2nd Floor, Cantonment Plaza
Peshawar Cantt

**BEFORE THE HON'BLE ADDITIONAL DISTRICT AND SESSIONS
JUDGE, PESHAWAR**

CM No. -----/2024

In

Service Appeal No. 1566/2022

Fazal Mabood

Versus

Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & Others


**APPLICATION FOR RESTORATION OF THE CAPTIONED
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

AFFIDAVIT

I, Fazal Mabood S/O Fazal Haq Junior Technician (Pathology BPS-12) Central Prison Mardan R/O Village Godar, P/O Munda, Tehsil Samarbagh, District Dir Lower., do hereby solemnly affirm and declared that the contents of the accompanying application are true & correct to the best of my knowledge and belief and nothing has been concealed from this August Court

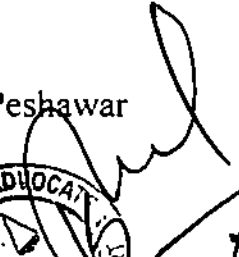

Deponent

Identified By

Mujeeb Ullah 

Advocate,
Peshawar High Court, Peshawar




20-11-24



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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1566 /2022.

Fazal Mabood S/O Fazal Haq Junior Technician (Pathology BPS-12) Central Prison Mardan R/O Village Godar, P/O Munda, Tehsil Samarbagh, District Dir Lower.
.....APPELLANT

VERSUS

1. Govt; of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Prison Khyber Pakhtunkhwa, Peshawar
3. Deputy Director (E) Prison Khyber Pakhtunkhwa, Peshawar
4. Superintendent Central Prison Mardan

.....RESPONDENTS

APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT 1974, AGAINST THE OFFICE ORDER DATED 15/06/2022 WHEREBY APPELLANT WAS REMOVED FROM SERVICE WITH EFFECT FROM THE DATE OF ABSENCE FROM THE DUTY AND AGAINST THE ORDER DATED 22/09/2022 OF THE RESPONDENTS WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN DISMISSED.

Prayer:

By accepting the instant appeal, the impugned order dated 15/06/2022 & 22/09/2022 may kindly be set aside and the Respondents may kindly be directed to reinstate the appellant with all back benefits. Any other relief, which this Honorable Court deems fit and appropriate may also be granted to the Appellant for the ends of justice.

Respectfully Sheweth:

Brief facts leading to the instant appeal are;

ATTESTED

EXCISE CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

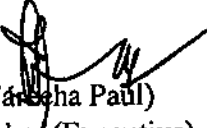

13-11-24

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1566 of 2022

Fazal Mabood versus Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat, Peshawar and others.

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
<p>Order-16 05th November, 2024.</p>	<p align="center">Present:</p> <ol style="list-style-type: none"> Nemo on behalf of the appellant. Mr. Muhammad Jan, District Attorney on behalf of the respondents. <p>Despite repeated calls at various intervals until the court's rising, no one has appeared on behalf of the appellant. In view of the absence of representation and lack of prosecution, the instant appeal stands dismissed in default for want of prosecution. File be consigned to the record room.</p> <p align="center"><u>ANNOUNCED</u> 05.11.2024</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  (Farischa Paul) Member (Executive) Camp Court, Swat </div> <div style="text-align: center;">  (Aurangzeb Khattak) Member (Judicial) Camp Court, Swat </div> </div> <p><i>*Naeem Amin*</i></p> <p>Khyber Pakhtunkhwa Service Tribunal Application No. <u>1732</u> Name of Applicant <u>Syed Qasim Ali</u> Number of Affidavits <u>2-1</u> Copy of Affidavits <u>101-</u> Urgent/Inquiry <u>-</u> Total <u>101-</u> Name of Counsel <u>recohan</u> Date of Camp Court <u>13-11-24</u> <u>18-11-24</u></p>

Certificate of signature copy
 Khyber Pakhtunkhwa Service Tribunal
 Peshawar
 13-11-24



ORTHOPAEDIC AND TRAUMA SURGEON

DR. FAISAL KAMRAN

MBBS(Pesh) FCPS Orthopaedic And Trauma
MCPS(PAK) MRCS (UK)



At: Mujahid Allah. / 464 / ♂

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Orthopaedic Surgeon
DR. FAISAL KAMRAN
MBBS (Pesh) FCPS (Pak)
MCPS (Pak) MRCS (UK)

کلینک: نوید میڈیکل کورس بالیوالہ سول اسپتال