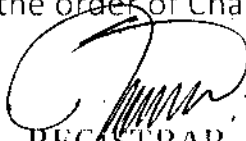


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. **816/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	31.07.2024	<p>The application for restoration service appeal No. 217/2023 submitted today by Mr. Ibad Ullah Advocate. It is fixed for hearing before Division Bench at Peshawar on 10.09.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

R.A. NO. 816/2024

Civil Misc Application No _____ of 2024

In Re:

Service Appeal No 217/2023

Aziz Ahmad.....Applicant/Appellant

VERSUS

Secretary Population and others.....Respondents

INDEX

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Application for restoration	A	01 - 02
2.	Affidavit	-	03
3.	Copy of the order dated 23-07-2024		04 - 05

Through: Applicant/Appellant

(Signature)

(ABAD UR REHMAN)

Advocate,

High Court, Peshawar

Cell # 0300-5932939

Dated:-31-07-2024

(B)

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

R. A. No. 816/2024

Civil Misc Application No _____ of 2024

In Re:

Service Appeal No 217/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14619

Dated 31-07-2024

Aziz Ahmad, Family Welfare Assistant (Male) FWC Torkham
District Khyber.....Applicant/Appellant

VERSUS

1. Secretary Population Welfare Department, Government of
Khyber Pakhtunkhwa Peshawar
2. Director General Population Welfare Department, Sector E-8
Phase-7 Hayatbad, Peshawar
3. District Population Welfare Officer, Main Landi Kotal Road,
near Batti Muhammad Irshad District Khyber.....Respondents

APPLICATION FOR THE RESTORATION OF ABOVE
MENTIONED SERVICE APPEAL, WHICH WAS DISMISSED
IN DEFAULT FOR NON-APPEARANCE ON 23-07-2024


Respectfully Sheweth:-

The Applicant/Appellant humbly submits as under:-

- 1) That the above titled service appeal was fixed for 23rd July,
2024 which was dismissed in default for non-prosecution on
the date fixed. (Copy of the order dated 23-07-2024 is
attached as Annex 'A').
- 2) That on dated 23-07-2024 the Appellant/Applicant appeared
before the Court, but inadvertently dismissed the appeal of
Appellant, whereas the Appellant was present in the
tribunal premises.

- 3) That the absence of Applicant/Appellant was not deliberate and intentional, but due to the above mentioned reason.
- 4) That law, precedents and equity always favours the decision on merits but not on technicalities; hence appeal may graciously be restored.
- 5) That the Applicant/Appellant has got strong prima facie case and is very sanguine of its success.
- 6) That valuable right of Applicant/Appellant involved in the instant case and if the abovementioned appeal is not restored, the Applicant/Appellant would suffer extreme irreparable loss; and would be forever deprived of his legal valuable rights.
- 7) That there exists no legal bar on acceptance of the instant application and this Honourable Tribunal has got ample powers to entertain and accept the instant application.
- 8) That the instant application is within time.
- 9) That others grounds will be raised at the time of arguments with the permission of this Honourable Court.

It is therefore, most humbly prayed that on acceptance of this Application, the above noted service appeal may kindly restored in larger interest of justice.

Through: Applicant/Appellant

(ABAD UR REHMAN)
Advocate,
High Court, Peshawar
Cell # 0300-5932939

Dated:-31-07-2024

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Civil Misc Application No _____ of 2024
In Re:
Service Appeal No 217/2023

Aziz Ahmad.....Applicant/Appellant

VERSUS

Secretary Population and others.....Respondents

AFFIDAVIT

I, Aziz Ahmad, Family Welfare Assistant (Male) FWC Torkham District Khyber, do hereby solemnly affirm and declare on oath that all the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

31 / 07 / 2024
ATTESTED
ZAHOR KHAN ADVOCATE
NOTARY PUBLIC
District Court Peshawar

DEPONENT Abiz Ahmad
CNIC # 17301-1316859-7
Cell # 0333-9199014

Annex: A

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL. PESHAWAR.

Appeal No. 257 /2023 Peshawar



Aziz Ahmad, Family Welfare Asstt: (Male), FWC Torkham, Distt: Khyber

Appellant

Versus

- 1- Secretary Population Welfare Department, Govt: of Khyber Pakhtunkhwa Peshawar.
- 2- Director General, Population Welfare Department, Sector E-8, Phase-7 Hayatabad, Peshawar.
- 3- District Population Welfare Officer, Main Landi Kotal Road, near Batti Muhammad Irshad, District Khyber.

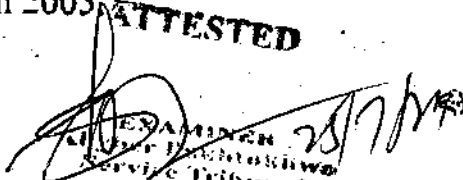
Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT AGAINST
THE OFFICE ORDER NO.4(33)/2021-22/Admn:/6071-77 DATED
02/9/2022 AGAINST WHICH THE APPELLANT PREFERRED A
DEPARTMENT APPEAL ON 13-9-2022 WHICH WAS REJECTED
ON 15-12-2022 BUT TH SAME WAS COMMUNICATED TO THE
APPELLANT ON 17-01-2023.

Respectfully sheweth,

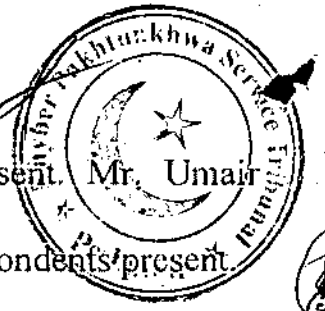
Appellant submits as under :-

- 1- That being fully eligible and after completion of all the codal formalities, the appellant was appointed as Family Welfare Assistant (BPS-5) in the then FATA in the Population Welfare Department in 2005.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

21st May, 2024

A. No. 217/2023
Arshad vs Govt



1. Clerk to counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.
2. Counsel are on strike, therefore, the case is adjourned for 23.07.2024 for arguments before the D.B. Parcha Peshi given to the parties.

(2)
(5)

(Muhammad Akbar Khan)
Member (Executive)

(Kalim Arshad Khan)
Chairman

Nuzum Amin

ORDER

23rd July 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Sagheer Musharraf, Assistant Director 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 23rd day of July, 2024.*

(Aurangzeb Khattak)
Member(J)
(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

ATTESTED

25/7/24
SEAL OF THE MEMBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Date of Presentation of Application	25/7/24
Number of Pages	page = 2
Copying Fee	10/-
Urgent	
Total	10/-
Name of Copyist	Shahzad
Date of Completion of Copy	25/7/24
Date of Delivery of Copy	31-7-24