


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 811/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.07.2024	<p>The application for restoration service appeal No. 1658/2023 submitted today by Mr. Fazal Shah Mohmand 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>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

RA

PESHAWAR

GM No; 811 /2024

in

Service Appeal No-1658/2023

Fazal Kareem

.....**Appellant**

VERSUS

Govt & Others

.....**Respondents**

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-3
2.	Copy of Order Dated 02-07-2024	A	2-4

Dated: ^{31.} ~~02~~-07-2024

Through


Petitioner

Fazal Shah Mohmand ASc

Ibad Ur Rehman Khalil

&

Baseer Ahmad Shah

Advocates High Court

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell # 0301-8804841

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

①

PESHAWAR

RA

~~G.M.~~ No 811 /2024

Khyber Pakhtunkhwa
Service Tribunal

In

Diary No. 14614

Service Appeal No: 1658 /2023

Dated 31-07-2024

Fazal Karim, (Retired) Chowkidar, Darul Aman Mardan.Appellant

VERSUS

1. Director, Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretry, Zakat , Ushar, Social Welfare, Special Education & Women Empowerment, Department, Peshawar.
3. District Officer, Social Welfare Department, Mardan.
4. Govt. of Khyber Pakhtunkhwa through Secretary, Finance, Department, Peshawar.Respondents

APPLICATION FOR THE RESTORATION OF TITLED APPEAL



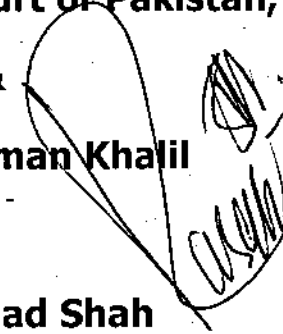
Respectfully Submitted:-

1. That the above titled Service Appeal was pending before this honorable Tribunal which has been dismissed in default on 02-07-2024. **(Copy of Order dated 02-07-2024 is enclosed as annexure A).**
2. That actually the appellant was of the view that date is fixed on 03-07-2024 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

It is therefore most humbly prayed, that on acceptance of this application, the above mentioned service appeal may kindly be ordered to be restored.

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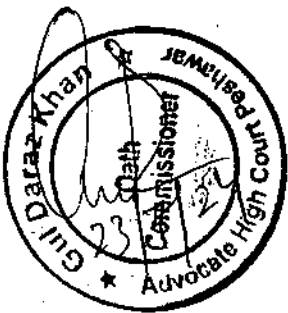
Dated:--³¹07-2024

Appellant
Through 
Fazal Shah Mohmand,
Advocate
Supreme Court of Pakistan,
& 
Ibad Ur Rehman Khalil
& 
Baseer Ahmad Shah
Advocates High Court.

A F F I D A V I T:-

I, Fazal Karim, (Retired) Chowkidar, Darul Aman Mardan, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No 1658 /2023

Fazal Karim, (Retired) Chowkidar, Darul Aman Mardan.



.....Appellant

VERSUS

1. Director, Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary, Zakat, Ushar, Social Welfare, Special Education & Women Empowerment, Department, Peshawar.
3. District Officer, Social Welfare Department, Mardan.
4. Govt. of Khyber Pakhtunkhwa through Secretary, Finance, Department, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER COMMUNICATED TO THE APPELLANT VIDE LETTER DATED 04-01-2020 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FOR COUNTING HIS PREVIOUS SERVICE FOR THE PURPOSE OF PENSION HAS BEEN REGRETTEED.

PRAYER:-

On acceptance of this appeal, the impugned order communicated to the appellant vide Letter dated 04-01-2020 may kindly be set aside and respondents may kindly be directed to count previous contract service of the appellant for the purpose of pension thereby releasing pension to the appellant with all back benefits.

Respectfully Submitted:-

1. That the appellant being qualified was initially appointed as Chowkidar in Annual Development Program (ADP) Scheme titled "Darul Aman Mardan" after due process of law and upon recommendations of Departmental Selection Committee on contract basis vide Order dated 25-05-2004. **[Copy of Order dated 25-05-2004 is enclosed as Annexure A].**

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

29/7/24

A. No. 1658/2023

"A"

(4)

Fudal Karim vs Govt

17.05.2024

1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.07.2024 before D.B. P.P given to parties.



(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kalimullah

ORDER

2nd July 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy 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 2nd day of July, 2024.*

(Rashida Bano)
Member(I)

(Kalim Arshad Khan)
Chairman

ATTESTED
KALIM ARSHAD KHAN
Chairman
29.7.24

Date of Presentation of Application 03-7-24
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