

03.11.2021

Appellant in person present

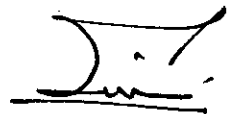
Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 11.01.2022 before S.B.



(Mian Muhammad)
Member(E)

11.01.2022

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary arguments on 08.03.2022 before the S.B.



(Salah-Ud-Din)
Member (J)

08.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.



Reader.

09.06.2022

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 22.07.2022 before S.B.



(Rozina Rehman)
Member (J)

22.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 08.06.2021.


Reader

08.06.2021

Petitioner present in person.

Instant application has been filed on 15.10.2020 for restoration of Service Appeal No. 972/2018 dismissed for non-prosecution on 29.08.2019. The ground mentioned in the application seems genuine. Application is accepted and Service Appeal No.972/2018 is restored to its original number with cost of Rs. 1000/-. To come up for preliminary hearing on 15.09.2021.

"Appellant deposited the cost Rs. 1000/- on 8-6-21 and entry made in Process fee register at S.No. 43."




Chairman

15.09.2021

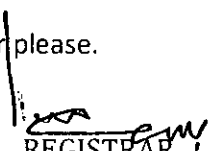


Appellant present in person.

He made a request for adjournment as his counsel is indisposed; allowed. To come up for preliminary hearing on 03 / 11 / 2021 before S.B


(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of R.A
 Execution Petition No. 119 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	<u>15.10.2020</u>	<p>The Restoration Application submitted by Mr. Amal Badshah through Mr. Nawab Ali Noor Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This Execution Petition be put up before S. Bench on <u>27/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
27	11.2020	<p>Neither applicant nor anyone else representing him has appeared despite having been called time and again, therefore, applicant as well as his respective counsel be noticed for <u>21.02.2021</u> on which date file to come up for further proceedings before S.B.</p> <p style="text-align: right;"> (ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)</p>

23.05.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 08.07.2019 before S.B.


Member

08.07.2019

Counsel for the appellant present.

Learned counsel yet again requests for adjournment in order to further prepare the brief also regarding the question of delay involving ^{ed} in the matter.

Adjourned to 29.08.2019 for preliminary hearing before S.B.


Chairman

29.08.2019

Nemo for appellant.

Instant matter has been adjourned due to request on behalf of the appellant on various previous occasions. Today the appellant is un-represented till last call at 2.00 P.M.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman

Announced:
29.08.2019

24.12.2018

Nemo for appellant.

The last date of hearing was adjourned due to Reader Note. Let notice be issued to appellant/counsel for 31.01.2019 for preliminary hearing before S.B.


Chairman

31.01.2019

Counsel for the appellant present and requested for adjournment.

Adjourned. To come up for preliminary hearing on 11.03.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

11.03.2019

Counsel for the appellant present and seeks adjournment.

Adjourned to 16.04.2019 for preliminary hearing before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2019



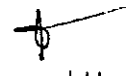

Taimur Ali Khan Advocate appeared on behalf of learned counsel for the appellant and seeks adjournment as learned counsel for the appellant is ~~indisposed~~. Adjourn. To come for preliminary hearing on 23.05.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 972/2018

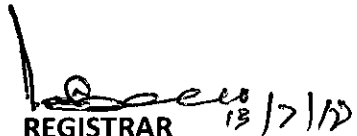
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2018	<p>The appeal of Mr. Ahmad Bad Shah resubmitted today by Mr. L.Nawab Ali Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	7-8-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.08.2018	<p>Appellant in person present and made a request for adjournment. Adjourned. To come up for preliminary hearing on 09.10.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>
	09.10.2018	<p>Clerk of counsel for the appellant present and made a request for adjournment as counsel for the petitioner is not in attendance. Granted. To come up for preliminary hearing on 06.11.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	6-11-2018	<p><i>Due to Retirement of Honorable Chairman the Tribunal is non functional therefore it is adjourned to come up for the same on 24-12-18</i></p> <p style="text-align: right;"><i>Reader</i></p>

The appeal of Mr. Amal Badshah son of Nek Badshah r/o Sarat Khel Distt. Karak received today i.e. on 12.07.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ✓2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ✓3- Annexures of the appeal are illegible which may be replaced by legible/better one.
- ✓4- Annexures of the appeal may be attested.
- ✓5- Annexures of the appeal may be flagged.
- ✓6- Approved file cover is not used.
- ✓7- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1431 /S.T,

Dt. 13/07 /2018.

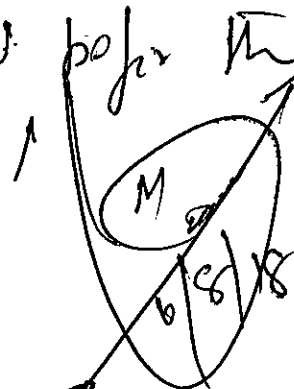

REGISTRAR 13/7/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

L.Nawab Ali Noor Adv. Pesh.

Respectfully Submitted

Need full done kindly put before the court as
for as counsel the submission of delay
same may kindly condone as counsel was
opposed his testimony due to which was
unable to manue nor able to contact

his client, my pleas put before the court


M. A. Khan
6/8/18

SERVICE TRIBUNAL
BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ petition NO. ~~2018~~ *Appeal no. 972/2018*

1. Amal Bad shah S/O Neek Bad shah R/O EX - Constable No. 3831/Ex - Servicen en Police Line , Hangu.

.....(Petitioner)

VERSUS

1. Govt of K.P.K through Secretary Home & Tribal Affairs.

..... Respondents).

INDEX

S.N o.	Description of Documents	Annexure	Pages
1.	Service appeal and affidavit		1-4
2	Copy of the termination order <i>Δ appeal</i>	A	5
3	Civil suit and order <i>Δ appeal</i>	B	6-19
11	Waklat Nama		20

Through

علی با نور
 Petitioner

L. Nawab Ali Noor Advocate
 High Court Peshawar.
 Bacha Khan Markaz Nazim Town Pajagi
 Road Noor Law Associates & legal consultants.
 03469076915

BEFORE THE SERVICE TRIBUNIL K.P.K PESHAWAR.

Service appeal NO. OF 2018

1. Amal Badshsh S/O Nek Badshsh R/O Sarat Khel Tehsil and Distt Karak.

.....(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through secretary home & tribal affair.
2. Govt of KPK through inspector general of police.
3. D.I.G Kohat Division kohat.
4. DPO District Hangu.
5. S.P District Hangu.

.....(Respondents)

Appeal against the termination / Dismissal / Removal order dated 17.3.2015 through which the appellant was dismissed/ Removed from the service against which the appellant filed appeal, filed W.P as well as service appeal meanwhile fresh cause of action again was arrows on 15.1.2018 when the complaint on basis of which the appellant was removed / dismiss were fake, frivolous not based on reality as the same based allegations plaint suit was dismissed by the civil judge -1 karak being not proved by the complainant / plaintiff and same got finality on 21.2.2018 as no appeal/ revision filed against the same hence on fresh cause of action this appeal before your honor.

PRAYER:

On acceptance of this appeal the order dated 17.3.2015, may please be set aside and the appellaat be reinstated back to his service with all back benefits.

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Respectfully submitted,

1. That the appellant was employee in the police department as constable through proper channel.
2. That the appellant appointment was through proper channel and all processes at that time whatever was for the recruitment the appellant perform / fulfill it.
3. That all testimonials of the appellant was properly verified by the concerned authority and no objection was never raised by the police department.
4. That astonishment to the appellant on 17.3.2015 service of the appellant was dismissed on basis of baseless allegations without full the requirement / processes, the service of the appellant was terminated without prior notice or inquiry.

Copy of the termination order is annexure A.

5. That latter on the same complainant on basis of same allegations file a civil suit as result same was dismissed.

Copy of the civil suit and order is annexure B.

5. That the appellant termination was illegal, unlawfully, beyond the jurisdiction based on malafide intention because round about three years has been passed and now finally when based allegations didn't proved appellant clear from allegations he deserve to be reinstated on following grounds:

Grounds:

- a) That the impugned order of dismissal from service against the appellant is illegal, unlawful, without authority/ jurisdiction and being based on the mala fide intentions of the respondent department is liable to be set-aside.
- b) That by receiving the above said impugned letter the appellant was just taken by surprise as neither any notice, nor any show cause notice or intimation whatsoever was served by respondent department upon the appellant.

- c) That the appellant was condemned unheard and no chance of hearing/ defense whatsoever was provided as described under the prevailing laws to the appellant .
- d).That no enquiry proceeding has enumerated under the law has ever been initiated against the appellant and just hair and fire policy was adopted by the respondent department , thereby issuing the termination/dismissal notice without any justification and without adopting any legal processes .
- e).That the manner of termination /dismissal from services adopted in the said cases even not applicable where the rule of master of servant applies, what to say the application of such a short cut procedure for the dismissal of civil servant having there credit spotless service of more than years.
- f) That nether the appellant has committed any misconduct as defined under the relevant laws nor he has been treated according to laws ,thereby neglecting and bulldozing the very basic right of the appellant as enumerated in the constitution of Islamic republic of Pakistan .
- g) That the previous record of the appellant is brilliant and require appellant is not habitual nor any action has been taken against him in previous .
- h).That in the termination letter allegation leveled against the applicant are bogus frivolous and self made and no reality is present there.
- i).That the appella-it termination/dismissal is illegal , unlawfully, beyond the jurisdiction based on malafide intention because based allegation didn't prove before the competent court in plaint suit resultantly dismissed so maintain the dismissal / termination order is against the law and rules of service, just to vacate the post for his blue eyed person.
- j).That no chance of hearing is given to the appellant , appellant was condemned unheard and the termination was made in hurry.

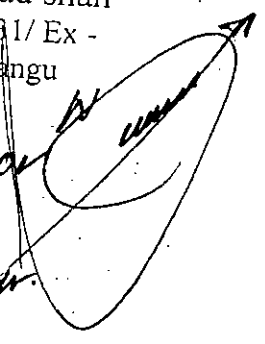
It is therefore humbly prayed that on acceptance of this appeal the order in question 17.3.2015 may please be set-aside and issue restoration order of the appellant along with back benefits.

امال بادشاہ
Appellant

Amal Bad shah S/O Neek Bad shah
R/O EX - Constable No. 3831/ Ex -
Servicemen Police Line , Hangu

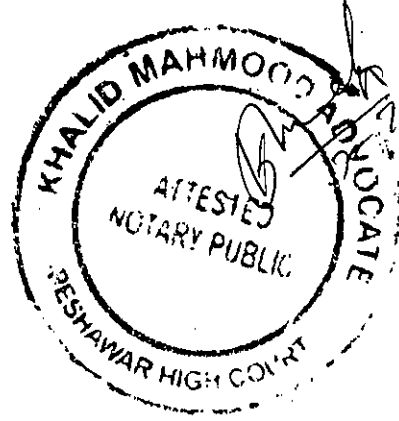
Through

L. Nawab Ali Noon
Advocate
High Court Peshawar
03469076945



AFFIDAVIT

I Amal Badshsh S/O Nek. Badshsh R/O Sarat Khel Tehsil and distt Karak hereby solemnly affirm & declare on oath that the contents of the accompanying service appeal is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable court.



امال بادشاہ
Deponent.

ORDER

Anx: ~~2~~ A-5

This order of mine will dispose of the departmental enquiry initiated against Constable Amal Badshah No. 3831/Ex-servicemen on the allegation that an application received which was marked to R.I Police Lines for enquiry. After the completion of enquiry it has been found that your service is doubtful and you are also involved in illegal activities. His above act shows criminal gross misconduct on his part which cannot be ignored.

He was served with Charge Sheet and Statement of Allegations vide No. 4878/PA, dated 11.12.2014 under Police Disciplinary Rules, 1975 to which he submit his reply. Mr. Aslam Khan Inspector Legal was appointed as Enquiry Officer to conduct departmental enquiry against him. After the completion of enquiry, the enquiry officer submitted his findings in which he strongly recommended him for major punishment of cancellation of his contract, if approved.

Therefore, delinquent constable was called and heard in person in the Orderly Room held on 17.03.2015 in the office of the undersigned. During hearing the defaulter constable found guilty.

Keeping in view of above and having gone through available record, the undersigned came to the conclusion that he, being a member of disciplined force, had acted criminal gross misconduct, indisciplined and irresponsible manner. Therefore, I, Anwar Saeed Kundi (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me, *awarded him major punishment of Dismissed from service with immediate effect.*

Order Announced

OB No. 154

Dated 17/103/2015

DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 820-27 /PA, dated Hangu, the 17/3/2015.

Copy of above is submitted for favour of information to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar w/r to his office Memo: No. 1223/C.Cell, dated 24.04.2014 and 6796/C.Cell, dated 08.12.2014.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 626/C.Cell, dated 10.01.2014, Endst: No. 701/C.Cell, dated 30.04.2014 and 1073/C.Cell, dated 04.06.2014
3. District Police Officer, Karak w/r to his office Endst: No. 68/C.Cell, dated 02.04.2014.
4. Pay Officer, Reader, SIC & OASI for necessary action.
5. Ex-Constable Amal Badshah No. 3831/Ex-servicemen.

DISTRICT POLICE OFFICER,
HANGU

Attached to be from
Copy

ATTESTED

گورنمنٹ سٹیٹ بینک آف پاکستان

0
04/09/2015

مقامی سربراہ ریحی العین ولد اجیر بادشاہ ساکن اور پروفیشنل ٹیکسٹائل ورکر (ریٹائرڈ)

of today
aced on
r as to
a after

- 1- محل بادشاہ دلزمک بادشاہ ساکن اور پروفیشنل ٹیکسٹائل ورکر
- 2- ریاض احمد خان ولد ~~محمد~~ مانن کوہاڑا

- 10, 30000.00 (10) روپے لاکھ (30) روپے لاکھ
- 2) 80000.00 (8) روپے لاکھ

1210000 =

مقامی سربراہ ریحی العین کو روپے
میں سے 12 لاکھ (12) روپے لاکھ
کو روپے میں سے (8) روپے لاکھ
میں سے 8 لاکھ روپے

ATTESTED
26

بادشاہ ریحی العین
مقامی سربراہ ریحی العین
اور ریاض احمد خان
مقامی سربراہ ریحی العین

مقامی سربراہ ریحی العین

مقامی سربراہ ریحی العین اور ریاض احمد خان
مقامی سربراہ ریحی العین اور ریاض احمد خان
مقامی سربراہ ریحی العین اور ریاض احمد خان
مقامی سربراہ ریحی العین اور ریاض احمد خان

Attested to be True Copy

برخی کن کھنٹی جوئی باگونا میں منگل کے اور صحت برنامے (کھنڈر) دولت گاہ سے پہلے ڈال دیے
 کے نکلوانے سے صحت کو مدد دے گا۔ مہربان اور کرم سے نوازا جائے گا۔ یہاں سے کامیاب ہوا۔

۱- عاصم علیہ السلام نے ایک وفد کو اپنے وطن کا وفد بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
 اور ان کے ہاں سے خود کو پرکھیں صبر اور اس کا طبع دیکھنا اور وسیع جوبے رکھنا اور قابل
 نہیں ہے صفت ہے طور میں کوشش ہے صبر اور ان کی طرف سے ماوراء النہر میں کوشش ہے۔

۲- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
 کو صحت دیکھنا اور ان کے ہاں سے خود کو پرکھیں صبر اور اس کا طبع دیکھنا اور وسیع جوبے رکھنا اور قابل
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۳- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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۴- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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۵- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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۶- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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 نہیں ہے صفت ہے طور میں کوشش ہے صبر اور ان کی طرف سے ماوراء النہر میں کوشش ہے۔

۷- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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 نہیں ہے صفت ہے طور میں کوشش ہے صبر اور ان کی طرف سے ماوراء النہر میں کوشش ہے۔

۸- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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 نہیں ہے صفت ہے طور میں کوشش ہے صبر اور ان کی طرف سے ماوراء النہر میں کوشش ہے۔

۹- عاصم علیہ السلام نے ایک وفد کو بھیج دیا اور ان کو بتا دیا کہ وہ اپنے وطن کو متعارف کرے۔
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 نہیں ہے صفت ہے طور میں کوشش ہے صبر اور ان کی طرف سے ماوراء النہر میں کوشش ہے۔

Attached to be true
 Copy.

6

Mx. B. (8)

54/2018

IN THE COURT OF MR. HAROON RASHID
CIVIL JUDGE - I KARAK

Civil Suit No. 17/1 of 2015
SAKHI REHMAN VS AMAL BADSHAH ETC

Order - 31:
15.01.2018

Parties present. Vide my detailed judgment of today consisting of seven (06) pages, which is separately placed on file, the instant suit is hereby dismissed with no order as to costs. Order announced. File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
15.01.2018

Haroon Rashid

HAROON RASHID
Civil Judge-I, Karak

Amal Badshah

Haroon Rashid

Attested to be true
copy. *[Signature]*

ATTESTED
Examined copy
Branch Karak
[Signature] 18

Am B-9

27

IN THE COURT OF HAROON RASHID
CIVIL JUDGE-I, KARAK

Suit No. 117/1 of 2015

SAKHI REHMAN SON OF AJMEER BADSHAH RESIDENT OF
LAWAGHAR CHINI KHEL TEHSIL AND DISTRICT KARAK.
..... (PLAINTIFF)

... VERSUS ...

AMAL-BADSHAH SON OF NAIK BADSHAH RESIDENT OF
SARAT KHEL TEHSIL AND DISTRICT KARAK.
RIAZ ALIAS KAMRAN SON OF ASHRAF DOOD RESIDENT
OF MANDI BAHAU DIN PUNJAB. (DEFENDANTS)

Date of Institution _____ 04.09.2015
Date of Decision _____ 15.01.2018

SUIT FOR RECOVERY

JUDGMENT:

This judgment of mine is going to decide a civil suit
for recovery of Rs. 12,10,000/- including 1,80,000/- as
expenditure, filed by the plaintiff against the defendant.

Brief facts of the case are as under:-

The plaintiff contended that he is retired personnel
of Pakistan Army. He and defendant No 01 were close
friends and when defendant found that the plaintiff has got
his pens on he insisted upon the plaintiff for running a
progressive project in snape of opening a private school.
The defendant No 01 introduced one person Major Riaz to
the plaintiff who pretended to have vast experience in
running projects and plaintiff on the responsibility of
defendant No 01 gave Rs. 10,30,000/- to the defendants on

Haroon
Rashid
15/01/2018

Attested to be true
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ATTESTED
Examiner of Documents
Karak

Part B-10

12.12.2012. That up till now no project was formed nor the above mentioned amount was returned to the plaintiff. He also contended that he spent Rs. 1,80,000/- in searching of defendant No 01 & 02. That time and again defendants were asked to accept the claim and contention of the plaintiff, but in vain, hence, the present suit.


Defendants were summoned amongst whom defendant No 01 appeared and contested the suit by submitting his written statement, wherein he refuted the contentions of the plaintiff. He also contended that there is no agreement between the parties in black and white. That plaintiff moved an application to DCO Faisalabad Punjab in which he contended that on 21.12.2013 he gave money to the defendants and in the last prayed for dismissal of the suit. Defendant No 02 was summoned but did not appear, hence he was placed and proceeded against ex-parte.

The pleadings of the parties were reduced to the following issues:

ISSUES:

1. Whether plaintiff has got a cause of action?
2. Whether the suit of the plaintiff is bad in its present form?
3. Whether suit of the plaintiff is filed within time?
4. Whether the defendants defrauded plaintiff by falsely opening a joint business?

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EXAMINED
30/12/2018

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N. Azeem
Rashid
15/01/2018

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Ans B - (11)

5. Whether plaintiff is entitled to the decree as prayed for?

Relief?

Parties were given a chance to produce their desired evidence, which they availed. Plaintiff produced as many as 02 witnesses. PW-1 was one Sakhi Rehman plaintiff himself who recorded his statement and reiterated his stance as put forth in the plaint. PW-2 was one Noor Javed Khan who recorded his statement and supported the version of the plaintiff. Thereafter, plaintiff closed his evidence. On the other hand defendant also produced two witnesses. Defendant No 01 Amal Baqshah himself appeared and recorded his statement as DW-1. DW-2 was Roz Jan who is the brother of the plaintiff. He recorded his statement and supported the version of the defendant. Thereafter, defendant No 01 also closed his evidence. My issue wise findings are as under:

ISSUE NO 02:

The burden of proof of this issue was on the defendant but he did not produce anything on the surface of the record to prove that the suit of the plaintiff is bad in its present form, hence, the issue is decided in negative.

N. Aamir
Rashid
15/01/2018

15/01/18

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ISSUE NO. 04:

The burden of proof of this issue was on the plaintiff

Plaintiff contended that he gave Rs 10,30,000/- to the defendants on 12.12.2012 in his village but the document which the defendant no. 1 produced while recording the statement as DW 1 which were placed on file by the said witness not objected by the plaintiff but even admitted by the plaintiff as evident from the cross examination of the plaintiff PW 1) from which it is cleared that plaintiff move application dated 03.06.2013 to the DCQ Faisalabad Punjab wherein he had mentioned that he handed over the amount to the defendants in his house on 21.12.2013 which is major contradiction and a fatal blow to the plaintiff. Similarly plaintiff when he appeared as PW 1 he stated that he gave the above mentioned amount to the defendants in his house, whereas the application which the plaintiff moved to Hon'ble Chief Justice of Pakistan, he mentioned that fraud was committed with him on 21.12.2012 in village Gujra of District Muzil Bahaud Din. Plaintiff in his statement stated that he gave the above amount in front of his nephew namely Noor Iqbal Khan but the stance of the plaintiff is not supported by the plaintiff as plaintiff does not

N. Anwar
Rashid
15/01/2018

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mention the name of the above person which is the improvement on the part of the plaintiff. Moreover, plaintiff also did not produce anything regarding his pension neither in the shape of the service record nor any pension book to substantiate that he got his pension. Moreover there is nothing in written form regarding the handing over the amount mentioned in the plaint by the plaintiff to the defendants and it is not appealable to a man of prudent mind to hand over such a huge amount without any agreement deed or stamp paper for protecting his amount. Similarly, plaintiff also failed to prove the amount Rs.1,80,000/- incurred by the plaintiff as expenditure while searching the whereabouts of the defendants and also appointing Jirga for want of evidence. In the last the fact that defendant No 01 is compulsory retired from his service is of no help to the plaintiff in getting decree in the instant case in his favor.

Here in the light of the above discussion, this issue is decided in negative.

ISSUE NO 03:

Burden the burden of proof of this issue was on the plaintiff. Plaintiff stated that he gave money to the defendants on 12.12.2012, whereas, the instant suit has been instituted on 04.09.2015 and as per Limitation Act

~~N. Aroon~~
Rashid
15/01/2018

12-1-18

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Ann B - (14)

32

1968, the suit for recovery is to be filed within three years. Moreover, defendant did not produce anything that the suit of the plaintiff is not within time, hence, the suit of the plaintiff is well within time. This issue is decided in positive.

ISSUE NO. 01 & 05:

In view of the discussion above and especially in issue No 04 it is decided that plaintiff has failed to prove a cause of action in his favor and therefore, he is not entitled to the decree as prayed for. Both these issues are decided in negative.

RELIEF:

As sequel to my detailed discussion above, the instant suit is hereby dismissed with no order as to costs. Order announced. File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
15.01.2018

Haron Rashid
HARON RASHID
Civil Judge-I, Karak

CERTIFICATE

Certified that my instant judgment is consists of Six (06) pages. Each page has been signed by me after making necessary corrections therein.

Haron Rashid
HARON RASHID
Civil Judge-I, Karak

26-1-18

Wasted to be for

Copy = *[Signature]*

Ann. B - (15)

IN THE COURT OF MR. HAROON RASHID
CIVIL JUDGE - I KARAK

Civil Suit No 117/1 of 2015
SAKHI REHMAN VS AMAL BADSHAH ETC

Order - 31:
15.01.2018

Parties present. Vide my detailed judgment of today
consisting of seven (06) pages, which is separately placed on
file, the instant suit is hereby dismissed with no order as to
costs. Order announced. File be consigned to record room at
its necessary completion and compilation.

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Sakhir Khatun
20

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Computer Copy
Karak
20

ANNOUNCED
15.01.2018

Sd/-
HAROON RASHID
Civil Judge-I, Karak

Handwritten notes and signatures:
55/2018
Rashid
13/18
508
19-1-18

No.	508
Date of Presentation of Petition	19-1-18
Number of Words	11
Copying Fees	
Urgent Fee	
Name of Court	Karak
Date of Presentation	26-1-18
Date of Delivery of Copy	26-1-18
Date of Dispatch of Copy	
Number of Notices	

Should be
True Copy.

پروٹیکشن

(33)

سید الہ خاں کے بیٹے سولجی کے لیے
17 نومبر 2012ء کو 4/15/15/18
کے تحت 15/18

یہ سولجی سخی امین ولد اجیر بادشاہ ساکن کوٹلی ضلع شمالی وزیر آباد (پنجاب)

نام
محمد حسین صاحب

علاقہ
پنجاب

1۔ محل بادشاہ ولد اجیر بادشاہ ساکن کوٹلی ضلع شمالی وزیر آباد (پنجاب)

2۔ ریاض المصروفین کراچی (قاسم آباد)

دعویٰ دہلا جانے پر 10,30000.00

2۔ 800000.00

1210000

مالیت دعویٰ لغرض کوٹلی ضلع

درخواستی سید محمد سعید

12/11/2012ء

کوٹلی ضلع (15) ضلع

عندہ الطلب لکھنؤ

باددعویٰ اولیٰ دفعہ 2012ء
محکمہ رجسٹریشن
کوٹلی ضلع

یہ سولجی سخی امین ولد اجیر بادشاہ

سولجی کے لیے سولجی کے لیے

33

11/11/2012

Attended to be
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for B. 17

BEFORE THE HONORABLE DIG KOHAT.

Appeal against the termination / Dismissal / Removal order dated 17.3.2015 through which the appellant was dismissed/ Removed from the service against which the appellant filed appeal, filed W.P as well as service appeal meanwhile fresh cause of action again was arrows on 15.1.2018 when the complaint on basis of which the appellant was removed / dismiss were fake, frivolous not based on reality as the same based allegations plaint suit was dismissed by the civil judge -1 karak being not proved by the complainant / plaintiff and same got finality on 21.2.2018 as no appeal/ revision filed against the same hence on fresh cause of action this appeal before your honor.

PRAYER:

On acceptance of this appeal the order dated 17.3.2015 passed may please be set aside and the appellant be reinstated back to his service with all back benefits.

Respectfully submitted,

1. That the appellant was appointed in the police department as constable on through proper channel.
2. That the appellant appointment was through proper channel and all processes at that time whatever was for the recruitment the appellant perform / fulfill it.
3. That all testimonials of the appellant was properly verified by the concerned authority and no objection was never raised by the police department.
4. That astonishment to the appellant on 17.3.2015 service of the appellant was dismissed on basis of baseless allegations without full the requirement / processes, the service of the appellant was terminated without prior notice or inquiry.
5. That the appellant termination was illegal, unlawfully, beyond the

Handwritten signature and date: *A. V. B.* 18

jurisdiction based on malafide intention because round about three years has been passed and now finally when based allegations didn't proved appellant clear from allegations he deserve to be reinstated on following grounds:

Grounds:

- a) That the impugned order of dismissal from service against the appellant is illegal, unlawful, without authority/ jurisdiction and being based on the mala fide intentions of the respondent department is liable to be set-aside.
- b) That by receiving the above said impugned letter the appellant was just taken by surprise as neither any notice, nor any show cause notice or intimation whatsoever was served by respondent department upon the appellant.
- c) That the appellant was condemned unheard and no chance of hearing/ defense whatsoever was provided as described under the prevailing laws to the appellant.
- d). That no enquiry proceeding has enumerated under the law has ever been initiated against the appellant and just hair and fire policy was adopted by the respondent department, thereby issuing the termination/dismissal notice without any justification and without adopting any legal processes.
- e). That the manner of termination /dismissal from services adopted in the said cases even not applicable where the rule of master of servant applies, what to say the application of such a short cut procedure for the dismissal of civil servant having there credit spotless service of more than years.
- f) That nether the appellant has committed any misconduct as defined under the relevant laws nor he has been treated according to laws, thereby neglecting and bulldozing the very basic right of the appellant as enumerated in the constitution of Islamic republic of Pakistan.
- g) That the previous record of the appellant is brilliant and require appellant is not habitual nor any action has been taken

Amal B. 19

against him in previous .

- h). That in the termination letter allegation leveled against the applicant are bogus frivolous and self made and no reality is present there.
- i). That the appellant termination/dismissal is illegal , unlawfully, beyond the jurisdiction based on malafide intention because based allegation didn't prove before the competent court in plaint suit resultantly dismissed so maintain the dismissal / termination order is against the law and rules of service, just to vacate the post for his blue eyed person.
- j). That no chance of hearing is given to the appellant , appellant was condemned unheard and the termination was made in hurry.

It is therefore humbly prayed that on acceptance of this appeal the order in question 17.3.2015 may please be set-aside and issue the restoration order of the appellant along with back benifits.

Amal Bad Shah

Appellant

Amal Bad shah S/O Neek Bad shah
R/O EX - Constable No. 3831/ Ex -
Servicemen Police Line .Hangu

بعدالت

Before the Service Tribunal U.P.K., Peshawar

Amal Bad Shah

Appellant

2ءمخانب
بنام

vs

موزن

Gout of U.P.K. through Secretary Home & Tribal Affairs & Others

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سینیار سروس ٹریبونل کے اپیل نوب علی تحریر و سرورڈ مالکی اور ڈاکٹر بشمار مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقررات ثالث فیصلہ پر حلف دیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیلنج اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی کی سطرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نمرائی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور ان مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

کل بادشاہ

N 29/18

محمد علی

12 ماہ

الرقوم

العبد محمد

کے لئے منظور ہے۔

سروس ٹریبونل کے مالکی بشمار

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No..... of 20

.....
Appellant/Petitioner

Versus

.....
RESPONDENT(S)

Notice to Appellant/Petitioner.....
.....
.....

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/11/18 at Peshawar.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Revised
M. A. Khan

10/11/18

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 972 of 18

Mr. Amirul Khaslah

Appellant/Petitioner

Versus

Spictch/14/16, through secretary, H. & T. P. S. Co.

RESPONDENT(S)

Notice to Appellant/Petitioner

Mr. Amirul Khaslah
Not Respondent, R/O District Head, T. & D. Dept. / Govt.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 31-1-2019 at Peshawar

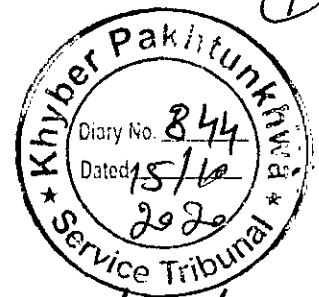
You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR. .

SERVICE APPEAL NO. 972

OF 2018. R.A. 149/2020



1. Amal Badshah VS Govt of U.P.K, Through Secretary Home & others.

Application with utmost respect to restore / set-aside order dated 29.8.2019 through which service appeal of the appellant / applicant was dismissed in default.

Respectfully submitted,

1. That cited above service appeal was fixed before this Honorable court for 29.8.2019 which was dismissed in default. Copy of the order is annexure A.
2. That on 27.8.2019 counsel for the appellant met a serious accident on way there over the road of Kohat to Rawalpindi, Jand road where car of the appellant counsel hit the tree at night time which result of three person died on spot including two cousins and one client of appellant on spot while appellant counsel safe from major casualty, although his mental memory was completely damaged due to the same.
3. That this Honorable court may be noted that in cited accident appellant some files, diary, CNIC, Passport and others documents along with cash amount also misplaced.
4. That after the same tragedy, Accident appellant counsel was off and on was normal in memory for while half or hours in day and night but same was for the latest situation while mostly was not in routine memory of appellant counsel.

5. That appellant ~~counsel~~^{he} was also not aware that weather he informed the ~~counsel~~^{he} about the date or not as Clint claim the he was not aware from the mentioned date.

6. That not attend the Honorable trabunal was not deliberate nor intention but for the reason mentioned above.

7. That this Honorable tribunal may kindly be noted that appellant/ applicant counsel not received any notice or intimation in this respect.

8. That with great respect this honorable court never send any notice or intimation to appellant also.

9. That even after the dismissal no information was received from this Honorable tribunal.

10. That not appearing on cited date of the counsel / appellant / applicant was not deliberate nor intention but due to mentioned reason above.

11. That valuable rights of the applicant / appellant is attached with service appeal.

12. That superior courts pethora of judgments are there, appreciate the cases to be decided on merits rather than techiquilites.

13. That one of the factor of the same is covid-19 where no courts were there in function for round about seven months any hence same also was one of the reason which not aware the counsel of appellant.

14. That as Counsel for appellant recover normal his memory replace update due to Treatment on his quiry on 14.10.20 he was got information that service appeal dismiss for non prosecution.

15. That this Honorable court has the ample power to set aside the order 29.8.19 and restore the service appeal titled above .

16. That no hurdle of law in way nor any restriction is there if this Honorable court deem appropriate.

It is humbly prayed that your honor may please set aside the order date 29.8.19 , restore the service appeal titled above and may please decide the same on merits.

Dated 15.10.20.

امال بادشاہ

Applicant /Appellant

Through

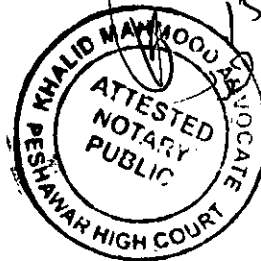
L.Nawab Ali Noor

Advocate High Court Peshawar.

03469076945

AFFIDAVIT.

I , Amal Badshsh S/O Nek Bad Shah R/O Sarat Khel Tehsil and Distt Karak ,do solemnly affirm and declare on oath that the contents of the accompanying restoration application are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.



15-10-20

امال بادشاہ

Deponent

RA
~~RA~~ 11/9/18



BEFORE THE SERVICE TRIBUNIL K.P.K PESHAWAR.

Service appeal NO. ^{972/} OF 2018

1. Amal Badshsh S/O Nek Badshsh R/O Sarat Khel Tehsil and Distt Karak.

.....(Appellant)

VERSUS

- 1. Govt of Khyber Pakhtunkhwa through secretary home & tribal affair.
- 2. Govt of KPK through inspector general of police.
- 3. D.I.G Kohat Division kohat.
- 4. DPO District Hangu.
- 5. S.P District Hangu.

1155
12-7-2018

.....(Respondents)

12/7/18

Appeal against the termination / Dismissal / Removal order dated 17.3.2015 through which the appelant was dismissed/ Removed from the service against which the appellant filed appeal , filed W.P as well as service appeal meanwhile fresh cause of action again was arrows on 15.1.2018 when the complaint on basis of which the appellant was removed / dismiss were fake , frivolous not based on reality as the same based allegations plaint suit was dismissed by the civil judge -1 karak being not proved by the complainant / plaintiff and same got finality on 21.2.2018 as no appeal/ revision filed against the same hence on fresh cause of action this appeal before your honor.

PRAYER:

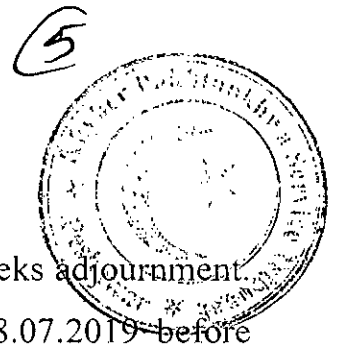
On acceptance of this appeal the order dated 17.3.2015 , may please be set aside and the appellant be reinstated back to his service with all back benefits.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Reinstated to duty

6/8/18



23.05.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 08.07.2019 before S.B.


Member

08.07.2019

Counsel for the appellant present.

Learned counsel yet again requests for adjournment in order to further prepare the brief also regarding the question of delay involving ^{ed} in the matter.

Adjourned to 29.08.2019 for preliminary hearing before S.B.


Chairman

29.08.2019

Nemo for appellant.


Instant matter has been adjourned due to request on behalf of the appellant on various previous occasions. Today the appellant is un-represented till last call at 2.00 P.M.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman

Announced:
29.08.2019

Certified to be true copy


Mysore District Service Tribunal,
Bangalore

Date of Presentation of Application	14-10-2020
Number of Words	850
Copying Fee	10.00
Urgent	
Total	10.00
Name of Copyist	
Date of Completion of Copy	15-10-2020
Date of Delivery of Copy	15-10-2020

بعدالت

(4)

Before The Service Tribunal
K.P.V. Peshawar

Appellant / Applicant
بنام

Amal Bad Shah
مقدمہ

Govt of K.P.V. Muzaffargarh
Secretary Home & Others
دعویٰ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام لٹیا درمیان کوئی چیز نہیں ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔

وکیل صاحب کو راضی نامہ کرنے و تقرر ٹالیش و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپے کی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے جگہ پر بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو وکیل صاحب یا بند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 15 ماہ 2020

مقام سسرورس سز سبزل سسرورس سز سبزل کے لئے منظور ہے۔