


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1400/2024

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. 1490/2022 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. 1400/2024

S.A.No.1490/2022


Shams-ud-Din..... Appellant
Versus

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

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Dated: 20.11.2024

Appellant
Through 
Muti-ur-Rehman
Advocate High Court

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR.

R.A. No. 1400/2024

S.A.No.1490/2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 18148.

Dated 20/11/24

Shams-ud-Din son of Abdur Rashid
Senior Theology Teacher (BPS-16) at GHS Koshum
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.

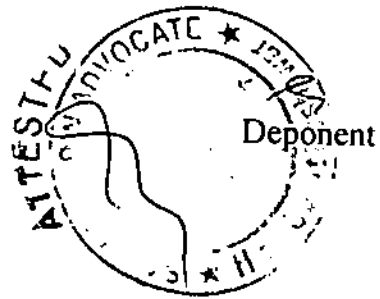
- 3) That the application is well within time from the date of knowledge.
- 4) That the non-appearance of the counsel as well as of the appellant is/ was neither willful nor deliberate but due to the above mentioned reason.
- 5) That superior courts of the country always favour adjudication of the cases 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, Shams-ud-Din son of Abdur Rashid Senior Theology Teacher (BPS-16) at GHS Koshum 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.





**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Restoration APPL. No 653/23

Service Appeal No. 1490/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7670

Dated 19/09/23

Shamsher Uddin S/O Abdul Rashid, Secondary School Teacher BPS-16,
at GHS Koshum 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.

APPLICATION FOR RESTORATION OF TITLED SERVICE APPEAL

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Respectfully Sheweth:

1. That the service appeal was fixed for hearing on 05.09.2023 but on that date the cases were not reflected in the cause list (Copy of cause list is attached).
2. That the case was dismissed in default on 09.11.2021 without serving any notice to the applicant or his counsel.
3. That the valuable rights of the applicant involved in the present case and restoration application is well within time.

13-11-23

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Service Appeal No. 1490 of 2022

Shamsher Uddin 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
<p>Order-22 05th November, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none">1. Nemo on behalf of the appellant.2. Mr. Muhammad Jan, District Attorney on behalf of the respondents. <p>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.</p> <p><u>ANNOUNCED</u> 05.11.2024</p> <p>(Farhana Paul) Member (Executive) Camp Court, Swat</p> <p>(Aurangzeb Khattak) Member (Judicial) Camp Court, Swat</p>

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