


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1401/2024

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. 1491/2022 submitted today by Mr. Mati ur Rehman Advocate. It is fixed for hearing before Division Bench at Peshawar on 26.11.2024. 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.

R.A. No. 1401/2024

S.A.No.1491/2022

Muhammad Usman..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary
and others..... Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Application for restoration with affidavit.		1-2
2	Attested copy of order dated 05.11.2024		3-4

Dated: 20.11.2024

Appellant

Through



Muti-ur-Rehman
Advocate High Court

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal
Case No. 18147
Dated 20/11/24

S.A.No.1491/2022

Muhammad Usman son of Rehmat Nabi
Senior Theology Teacher (BPS-16) at GHSS Warijun
Tehsil Mastuj, District Chitral Upper..... Appellant
Versus

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.
- 3) Govt. of Khyber Pakhtunkhwa through Accountant General (AG) Peshawar.
- 4) District Education Officer (Male) District Chitral
- 5) District Accounts Officer (DAO) Chitral..... Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE NOTED APPEAL DISMISSED
IN DEFAULT FOR WANT OF
PROSECUTION ON 05.11.2024.


Respectfully Sheweth;

Applicant submits as under:

- 1) That the above noted appeal was fixed on 05.11.2024 and dismissed in default. (Copy of order is attached).
- 2) That earlier the above titled appeal was fixed on 04.11.2024 and on the request of appellant's counsel the case was fixed/ adjusted for 06.11.2024, but when the undersigned appeared before this Hon'ble Tribunal he was informed that the case has already been dismissed in default on 05.11.2024, hence this application.



- 3) That the application is well within time from the date of knowledge.
- 4) That the non-appearance of the counsel as well as of the appellant is/ was neither willful nor deliberate but due to the above mentioned reason.
- 5) That superior courts of the country always favour adjudication of the cases on merits rather than on technicalities and there is no legal impediment in the way of restoration of the case.

It is, therefore, requested that the above noted appeal may kindly be restored in the interest of justice and be decided on merits.

Appellant
Through 
Muti-ur-Rehman
Advocate High Court

AFFIDAVIT

I, Muhammad Usman son of Rehmat Nabi Senior Theology Teacher (BPS-16) at GHSS Warijun Tehsil Mastuj, District Chitral Upper, do hereby affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent




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

Service Appeal No. 1491 /2022

Muhammad Usman S/o Rehmat Nabi, Senior Theology Teacher
BPS-16, at GHSS Warijun Tehsil Mastuj, District Chitral Upper.

.....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Government of Khyber Pakhtunkhwa, through Accountant General (AG) Peshawar.
- 4) District Education Officer (Male) District Chitral.
- 5) District Account officer (DAO), Chitral

.....Respondents

**SERVICE APPEAL U/S 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED
22.08.2022 WHEREBY; THE
DEPARTMENTAL APPEAL OF THE
APPELLANT REGARDING THE
ANNUAL INCREMENT HAS BEEN
REJECTED.**

ATTESTED

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

13-11-24

Respectfully Sheweth:-

- 1) That the appellant belongs to a respectable family of District Chitral Upper and holds a Degrees / Sanads of Shahadat ul Alia Fil Uloom ul Islamia Wal Arabia (Bachelor

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1491 of 2022



Muhammad Usman Versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil 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
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Order-22
05th November,
2024.

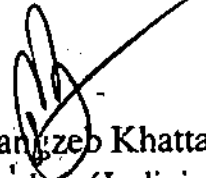
Present:

1. Nemo on behalf of the appellant.
2. Mr. Muhammad Jan, District Attorney on behalf of the respondents.

On the previous date of hearing, Mr. Zakir Ullah, Advocate, junior to learned counsel for the appellant, appeared and requested for adjournment. Consequently, the case was adjourned and fixed for hearing today. However, despite repeated calls at various intervals, no one appeared on behalf of the appellant. In light of the appellant's failure to appear and the absence of any representation or explanation, it is evident that there is a lack of interest in prosecuting the matter. Accordingly, the instant appeal is hereby dismissed in default for want of prosecution. File be consigned to the record room.

ANNOUNCED
05.11.2024


(Fareena Paul)
Member (Executive)
Camp Court, Swat


(Aurangzeb Khattak)
Member (Judicial)
Camp Court, Swat

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
13-11-24

17

Khyber Pakhtunkhwa S⁶⁶⁴ribunal, Peshawar

Application No. _____ Date 13-11-24

Name of Applicant Safeem-ud-din

Number of Words/Pages 2-

Copying Fee 10/-

Urgent/Ordinary SI-

Total 15/-

Name & Sign of Copyist Zeesha

Date of Completion of Copy 13-11-24

Date of Delivery, in Case, 13-11-24