


10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
27.06.2019


28.02.2019 Mir Faraz DSP legal representative of the respondent department present and submitted reply/parawise comments. Adjourn. To come up for further proceedings on 09.04.2019 before S.B.

  
Member

09.04.2019

Counsel for the appellant present.

Instant application is for restoration of service appeal No. 1315/2018 which was dismissed for non-prosecution on 22.11.2018.

The original record suggests that the date 22.11.2018 was for first hearing after institution of service appeal. In the eventuality of absence of appellant on the said date notice should have been issued to him for the next date, which has not been <sup>done.</sup> ~~issued to him.~~ 



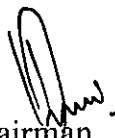
On the said count the application is allowed and service appeal No. 1315/2018 is restored to its original number which shall come up for preliminary hearing on 10.05.2019 before S.B

  
Chairman

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Misc. Application No. 436/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/12/2018	<p style="text-align: center;">The application for restoration of appeal no. 1315/2018 submitted by Mr. Muhammad Ali through Mr. Khalid Tanvir Rohila 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-	13/12/2018	<p style="text-align: center;">This Misc. application be put up before SB. Bench on <u>16/01/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
16.1.2019		<p style="text-align: center;">Mr. Khalid Tanveer Rohaila Advocate for petitioner present.</p> <p style="text-align: center;">Notice of instant application for restoration of appeal be issued to respondents for 28.02.2019 on which date record of the appeal shall also be made available. <del>In respect of judgment under execution.</del></p> <p style="text-align: right;"> Chairman</p>

SA No. 1315/18, M. Ali vs Govt

22.11.2018

Nemo for appellant.

The case was called several times today, the last being at 01.00 pm, however, none appeared on behalf of the appellant. The memo of appeal suggests that the appellant was discharged from service through order dated 28.06.2011 against which his departmental appeal was also rejected on 10.08.2018 on the ground of being barred by time for about 07 years.

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



Chairman

Announced:  
22.11.2018

22.11.2018

Nemo for appellant ~~present~~.

The case was called several times today, the last being at 01.00 pm, ~~but none~~ <sup>however, none</sup> appeared on behalf of the appellant.

The memo of appeal suggests that the appellant was discharged from service through order dated 28.06.2011 against which his departmental appeal was also rejected on 10.08.2018 on the ground <sup>of</sup> being barred by time for about ~~7~~ 7 years.

Dismissed for non<sup>f</sup> prosecution. File be consigned to the record room.

*typed on fresh page*



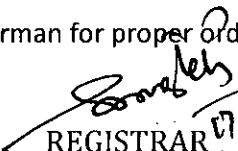

Chairman

Announced:  
22.11.2018

Form- A  
FORM OF ORDER SHEET

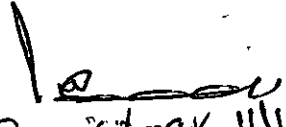
Court of \_\_\_\_\_

Case No. 1315/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2018	<p>The appeal of Mr. Muhammad Ali resubmitted today by Mr. Khaled Tanveer Rohila 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 17/10/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22-11-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Respected Sir Re submitted after needful  
done.

Objection nos 6, 7 and 8 are still-  
stands <sup>the</sup> appeal in hand is again returned  
to the counsel for the appellant for removal  
of objection with 10 days.

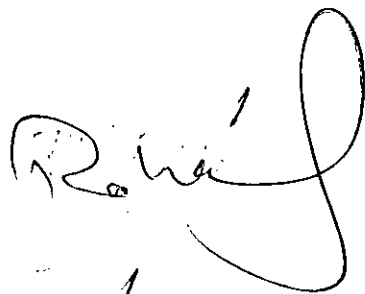
  
Registrar 11/10/18

No. 2047 / S.T  
dt. 11-10 / 2018

Khed Tanveer Rahaala Adv.

Re submitted after necessary

completion.



17/10/18

The appeal of Mr. Muhammad Ali son of Araf Khan r/o P.O Hero Shah Jabaghai Malakand received today i.e. on 05.09.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal is incomplete.
- 2- Address of respondent No.1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓3- Annexures of the appeal may be flagged.
- ✓4- Annexures of the appeal may be attested.
- ✓5- Order dated 28.06.2011 is illegible which may be replaced by legible/better one.
- ⑥- Copy of impugned discharge from service order mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- ⑦- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ⑧- The authority to whom the departmental appeal was made/preferred has not been arrayed a party.
- 9- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 1805 /S.T,

Dt. 5-9 /2018.

Rohail  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Tanveer Rohila Adv. Pesh.

⑮ days time extended.

Rohail  
5/9/18.

with due respect sir, I have no contact with my direct so need more 20 days for the purpose of compliance.

Rohail 22/9/18

⑮ days time further extended

Rohail  
22/9/18



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No: 1315/2018

Muhammad Ali

**VERSUS**

Government of KPK through DPO & Others

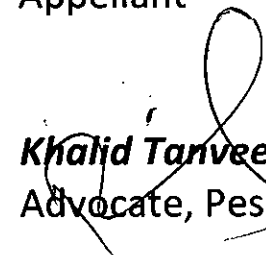
**INDEX**

S#	Description of Documents	Annexure	Page No's
1	Memo of Appeal		1-6
2	The impugned order dated 28/06/2011	"A"	0-7
3	Departmental Appeal	"B"	0-8
4	The impugned order dated 10/08/2018	"C"	0-9
5	Wakalatnama		

Dated: 05/09/2018

  
Appellant

Through

  
**Khalid Tanveer Rohaila**  
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO: 1315/2018

Diary No. 1396

Dated 05/9/2018

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan.

*Appellant*

VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.

*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE  
TRIBUNAL ACT 1974 AGAINST THE IMPUNED  
ORDER DATED 28/06/2011 VIDE ANNEXURE A  
WHEREBY THE APPELLANT HAS BEEN  
DISCHARGED FROM SERVICE AND ALSO  
AGAINST THE FINAL IMPUGNED ORDER DATED  
10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE  
APPELLANT'S DEPARTMENTAL APPEAL HAS  
BEEN REJECTED.**

Filed to-day

Registrar

Re-submitted to -day  
and filed.

Registrar

**PRAYER:**

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his

post from the date of his discharge, along with all back benefits.

***Respectfully Sheweth:***

Brief facts leading to the instant appeal are as under:-

1. That the appellant was appointed as Constable in Police Department at District Swat on 09/11/2008 and was allotted belt No. 1920.
2. That after appointment the appellant was selected and recommended for the required training.
3. That the appellant joined the training at Police Training Center Mardan but due to a mishap just before two months of the completion of the training, he became victim of Malaria and Muscular disorder.
4. That keeping in view, the physical condition, the appellant was sent on leave on presentation of his medical reports to the concerned officer.
5. That after recovering from the illness, the appellant joined the services and was performing his duties in Police Line Swat where once again he was recommended and sent by the department for required training to Hangu.

6. That the appellant again joined the training but he faced the misfortune again and only before one month of completion of training, the same disease of Muscular disorder caught the appellant.
7. That the concerned officer at Police Training School Hangu was fully aware of the previous and present critical physical condition of the appellant, therefore, on presentation of his medical reports, the appellant was recommended for leave.
8. That the appellant once again after recovering from illness rejoined his service at Police Line Swat where he performed his duties for about a month but due to his physical weakness the concerned DSP namely Mubarak Khan sent the appellant on leave for three days.
9. That after completion of leave the appellant resumed his duty but just after 11 days, when on date due the appellant's salary was blocked. He approached the concerned officer who very surprisingly handed over the appellant, the impugned order of discharge from service.
10. That it is pertinent to mention here that the appellant has served in the department, received salaries upto

May 2011, duly recommended for medical leave but he was given the impugned order of discharge from service, without any show-cause notice, service of statement of allegations upon him or conducting his personal hearing, hence no proper departmental proceedings were taken against him and the mentioned departmental inquiry in the impugned order was never conducted against the appellant.

11. That it is also pertinent to mention here that the appellant served the department in the days which were critical and there was terrorism specially in the district Swat.

12. That the Police Officials were the targets of the Terrorists and the appellant was also one of those misfortune people who became the victims of the terrorism, because immediate after discharge from service he was abducted by some miscreants / terrorists and remained in their illegal custody for a long period since 30 June 2011 to 1<sup>st</sup> August 2018 and by the grace of Almighty Allah he was succeeded to run away from the clutches of the terrorists.

13. That after release from the clutches of the terrorists the appellant has recorded his statement of release from the illegal custody of Taliban in the concerned

Police Station and also brought the same in the notice of the competent authority.

14. That immediately after release from the illegal custody of the terrorists the appellant approached the competent authority and filed departmental appeal on 06/08/2018 which was rejected hopelessly on 10/08/2018.

15. That feeling aggrieved of the acts and omissions of the respondents the appellant has approached this Hon'ble Tribunal for the redressal of his grievance on the following amongst other grounds:-

**GROUND:**

A. That neither any show cause notice, statement of allegations etc has ever been served upon the appellant nor he has been personally heard before discharging him from service which was necessary under the law. So both the impugned orders to this effect are illegal under the law and are liable to be set aside.

B. That both the impugned orders at annexure 'A' and 'B' are illegal, malafide, without justification and without lawful authority hence liable to be set aside.

C. That as the impugned order of discharge from service of the appellant is illegal, void ab-initio and unjustifiable, therefore as per law and precedents of the apex courts, no period of limitation run against it.

D. That the appellant may kindly be allowed to present the additional grounds to support his version at the time of arguments if required.

It is, therefore, most humbly prayed that on acceptance of this appeal, both the impugned orders dated 28/06/2011 at annexure 'A' and the final impugned order dated 10/08/2018 at annexure 'B' may kindly be set aside and the appellant may kindly be reinstated in his service with all back benefits in the best interest of justice.

Dated: 05/09/2018

Appellant

Through

  
**Khalid Tanveer Rohaila**  
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No: \_\_\_\_\_/2018

Muhammad Ali

**VERSUS**

Government of KPK through DPO & Others

**AFFIDAVIT**

I, **Muhammad Ali**, do hereby solemnly affirm and declare that all the contents of the service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'able Tribunal.

  
Deponent

CNIC: 1500/3415713-1

04 SEP 2018





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No: \_\_\_\_/2018

Muhammad Ali

**VERSUS**

Government of KPK through DPO & Others

**ADDRESS OF THE PARTIES**

**APPELLANT**


Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah,  
Jabaghai, Tehsil Dargai, District Malakand P Area, Pakistan.

**RESPONDENTS**

1. Government of KPK through Inspector General Police,  
CPO Office Peshawar.
2. District Police Officer, Swat, Near Grassy Ground, Saidu  
Sharif Swat
3. Deputy Superintendent Police Swat, Javed Iqbal  
Shaheed Police Line, Swat

  
Appellant

Through

  
**Khalid Tanveer Rohaila**  
Advocate, Peshawar

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT

ORDER SHEET IN CONNECTION WITH ENQUIRY AGAINST  
RECRUIT CONSTABLE MOHAMMAD ALI No. 1920

ALLEGATION:-

That the Recruit Constable Muhammad Ali No. 1920 while posted to JIS Police Line, Swat absented himself from duty without prior permission or leave vide DO No. 91, dated 06/05/2011. DSP/MS: Swat was appointed as Enquiry Officer to conduct departmental enquiry against him. Charge sheet No. 215/EB dated 01/06/2011 was issued to him.

RECOMMENDATION OF  
ENQUIRY COMMITTEE:-

The Enquiry Officer DSP/MS: Swat in his finding report dated 02/06/2011 intimated that the above named Recruit Constable was enlisted on 05/12/2009 and has deputed two times for recruit training to (1) PRC Marauda on 31/05/2011 (2) PTC Hangu on 05/10/2010 but returned to district unqualified. Besides above also absented w.e.f 06/05/2011 till to date. Hence the enquiry officer recommended for Major Punishment discharge from services under Police Rules 1973.

*[Signature]*  
28/06/2011

FINAL OPINION  
BY DSP SWAT:-

**ATTESTED**

Siv. Submitted for file  
Kind forward of order p/s

*[Signature]*  
DPO/SWA

*[Signature]*  
18/6/11

*[Signature]*  
18/6/11

*[Signature]*  
18/6/11

Attested by  
*[Signature]*  
Rohani

BETTER COPY

**OFFICE OF THE DISTRICT POLICE OFFICER, SWAT**

**ORDER SHEET IN CONNECTION WITH ENQUIRY AGAINST  
RECRUIT CONSTABLE MOHAMMAD ALI NO. 1920**

**ALLEGATION:**

THAT THE Recruit Constable Mohammad Ali No. 1920 while posted to JIS Police line, Swat absented himself from duty without prior permission on leave vide DD NO. 1, dated 06/09/2011. DSP/Headquarter Swat was appointed as Enquiry Officer to conduct departmental enquiry against him. Charge Sheet No. 215/EB dated 01/06/2011 was issued to him.

**RECOMMENDATION OF  
ENQUIRY OFFICER:**

The enquiry officer DSP/Hqrs: Swat in his finding report dated 06/09/2011 intimated that the above named Recruit Constable was enrolled on 09/12/2009 and has deputed two times for recruit training to (1) PRC Mardan on 31/05/2011 (2) PTC Hangu on 05/10/2010 but returned to district unqualified. Besides above also absented w.e.f 06/05/2011 till to date. Hence the enquiry officer recommended for Major punishment discharged from service under Police Rules 12.21.

Signed

**28/06/2011**

**FINAL DECISION  
BY DPO/SWAT**

خدمت جناح اسٹیج ہینڈ لوئیس کے لیے لکھا

محکمہ اہل برصغیر حکم برصغیر

ملازمت سائل نمبر 28-06-2011

جاری کردہ از ریٹائرڈی۔ لو۔ او سوات

جناب عالی! سائل صبر زلی عرضی رہا ہے۔

1 یہ کہ سائل محکمہ لوئیس میں بلور کا سٹیبل فوری ہوا  
تھیں یا بت سائل کو کونسلری 1920-1925 - ادٹ کیا گیا

2 یہ کہ سائل کو ابتدائی طور پر محکمہ ٹریننگ کے لیے  
سوات بھیجا گیا جہاں سائل نے پنجاب ڈیپارٹمنٹ ٹرینروں  
میں یا تمامہ ٹریننگ کا آغاز کیا اور طبعی سے باخ  
ہوئے ٹریننگ کی عملہ بہت ہی سے ٹریننگ کے آفری لیں تھے  
ہوئے سائل کو ٹائٹ لڈر ٹیموں میں تکلیف شروع ہوا

3 یہ کہ سائل نے سائل کو سید بیکل کی بنیاد پر واپسی لوئیس اور  
سوات رپورٹ کرنے کو کہا گیا جس پر عملدرآمد کیا گیا  
یہ کہ سوات ڈپوٹی جب سائل دوبارہ ٹریننگ کے لیے  
کچھ ریٹائرڈ لوئیس نے سائل کو دوبارہ ٹریننگ کے لیے سگو  
لوئیس ٹریننگ سطر بھیج دیا۔ جہاں سائل نے دوبارہ  
اپنی ٹریننگ کا آغاز کیا۔

۴ یہ کہ بہ ہمتی سے ٹرننگ کے دوران ریگولر ہوتے ہیں  
 ایک بار پھر سائل کو سابقہ بیمار یا اپنی ٹائٹل  
 شیٹوں سے تکلیف دے گا لہذا ایک بار پھر سائل  
 کو دوبارہ میڈیکل کی بنیاد پر لوئیس ڈیسن سوات  
 جمع دیا گیا۔

۵ یہ کہ سوات رپورٹ کرنے کے دوران نامعلوم ہو گیا  
 کی بنیاد پر سائل کو ملازمت سے برخاستگی کا حکم  
 دے دیا گیا، باوجود یہ کہ سائل برخاستگی کے وقت  
 نہ صرف باقاعدہ طور پر ڈیوٹی کرتا رہا بلکہ اپنی  
 تنخواہ بھی لیتا رہا۔

۶ یہ کہ سائل کی ملازمت کی برخاستگی کا حکم جاری  
 کرنے سے پہلے نہ تو سائل کو کوئی نوکری  
 نہ مل سکی نہ وہ کسی اور جگہ ملازمت سے  
 کسی تکلیف یا عجز کے طور پر سائل کو ملازمت سے  
 برخاست کرنے کے مطالبہ نہ کیا جائے۔  
 لہذا آپ سے التماس ہے کہ سائل کے

موجودہ معمولی حقوق ملازمت اور ایوانہ داری کو  
 مباح رکھ کر حکیمانہ فیصلہ 28-06-2011ء کو کیا  
 جائے۔

محمد علی کابینہ 1920  
 رابطہ نمبر 0316-9618547



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

No. S: 3265 /18, dated Peshawar the 10/08/2018.

To : The Regional Police Officer,  
Malakand Region, Swat.


Subject: APPEAL (EX-FC MUHAMMAD ALI NO. 1920)

Memo

Ex-FC Muhammad Ali No. 1920 of District Police Swat had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed & examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 07 years.




The applicant may please be informed accordingly.

  
**ATTESTED**

  
(SYED ANIS-UL-HASSAN),  
Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

12/3

قیمت 50 روپے	48708			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب: صاحب کورس لٹریچر کے لئے

مخائب: امیر اہل سنت	دعویٰ:
مہمہ میں ولد علی محمد خان	علت نمبر:
بنام	مورخہ:
حکومت وٹرن	جرم:
	تھانہ:

**باعث تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آن مقام رکھ کیلئے حالیہ تہذیبیہ مقرر کو وکیل 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 تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: \_\_\_\_\_  
 العبد \_\_\_\_\_ واہ شد العبد \_\_\_\_\_  
 مقام \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

*Handwritten signature and text*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Restoration Application No. 436/2018**

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand.

..... **Appellant**

**VERSUS**

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O. Office Peshawar.
3. District Police Officer Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

..... **Respondents**

**INDEX**

<b>S.No:</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
1	Para-wise Comments	-	1-2
2	Affidavit	-	3
3	Authority Letter	-	4



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**

**Restoration Application No. 436/2018**

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand.

..... Appellant

**VERSUS**

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

..... Respondents

**PARAWISE COMMENTS BY RESPONDENTS**

**Respectfully Shewith,**

**Brief facts of the Applicant's case:**

Applicant Muhammad Ali Ex-Constable No.2122 while posted at Javed Iqbal Shaheed Police Lines absented from duty without prior permission or approved leave of competent authority vide Daily Diary Report No.91 dated 06/05/2011. DSP Head Quarters Swat was appointed as Enquiry Officer to conduct departmental enquiry against the applicant. He was charges sheeted and issued Show Cause Notice to explain his position. His reply to Show Cause Notice regarding willful absence of 21 days in initial probation period was found unsatisfactory, furthermore the Constable willful absented from basic mandatory recruit course. After observing all codal formalities he was discharged under 12.21 Police Rules-1934 vide OB No. 130 dated 20/06/2011. Applicant has 08 bad entries (willful absence from official duty) in his record and his departmental appeal was badly time barred for about 07 years.

**FACTS:**

1. Pertain to the record of Honorable KPK Service Tribunal Peshawar. The Service Appeal of the applicant is barred by Law and limitation.
2. Incorrect. The applicant has no Locus Standi to file time barred appeal to the Honorable Court. He has willfully absented from the official duty for 21 days during initial probation period without any cogent or reasonable cause, therefore the order dated 22/11/2018 of Honorable Tribunal is justified and in

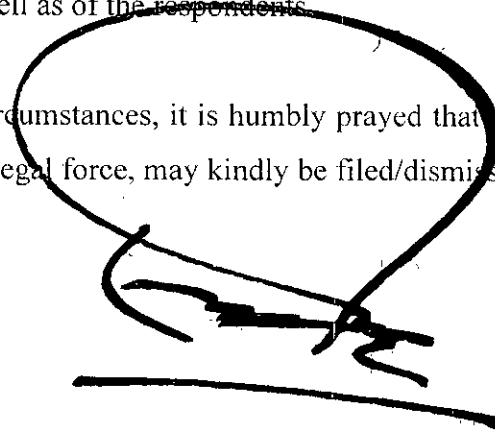
accordance with facts and rules. The appellant has wrongly challenged the legal order of the respondents as well as Honorable tribunal through unsound reasons.

**GROUND**

- A. Incorrect. There is no need of issuing Notice/Summon to the applicant under the rules. Applicant and his counsel were well aware about their appeal pending in the Court but they intentionally did not appear before the Tribunal despite the facts the service appeal was several times called on 22/11/2018.
- B. Incorrect. As stated above, the order dated 22/11/2018 of the Honorable Tribunal is well reasoned and justified under the rules. The applicant and his counsel have willfully absented from the hearing of the case without any justified cause, therefore the restoration application of applicant is not maintainable under the rules.
- C. Incorrect. No valuable rights of the appellant are involved in the time barred service appeal and the applicant has no right to file the instant application for willful mistake on his part.
- D. Incorrect. As stated above, the applicant has no right to file application for restoration of service appeal due to his willful mistake and badly time barred issue.
- E. Incorrect. There is no law/rule for restoration of dismissed appeal due to mistake of applicant and his counsel. The process of restoration is amount to wastage of precious time of Court as well as of the respondents.

**PRAYER:**

Keeping in views the above facts and circumstances, it is humbly prayed that the restoration application of applicant is devoid of legal force, may kindly be filed/dismisssed with costs.



**District Police Officer Swat  
(Respondent No. 3)**



**Deputy Superintendent of Police  
Javed Iqbal Shaheed Police Line  
Swat  
(Respondent No. 4)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

**Restoration Application No. 436/2018**

Muhammad Ali S/O Araf Khan R/O P/O. Hero Shah, Tehsil Dargai, District Malakand.

..... Appellant

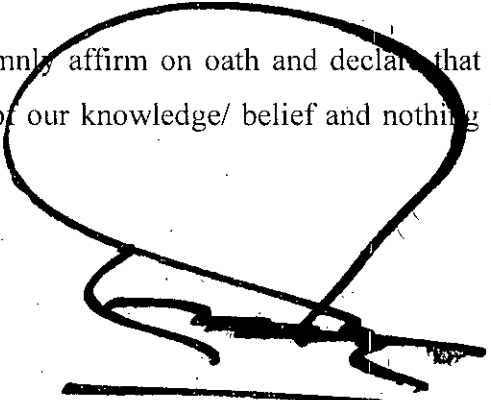
**VERSUS**


1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

..... Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the application are correct to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
District Police Officer Swat  
(Respondent No. 3)

  
Deputy Superintendent of Police  
Javed Iqbal Shaheed Police Line  
Swat  
(Respondent No. 4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

**Restoration Application No. 436/2018**

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand.

..... Appellant

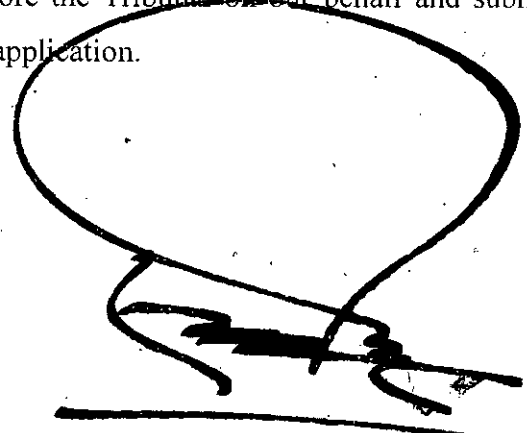
**VERSUS**

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer Saidu Sharif.Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

..... Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled restoration application.



**District Police Officer Swat  
(Respondent No. 3)**



**Deputy Superintendent of Police  
Javed Iqbal Shaheed Police Line  
Swat  
(Respondent No. 4)**

DPA

Application No. 285/19

08.10.2019

Counsel for the petitioner present.

The application in hand is with the prayer for restoration of service appeal No. 1315/2018 dismissed for non-prosecution on 27.06.2019.

The record of appeal suggests that on 10.05.2019 the appellant was present in person and had requested for adjournment due to non-availability of his learned counsel. The matter was, therefore, adjourned to 27.06.2019 on which date neither the appellant nor his learned counsel ~~were~~ <sup>was</sup> available. Due to the absence the appeal was dismissed in default.

Instant application was submitted on 24.07.2019, well beyond the period provided for the purpose. Besides, in the application for condonation of delay no cogent explanation has been provided ~~for the purpose.~~ <sup>which could warrant mitigation of delay.</sup>

It is also a fact that the appeal of applicant was previously dismissed for non-prosecution on 22.11.2018 and was restored on 09.04.2019. Despite, the appellant opted ~~not~~ <sup>in default</sup> to remain ~~in~~ <sup>in default</sup> prosecution of his cause. The application in hand is, therefore, rejected. File be consigned to the record.

Chairman

Application No. 285/19

08.10.2019 Counsel for the petitioner present.

The application in hand is with the prayer for restoration of service appeal No. 1315/2018 dismissed for non-prosecution on 27.06.2019.

The record of appeal suggests that on 10.05.2019 the appellant was present in person and had requested for adjournment due to non-availability of his learned counsel. The matter was, therefore, adjourned to 27.06.2019 on which date neither the appellant nor his learned counsel was available. Due to the absence the appeal was dismissed in default.

Instant application was submitted on 24.07.2019, well beyond the period provided for the purpose. Besides, in the application for condonation of delay no cogent explanation has been provided which could warrant mitigation of delay.




It is also a fact that the appeal of applicant was previously dismissed for non-prosecution on 22.11.2018 and was restored on 09.04.2019. Despite, the appellant opted to remain indolent in prosecution of his cause. The application in hand is, therefore, rejected. File be consigned to the record.

  
Chairman

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal's Restoration Application No. \_\_\_\_\_ /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.07.2019	<p>The application for restoration of appeal No. 1315/2018 submitted by Khalid Tanveer Rohaila 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> <p>This restoration application is entrusted to S. Bench to be put up there on <u>26-8-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	26.08.2019	<p>Appellant in person present.</p> <p>Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel is not in attendance. Adjourned to 08.10.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

Muhammad Ali

Versus

IGP & Others

**Index**

S.No	Documents	Annexure	Pages
1.	Application for restoration with condonation of delay		1-3
2.	Impugned order		6-7
3.	<del>Affidavit</del>		A

Dated: 24/07/2019

Petitioner

Muhammad Ali

Through

KHALID TANVEER ROHAILA

Advocate and Associates.



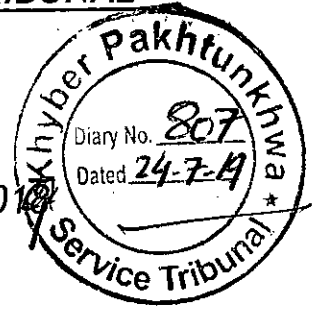
(1)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018



Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand.

Appellant

Versus

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer, Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

Respondents

APPLICATION FOR RESTORATION OF  
CAPTIONED APPEAL DISMISSED FOR NON  
PROSECUTION.

Respectfully Sheweth:-

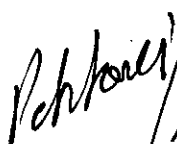

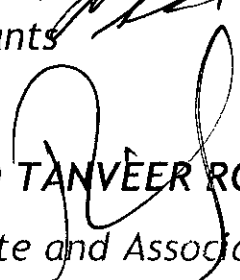
1. That the captioned case was subjudice before this Honourable court, wherein the instant case was fixed for hearing, but was dismissed for non-prosecution vide order dated: 27/06/2019.
2. That the petitioner / appellant feeling aggrieved from the impugned order dated: 27/06/2019, whereby the appeal was dismissed for non-prosecution now approaches this Honourable Court for Restoration, inter alia, on the following grounds.

**GROUNDS:-**

- A. Neither any notice nor any summon has been served upon the appellant nor his counsel that is why the appellant as well as his counsel were totally unaware of the date fixed.
- B. That the absence of the appellant as well as his counsel on the date fixed was neither intentional nor deliberate mistake on their part.
- C. That the valuable rights of the appellant are involved in the matter and to meet the end of justice, the restoration of the case is just and equitable.
- D. That the present application is well within time and there is no legal impediment in restoration of the case.
- E. That when the appellant approached the Tribunal regarding the information of his case he came to know that his appeal was fixed before the Court but the same was dismissed for non-prosecution.

Therefore, it is humbly prayed that the captioned appeal may kindly be restored and thereafter adjudicated on merits.

Dated: 24/07/2019

  
Appellants   
Through   
**KHALID TANVEER ROHAILA**  
Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand. Appellant

**AFFIDAVIT:-**

It is stated on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

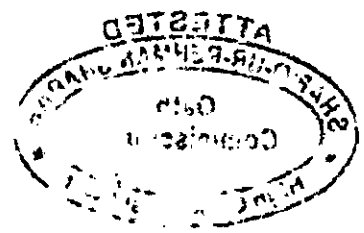


*[Signature]*  
*[Signature]*  
24-07-19.

Deponent *[Signature]*

Through

**KHALID TANVEER ROHAILA**  
Advocate Peshawar *[Signature]*



4

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**  
**PESHAWAR**

**Muhammad Ali**

**Versus**

**IGP & Others**

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:-**

- 1. That the above titled appeal was pending adjudication before this Honourable Court which was fixe for 27-06-2019.**
- 2. That due to a bonafide mistake the applicant was under impression that his date of hearing was 22/07/2019 which he already intimated to his council too.**
- 3. That on 22-07-2019 when the applicant came to this Honourable Court he was informed that his date of hearing was 27-06-2019 & not 22-07-2019 and on date fixed the case was dismissed for non-prosecution.**
- 4. That thereafter immediately the applicant filed the restoration application which is accompanied by this condonation of delay application.**
- 5. That the delay caused if any was neither intentional nor deliberate but a bonafide mistake on part of applicant.**
- 6. That very valuable rights of applicant are involved in the matter.**

5


NO

7. That there is legal bar on condoning the delay for the disposal of Lis on the basis of merits.

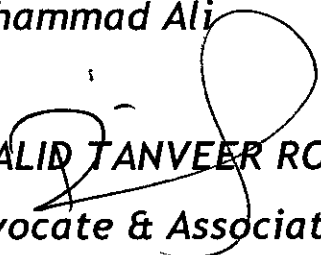
PRAYER:-

It is therefore most humbly prayed that the instant application may kindly be considered as part and parcel of the main application and on acceptance of this application the delay if any in filing of restoration of application may kindly be condoned in the best interest of justice.

Dated: 24/07/2019

Applicant   
Muhammad Ali


Through

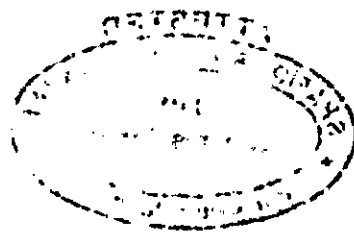
  
KHALID TANVEER ROHAILA  
Advocate & Associates  
Peshawar.

AFFIDAVIT:-

I, Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand, 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 Honourable Court.

  
DEPONENT

ATTESTED  
SHAFIQ-UR-REHMAN SHABAB  
Oath  
Commissioner  
High Court Peshawar  
  
24/07/19



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO: 1315/2018

Dairy No. 1396

Dated 05/9/2018

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan



VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.

*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE IMPUNED**  
**ORDER DATED 28/06/2011 VIDE ANNEXURE A**  
**WHEREBY THE APPELLANT HAS BEEN**  
**DISCHARGED FROM SERVICE AND ALSO**  
**AGAINST THE FINAL IMPUGNED ORDER DATED**  
**10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE**  
**APPELLANT'S DEPARTMENTAL APPEAL HAS**  
**BEEN REJECTED.**

Filed to-day

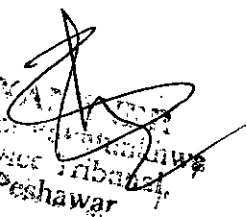
Registrar

Re-submitted to-day  
and filed.

Registrar

**PRAYER:**

**ATTESTED**

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his



10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

*MA*

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

*MD*

(Muhammad Hamid Mughal)  
Member

ANNOUNCED.

27.06.2019

Certified to be true copy

*MA*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22-7-19  
 Number of Words 800  
 Copying Fee 12-00  
 Urgent 4-00  
 Total 16-00  
 Name of Copyist [Signature]  
 Date of Completion of Copy 22-7-19  
 Date of Delivery of Copy 22-7-19

50 روپے

23643



ایڈوکیٹ:  
بار کونسل / ایسوسی ایشن نمبر:  
رابطہ نمبر: 0311-9244177

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: ضمیمہ کیس نمونہ ۵ سسر کی ٹرانسکریپشن

منجانب:	دعویٰ:
محمد علی	علت نمبر:
بنام	مورخہ:
اسٹریٹ جنرل پولیس وکٹری	جرم:
	تھانہ:

**باعث تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 24/7/19

الع بد الع بد

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

محمد علی

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

Muhammad Ali

Versus

IGP & Others

Index

S.No	Documents	Annexure	Pages
1.	Application for restoration & <i>Condonation of delay</i>		1-5
2.	Impugned order		6-7
3.	<del>Affidavit</del>		4

Dated: 24/07/2019

Petitioner

*Muhammad Ali*  
Muhammad Ali

Through

*Khalid Tanveer Rohaila*  
KHALID TANVEER ROHAILA

Advocate and Associates.

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**

**PESHAWAR**

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand.

Appellant

Versus

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer, Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

Respondents

**APPLICATION FOR RESTORATION OF  
CAPTIONED APPEAL DISMISSED FOR NON  
PROSECUTION.**

Respectfully Sheweth:-

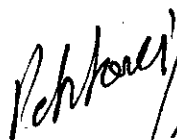
1. That the captioned case was subjudice before this Honourable court, wherein the instant case was fixed for hearing, but was dismissed for non-prosecution vide order dated: 27/06/2019.
2. That the petitioner / appellant feeling aggrieved from the impugned order dated: 27/06/2019, whereby the appeal was dismissed for non-prosecution now approaches this Honourable Court for Restoration, inter alia, on the following grounds.


**GROUNDS:-**

- A. Neither any notice nor any summon has been served upon the appellant nor his counsel that is why the appellant as well as his counsel were totally unaware of the date fixed.
- B. That the absence of the appellant as well as his counsel on the date fixed was neither intentional nor deliberate mistake on their part.
- C. That the valuable rights of the appellant are involved in the matter and to meet the end of justice, the restoration of the case is just and equitable.
- D. That the present application is well within time and there is no legal impediment in restoration of the case.
- E. That when the appellant approached the Tribunal regarding the information of his case he came to know that his appeal was fixed before the Court but the same was dismissed for non-prosecution.

Therefore, it is humbly prayed that the captioned appeal may kindly be restored and thereafter adjudicated on merits.

Dated: 24/07/2019

  
Through

Appellants 

  
KHALID TANVEER ROHAILA  
Advocate and Associates.

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**

**PESHAWAR**

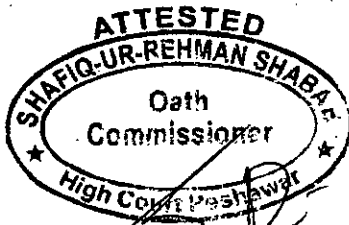
Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand. Appellant

**AFFIDAVIT:-**

*It is stated on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*



*msr*  
24-07-19.

Deponent *[Signature]*

Through

*[Signature]*  
**KHALID TANVEER ROHAILA**  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**

**PESHAWAR**

**Muhammad Ali**

**Versus**

**IGP & Others**

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:-**

- 1. That the above titled appeal was pending adjudication before this Honourable Court which was fixe for 27-06-2019.**
- 2. That due to a bonafide mistake the applicant was under impression that his date of hearing was 22/07/2019 which he already intimated to his council too.**
- 3. That on 22-07-2019 when the applicant came to this Honourable Court he was informed that his date of hearing was 27-06-2019 & not 22-07-2019 and on date fixed the case was dismissed for non-prosecution.**
- 4. That thereafter immediately the applicant filed the restoration application which is accompanied by this condonation of delay application.**
- 5. That the delay caused if any was neither intentional nor deliberate but a bonafide mistake on part of applicant.**
- 6. That very valuable rights of applicant are involved in the matter.**


7. The

NO

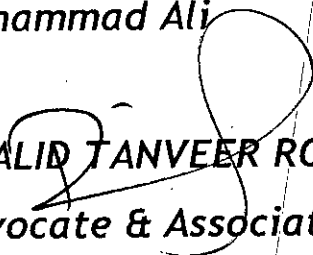
at there is legal bar on condoning the delay for the disposal of Lis on the basis of merits.

It is therefore most humbly prayed that the instant application may kindly be considered as part and parcel of the main application and on acceptance of this application the delay if any in filing of restoration of application may kindly be condoned in the best interest of justice.

Dated: 24/07/2019

Applicant   
Muhammad Ali

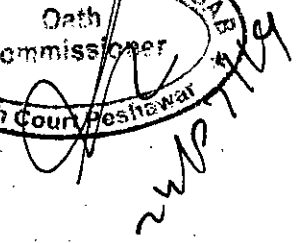
Through

  
KHALID TANVEER ROHAILA  
Advocate & Associates  
Peshawar.

**AFFIDAVIT:-**

I, Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand, 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 Honourable Court.

  
DEPONENT

ATTESTED  
SHAFIQ-UR-REHMAN SHARAF  
Oath  
Commissioner  
High Court Peshawar  




**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

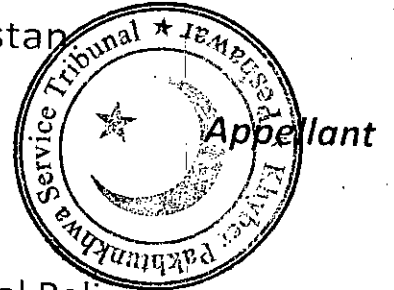
APPEAL NO: 1315/2018

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1396

Date 05/9/2018

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan



VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.

*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUNED ORDER DATED 28/06/2011 VIDE ANNEXURE A WHEREBY THE APPELLANT HAS BEEN DISCHARGED FROM SERVICE AND ALSO AGAINST THE FINAL IMPUGNED ORDER DATED 10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.**

Without delay

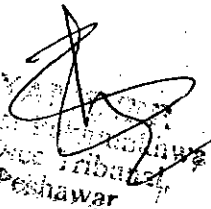
Registrar

Re-submitted to-day  
and filed.

REGISTRAR

**PRAYER:**

**ATTESTED**

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his

10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

*MA*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

*MD*  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
27.06.2019.

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22-7-19  
Number of Words 800  
Copying Fee 12-00  
Urgent 4-00  
Total 16-00  
Name of Copyist [Signature]  
Date of Completion of Copy 22-7-19  
Date of Delivery of Copy 22-7-19

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**  
**PESHAWAR**

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

**Muhammad Ali**

**Versus**

**IGP & Others**

**Index**

S.No	Documents	Annexure	Pages
1.	Application for restoration <i>Condition of duty</i>		1-5
2.	Impugned order		6-7
3.	<del>Affidavit</del>		4

**Dated: 24/07/2019**

Petitioner

*Muhammad Ali*  
Muhammad Ali

Through

*Khalid Tanveer Rohaila*  
**KHALID TANVEER ROHAILA**

Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR

Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand.

Appellant

Versus

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer, Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

Respondents

APPLICATION FOR RESTORATION OF  
CAPTIONED APPEAL DISMISSED FOR NON  
PROSECUTION.

Respectfully Sheweth:-

1. That the captioned case was subjudice before this Honourable court, wherein the instant case was fixed for hearing, but was dismissed for non-prosecution vide order dated: 27/06/2019.
2. That the petitioner / appellant feeling aggrieved from the impugned order dated: 27/06/2019, whereby the appeal was dismissed for non-prosecution now approaches this Honourable Court for Restoration, inter alia, on the following grounds.

**GROUNDS:-**

- A. Neither any notice nor any summon has been served upon the appellant nor his counsel that is why the appellant as well as his counsel were totally unaware of the date fixed.
- B. That the absence of the appellant as well as his counsel on the date fixed was neither intentional nor deliberate mistake on their part.
- C. That the valuable rights of the appellant are involved in the matter and to meet the end of justice, the restoration of the case is just and equitable.
- D. That the present application is well within time and there is no legal impediment in restoration of the case.
- E. That when the appellant approached the Tribunal regarding the information of his case he came to know that his appeal was fixed before the Court but the same was dismissed for non-prosecution.

Therefore, it is humbly prayed that the captioned appeal may kindly be restored and thereafter adjudicated on merits.

Dated: 24/07/2019

Through

Appellants

**KHALID TANVEER ROHAILA**  
Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR

Restoration Application No. \_\_\_\_\_ / 2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand. Appellant

**AFFIDAVIT:-**

It is stated on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



24-07-19

Deponent

Through

KHALID TANVEER ROHAILA  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL**

**PESHAWAR**

**Muhammad Ali**

**Versus**

**IGP & Others**

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:-**

- 1. That the above titled appeal was pending adjudication before this Honourable Court which was fixe for 27-06-2019.**
- 2. That due to a bonafide mistake the applicant was under impression that his date of hearing was 22/07/2019 which he already intimated to his council too.**
- 3. That on 22-07-2019 when the applicant came to this Honourable Court he was informed that his date of hearing was 27-06-2019 & not 22-07-2019 and on date fixed the case was dismissed for non-prosecution.**
- 4. That thereafter immediately the applicant filed the restoration application which is accompanied by this condonation of delay application.**
- 5. That the delay caused if any was neither intentional nor deliberate but a bonafide mistake on part of applicant.**
- 6. That very valuable rights of applicant are involved in the matter.**

7. That there is <sup>NO</sup> legal bar on condoning the delay for the disposal of Lis on the basis of merits.

**PRAYER:-**

It is therefore most humbly prayed that the instant application may kindly be considered as part and parcel of the main application and on acceptance of this application the delay if any in filing of restoration of application may kindly be condoned in the best interest of justice.

Dated: 24/07/2019

Applicant

Muhammad Ali

Through

KHALID TANVEER ROHAILA

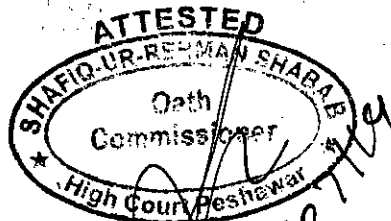
Advocate & Associates

Peshawar.

**AFFIDAVIT:-**

I, Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand, 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 Honourable Court.

DEPONENT





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

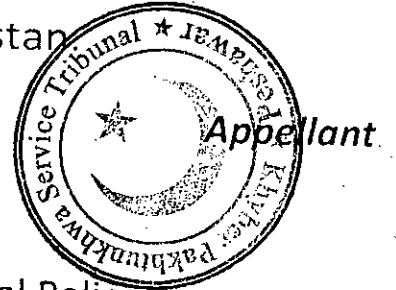
APPEAL NO: 1315/2018

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1396

Dated 05/9/2018

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan



VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.

*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE  
TRIBUNAL ACT 1974 AGAINST THE IMPUNED  
ORDER DATED 28/06/2011 VIDE ANNEXURE A  
WHEREBY THE APPELLANT HAS BEEN  
DISCHARGED FROM SERVICE AND ALSO  
AGAINST THE FINAL IMPUGNED ORDER DATED  
10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE  
APPELLANT'S DEPARTMENTAL APPEAL HAS  
BEEN REJECTED.**

Filed to-day

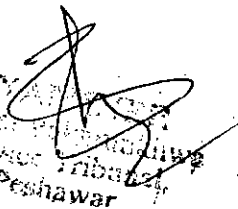
Registrar

Resubmitted to-day  
and filed.

Registrar

**PRAYER:**

**ATTESTED**

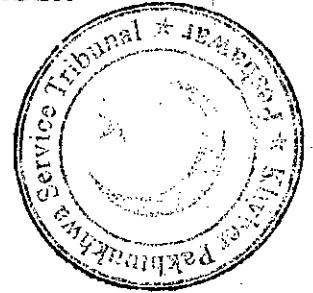
  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his

10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

*M.A.*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

*M.H.M.*  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.

27.06.2019

**Certified to be true copy**  
*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22-7-19  
Number of Words 800  
Copying Fee 12-00  
Urgent 4-00  
Total 16-00  
Name of Copyist [Signature]  
Date of Completion of Copy 22-7-19  
Date of Delivery of Copy 22-7-19

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

PESHAWAR

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

Muhammad Ali

Versus

IGP & Others

Index

S.No	Documents	Annexure	Pages
1.	Application for restoration & Condonation of delay		1-5
2.	Impugned order		6-7
3.	Affidavit		4

Dated: 24/07/2019

Petitioner

Muhammad Ali

Through

KHALID TANVEER ROHAILA

Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand.

Appellant

Versus

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer, Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

Respondents

APPLICATION FOR RESTORATION OF  
CAPTIONED APPEAL DISMISSED FOR NON  
PROSECUTION.

Respectfully Sheweth:-

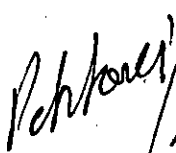

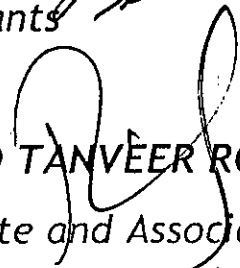
1. That the captioned case was subjudice before this Honourable court, wherein the instant case was fixed for hearing, but was dismissed for non-prosecution vide order dated: 27/06/2019.
2. That the petitioner / appellant feeling aggrieved from the impugned order dated: 27/06/2019, whereby the appeal was dismissed for non-prosecution now approaches this Honourable Court for Restoration, inter alia, on the following grounds.

**GROUNDS:-**

- A. Neither any notice nor any summon has been served upon the appellant nor his counsel that is why the appellant as well as his counsel were totally unaware of the date fixed.
- B. That the absence of the appellant as well as his counsel on the date fixed was neither intentional nor deliberate mistake on their part.
- C. That the valuable rights of the appellant are involved in the matter and to meet the end of justice, the restoration of the case is just and equitable.
- D. That the present application is well within time and there is no legal impediment in restoration of the case.
- E. That when the appellant approached the Tribunal regarding the information of his case he came to know that his appeal was fixed before the Court but the same was dismissed for non-prosecution.

Therefore, it is humbly prayed that the captioned appeal may kindly be restored and thereafter adjudicated on merits.

Dated: 24/07/2019

  
Appellants   
Through   
**KHALID TANVEER ROHAILA**  
Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

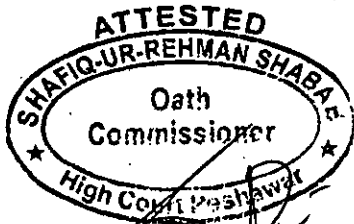
Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand. Appellant

**AFFIDAVIT:-**

It is stated on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*Shafiq-ur-Rehman Shabaz*  
21-07-19.

Deponent *[Signature]*

Through

*[Signature]*  
**KHALID TANVEER ROHAILA**  
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Muhammad Ali

Versus

IGP & Others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:-

1. That the above titled appeal was pending adjudication before this Honourable Court which was fixe for 27-06-2019.
2. That due to a bonafide mistake the applicant was under impression that his date of hearing was 22/07/2019 which he already intimated to his council too.
3. That on 22-07-2019 when the applicant came to this Honourable Court he was informed that his date of hearing was 27-06-2019 & not 22-07-2019 and on date fixed the case was dismissed for non-prosecution.
4. That thereafter immediately the applicant filed the restoration application which is accompanied by this condonation of delay application.
5. That the delay caused if any was neither intentional nor deliberate but a bonafide mistake on part of applicant.
6. That very valuable rights of applicant are involved in the matter.

7. That there is <sup>NO</sup> legal bar on condoning the delay for the disposal of Lis on the basis of merits.

PRAYER:-

It is therefore most humbly prayed that the instant application may kindly be considered as part and parcel of the main application and on acceptance of this application the delay if any in filing of restoration of application may kindly be condoned in the best interest of justice.

Dated: 24/07/2019

Applicant

Muhammad Ali

Through

KHALID TANVEER ROHAILA

Advocate & Associates

Peshawar.

AFFIDAVIT:-

I, Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand, 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 Honourable Court.

DEPONENT





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

APPEAL NO. 1315/2018

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1396

Dated 05/9/20

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan



VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.


*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE IMPUNED**  
**ORDER DATED 28/06/2011 VIDE ANNEXURE A**  
**WHEREBY THE APPELLANT HAS BEEN**  
**DISCHARGED FROM SERVICE AND ALSO**  
**AGAINST THE FINAL IMPUGNED ORDER DATED**  
**10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE**  
**APPELLANT'S DEPARTMENTAL APPEAL HAS**  
**BEEN REJECTED.**

**PRAYER:**

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his

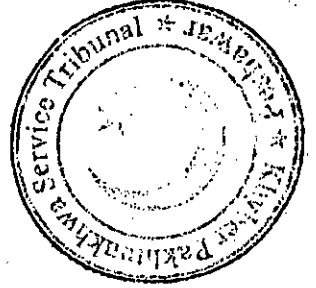
**ATTENDED**

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

*MA*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

*MD*  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
27.06.2019

Certified to be true copy

*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application	22-7-19
Number of Words	800
Copying Fee	12-00
Urgent	4-00
Total	16-00
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	22-7-19
Date of Delivery of Copy	22-7-19

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Restoration Application No. 285 /2018

Service Appeal No. 1315/2018

Muhammad Ali

Versus

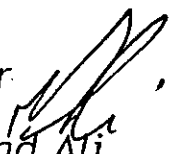
IGP & Others

Index

S.No	Documents	Annexure	Pages
1.	Application for restoration & Condonation of delay		1-5
2.	Impugned order		6-7
3.	Affidavit		4

Dated: 24/07/2019

Petitioner

  
Muhammad Ali

Through

  
KHALID TANVEER ROHAILA  
Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Restoration Application No. \_\_\_\_\_/2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand.

Appellant

Versus

1. Government of KPK through Inspector General of Police.
2. Inspector General of Police, C.P.O Office Peshawar.
3. District Police Officer, Saidu Sharif Swat.
4. Deputy Superintendent of Police Javed Iqbal Shaheed Police Line Swat.

Respondents

APPLICATION FOR RESTORATION OF  
CAPTIONED APPEAL DISMISSED FOR NON  
PROSECUTION.

Respectfully Sheweth:-

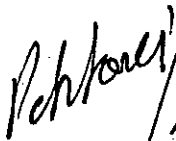

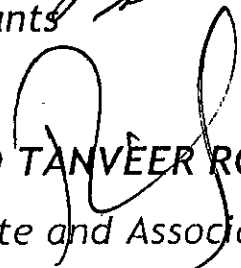
1. That the captioned case was subjudice before this Honourable court, wherein the instant case was fixed for hearing, but was dismissed for non-prosecution vide order dated: 27/06/2019.
2. That the petitioner / appellant feeling aggrieved from the impugned order dated: 27/06/2019, whereby the appeal was dismissed for non-prosecution now approaches this Honourable Court for Restoration, inter alia, on the following grounds.

**GROUNDS:-**

- A. Neither any notice nor any summon has been served upon the appellant nor his counsel that is why the appellant as well as his counsel were totally unaware of the date fixed.
- B. That the absence of the appellant as well as his counsel on the date fixed was neither intentional nor deliberate mistake on their part.
- C. That the valuable rights of the appellant are involved in the matter and to meet the end of justice, the restoration of the case is just and equitable.
- D. That the present application is well within time and there is no legal impediment in restoration of the case.
- E. That when the appellant approached the Tribunal regarding the information of his case he came to know that his appeal was fixed before the Court but the same was dismissed for non-prosecution.

Therefore, it is humbly prayed that the captioned appeal may kindly be restored and thereafter adjudicated on merits.

Dated: 24/07/2019

  
Appellants   
Through   
**KHALID TANVEER ROHAILA**  
Advocate and Associates.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

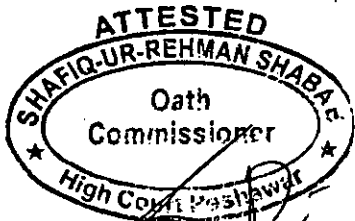
Restoration Application No. \_\_\_\_\_ /2018

Service Appeal No. 1315/2018

Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai,  
District Malakand. Appellant

**AFFIDAVIT:-**

It is stated on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*Signature*  
24-07-19.

Deponent *Signature*

Through

*Signature*  
**KHALID TANVEER ROHAILA**  
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL  
PESHAWAR

Muhammad Ali

Versus

IGP & Others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:-


1. That the above titled appeal was pending adjudication before this Honourable Court which was fixe for 27-06-2019.
2. That due to a bonafide mistake the applicant was under impression that his date of hearing was 22/07/2019 which he already intimated to his council too.
3. That on 22-07-2019 when the applicant came to this Honourable Court he was informed that his date of hearing was 27-06-2019 & not 22-07-2019 and on date fixed the case was dismissed for non-prosecution.
4. That thereafter immediately the applicant filed the restoration application which is accompanied by this condonation of delay application.
5. That the delay caused if any was neither intentional nor deliberate but a bonafide mistake on part of applicant.
6. That very valuable rights of applicant are involved in the matter.

7. That there is <sup>no</sup> legal bar on condoning the delay for the disposal of Lis on the basis of merits.

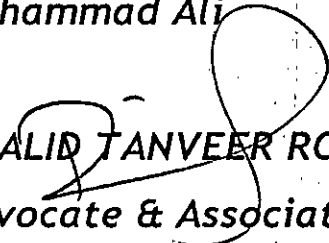
PRAYER:-

It is therefore most humbly prayed that the instant application may kindly be considered as part and parcel of the main application and on acceptance of this application the delay if any in filing of restoration of application may kindly be condoned in the best interest of justice.

Dated: 24/07/2019

Applicant   
Muhammad Ali

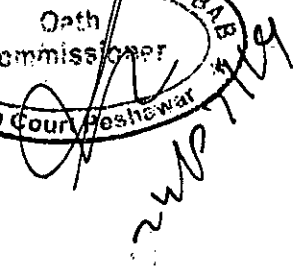
Through

  
KHALID TANVEER ROHAILA  
Advocate & Associates  
Peshawar.

AFFIDAVIT:-

I, Muhammad Ali S/O Araf Khan R/O P/O Hero Shah, Tehsil Dargai, District Malakand, 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 Honourable Court.

  
DEPONENT

ATTESTED  
SHAFIQ-UR-REHMAN SHARAB  
Oath  
Commissioner  
High Court Peshawar  




**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

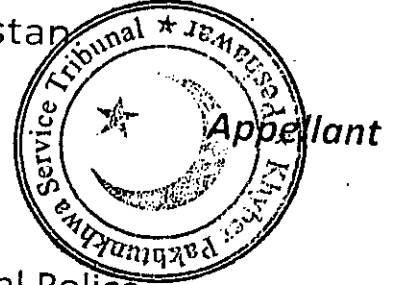
Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO: 1315/2018

Case No. 1396

Dated 05/9/20

Muhammad Ali S/o Araf Khan R/o P.O. Hero Shah, Jabaghai,  
Tehsil Dargai, District Malakand P Area, Pakistan



VERSUS

1. Government of KPK through Inspector General Police.
2. Inspector General Police C.P.O office Peshawar.
3. District Police Officer, Swat, Near Grassy Ground, Saidu Sharif Swat.
4. Deputy Superintendant Police Swat, Javed Iqbal Shaheed Police Line, Swat.

*Respondents*

**APPEAL UNDER SECTION 4 OF KPK SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE IMPUNED**  
**ORDER DATED 28/06/2011 VIDE ANNEXURE A**  
**WHEREBY THE APPELLANT HAS BEEN**  
**DISCHARGED FROM SERVICE AND ALSO**  
**AGAINST THE FINAL IMPUGNED ORDER DATED**  
**10/08/2018 VIDE ANNEXURE 'B' WHEREBY THE**  
**APPELLANT'S DEPARTMENTAL APPEAL HAS**  
**BEEN REJECTED.**

**PRAYER:**

On acceptance of appeal, both the impugned orders dated 28/06/2011 vide annexure 'A' and the final impugned order dated 10/08/2018 as annexure 'B' may kindly be set aside and the appellant may kindly be reinstated on his

**ATTESTED**

Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10.05.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.06.2019 for preliminary hearing before S.B.

*MA*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



27.06.2019

Appellant absent. Learned counsel for the appellant absent. Case called but none appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

*MD*  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
27.06.2019

**Certified to be true copy**  
EXCISE & TAX  
Khwaja Service Tribunal  
Peshawar

Date of Presentation of Application 22-7-19  
Number of Words 800  
Copying Fee 12-00  
Urgent 4-00  
Total 16-00  
Name of Copyist [Signature]  
Date of Completion of Copy 22-7-19  
Date of Delivery of Copy 22-7-19