


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 809/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.07.2024	<p>The application for restoration service appeal No. 1093/2019 submitted today by Mr. Inayat Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on 01.08.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER

PAKHUNKHWA, PESHAWAR

In
Service Appeal No. 1093/2019

R.A. No. 809/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14596

Dated 30/7/24

Dr. Rooh Ullah Jan

Ex-District Specialist Orthopedic BPS-18, Government
Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

.....Applicant/ Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar
2. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Director General Health at Health Directort, Peshawar
4. Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
5. Medical Director, Government Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

..... Respondents

APPLICATION FOR RESTORATION OF THE
ABOVE TITLED SERVICE APPEAL, WHICH WAS
DISMISSED IN DEFAULT ON 15.07.2024.

Respectfully Sheweth:

1. That the above titled case was posted for hearing on 15.7.2024 before this Hon'ble Tribunal, which was dismissed in default due to non-appearance.

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2. That on 15.07.2024, Counsel for the appellant was out of station and could not appeared before the Court and another junior counsel attended the Court and requested for submission of Wakalatnama and adjournment on the date fixed which has not been allowed and the case was dismissed due to non-prosecution. (Copy of the order dated 15.07.2024 is attached as Annexure A).
3. That absence of the counsel was neither intentional nor deliberate but due to the reason stated above.
4. That the restoration application is well within time and there is no legal bar in allowing the instant application.
5. That valuable rights of the appellants are involved in the case and if the case is not restored, the appellant will suffer irreparable loss.

It is, therefore, humbly requested that on acceptance of this application, the above titled service Appeal may kindly be restored in the best interest of justice.

Applicant/Appellant

Through

Inayat Khan & Syed Asghar Shah
Advocates High Court,

Dated: 30.07.2024

30/07/2024

AFFIDAVIT

I, do hereby solemnly affirm and declare on Oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent

30/07/2024



Appeal No. 1093/2019

APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1973
BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

16/04/2019

PASSED

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1168

Dated 09-8-2019

Dr. Rooh Ullah Jan

Ex-District Specialist Orthopedic BPS-18, Government

Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar

2. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

~~3. Director General Health, Government of Khyber Pakhtunkhwa, Kohat Road, Peshawar~~

3. Director General Health at Health Directorate, Peshawar.

4. Secretary Finance, Government of Khyber Pakhtunkhwa, at Civil Secretariat, Peshawar

5. Medical Director, Government Naseerullah Khan Babar Hospital, Kohat Road, Peshawar

Respondents

Filed to-day
Registrar

Secretary Health, Government of Khyber Pakhtunkhwa,

Civil Secretariat Peshawar

Section 4 OF Khyber Pakhtunkhwa
Civil SERVICE TRIBUNAL ACT, 1973

AGAINST THE ORDER DATED
Peshawar: 16/04/2019, PASSED BY

Secretary Finance, Government of Khyber
Pakhtunkhwa, at Civil Secretariat, Peshawar

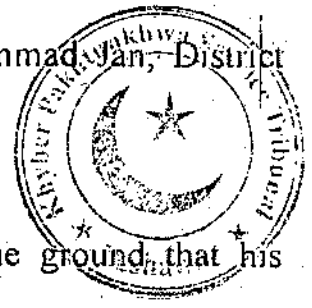
6. Medical Director, Government Naseerullah Khan Babar
Hospital, Kohat Road, Peshawar

ATTESTED

Handwritten signature and stamp of the Registrar

(4) 1093/2019, Dr. Rohullah Jan vs Govt

11th July, 2024 1. Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.



2. Former requested for adjournment on the ground that his counsel is indisposed today. Adjourned by way of last chance. To come up for arguments on 15.07.2024 before D.B. P.P given to the parties.

SCANNED
KFST
Peshawar

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

ORDER

15th July 2024 Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. The case was called several times but neither appellant nor his counsel turned up before the Tribunal, till its rising. 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 this 15th day of July, 2024.*

(Fatheha Paul)
Member(E)
(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

ATTESTED

EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar
24-7-24

Date of Presentation of Application 24-7-24
Number of Pages Page 2
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