

Service Appeal No. 1283/2014

04.01.2017

Appellant with counsel, Mr. Noshawan, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the official respondents and private respondent No. 10 with counsel present.

Appellant submitted an application for withdrawal of the appeal as he intends to re-agitate his grievances afresh.

In the light of application of the appellant, the appeal is dismissed as withdrawn. The appellant may re-agitate his grievances afresh subject to restrictions including time-limitation. File be consigned to the record room.


Member

ANNOUNCED
04.01.2017


Chairman

Camp court, Swat

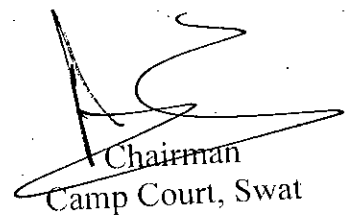
04.01.17.

13.7.2016

Appellant with counsel, Mr. Javed Afsar, Inspector (Legal) alongwith Mian Amir Qadar, G.P for the official respondents and private respondents No. 9 & 10 in person present. Written reply by official respondents submitted. Private respondents No. 9 and 10 requested for adjournment. Other private respondents are not available despite proper service. Proceeded ex-parte. Private respondent No. 10 submitted application for transfer of the service appeal to principal seat at Peshawar on the ground that some of the respondents belong to other districts of the province including Peshawar. Application is not found meritorious and the same is dismissed.


Application for rectification of clerical mistake in para-3 of the memo: of appeal submitted by the appellant. Arguments on application heard and record perused.

Since the said mistake in nature is clerical as such application is accepted and mistake be corrected as 04.12.2009 instead 04.09.2012. To come up for written reply of private respondents No. 9 and 10 on 08.09.2016 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

08.09.2016

Counsel for the appellant and Mr. Javed Afsar, Inspector (Legal) alongwith Mian Amir Qadar, GP for the official respondents and private respondent No. 108 in person present. Written reply by respondent No. 108 submitted while none present on behalf of private respondent No. 90, hence proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 04.01.2017 at camp court, Swat.



Chairman
Camp Court, Swat.

13.01.2016

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was initially appointed as S.I (legal) vide order dated 2.12.2009 and was confirmed as such and from the date of initial appointment vide order dated 17.7.2013 but in the impugned seniority list dated 24.6.2014 appellant is shown confirmed w.e.f 17.7.2013 instead of initial date of appointment i.e. 2.12.2009 where-against he preferred departmental appeal on 30.6.2014 which was not responded and hence the instant service appeal on 28.10.2014.

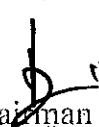
That the impugned seniority list is liable to correction and the entry is to be made in accordance with office order dated 17.7.2013 with effect from the date of appointment i.e. 2.12.2009 and appellant is accordingly entitled to seniority in preference to private respondents No.8 to 19.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 6.4.2016 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

06.04.2016

Appellant in person and Mr. Hifsan, SI (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 13.07.2016 before S.B at Camp Court, Swat.


Chairman
Camp court, Swat.

Appellant Deposited
Security & Process Fee

6

3.8.2015

Appellant in person present. Counsel for the appellant is not in attendance due to land sliding at Karakar. Adjourned for preliminary hearing to 7.9.2015 before S.B at camp court Swat.


Chairman
Camp Court Swat


7.9.2015

Appellant in person present. Requested for adjournment as his counsel is not in attendance. Adjourned for preliminary hearing to 2.11.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

2.11.2015

Appellant in person present. Counsel for the appellant is not in attendance due to strike of the Bar. To come up for preliminary hearing on 7.12.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

7.12.2015

Appellant in person present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for preliminary hearing on 13.01.2016 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

3

13.05.2015

None for the petitioner present. Notice to petitioner as well as his counsel be issued for 27.05.2015. Record of appeal be also requisitioned.


Chairman

4

27.05.2015

Petitioner with counsel present and heard. The appeal was dismissed in default on 4.3.2015 as neither appellant nor his counsel was in attendance. Perusal of record would suggest that the appeal was fixed for preliminary hearing and notices were issued to the appellant and his counsel but according to the stance of counsel for the appellant, the appellant was abroad and no notice was ever served on him. Since the appeal has been dismissed at the stage of preliminary hearing as such the same is restored. The application is accordingly accepted.


The appeal pertains to the territorial limits of Malakand Division as such to come up for preliminary hearing at camp court Swat on 6.7.2015 before S.B.


Chairman

5

6.7.2015

Appellant in person present. Counsel for the appellant is not in attendance. Application for adjournment submitted. Adjourned to 3.8.2015 for preliminary hearing before S.B at camp court Swat.


Chairman
Camp Court Swat

Form - A

FORM OF ORDER SHEET

Court of _____

Misc. Application No. 39/2015

| S.No | Date of order / proceedings | Order or other proceedings with signature of judge or Magistrate |
|------|-----------------------------|---|
| 1 | 12 | 3 |
| 1 | 06/05/2015 | <p>The application for restoration of appeal No. 1283/2014 submitted by Imranullah through Mushtaq Ahmad Khan Advocate, may be entered in the relevant register and put up to the Court for further order, please.</p> <p style="text-align: right;"><i>Waseem</i> REGISTRAR 6/5/15</p> <p><i>2</i> This Misc. application be put up before S. Bench on <u>13-5-2015</u></p> <p style="text-align: right;"><i>D.</i> CHAIRMAN</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

RECEIVED
1/5/15
368

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

39 /2015

Service Appeal.No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

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

C.M. No. _____/2015

In

Service Appeal No. 1283/14

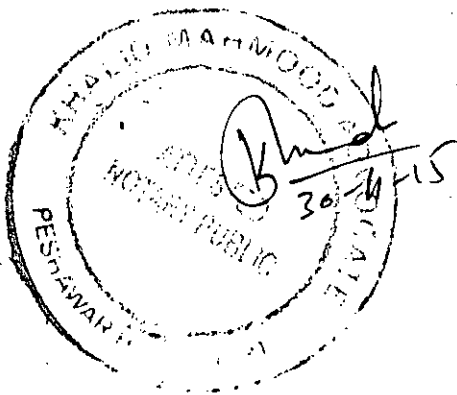
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2015

In

Service Appeal No. 1283/14

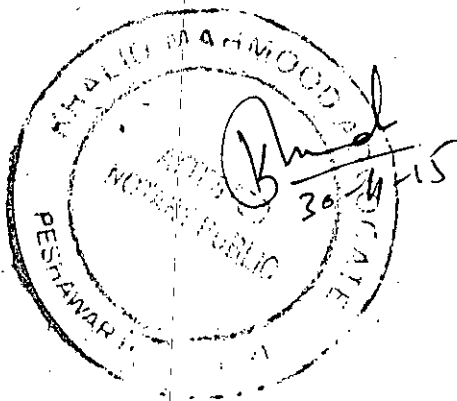
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

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

C.M. No. _____/2015

In

Service Appeal No. 1283/14

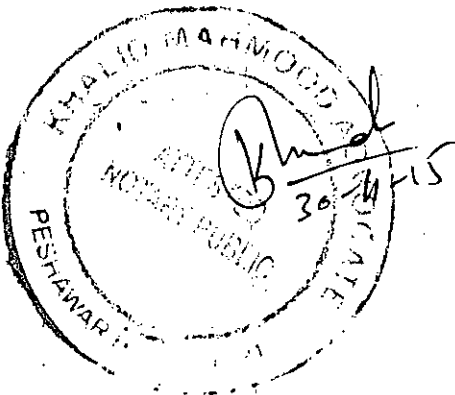
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. ____/2015

In

Service Appeal No. 1283/14

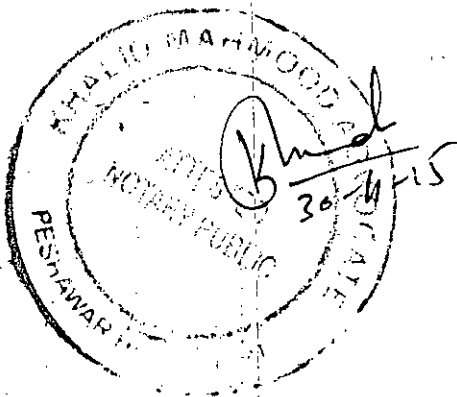
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2015

In

Service Appeal No. 1283/14

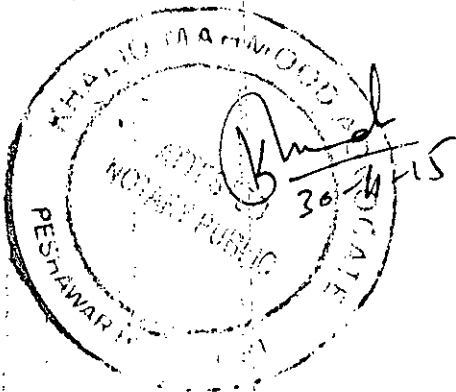
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

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

C.M. No. 39 /2015

In

Service Appeal No. 1283/14

Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

**APPLICATION FOR RESTORATION OF THE
CAPTIONED APPEAL NO. 1283/14 FOR
HEARING.**

Respectfully Sheweth:

1. That the captioned appeal was preferred in this Hon'ble Court when the Chairman of the Tribunal had not been appointed then
2. That the office orally told the counsel of the appellant that he will be informed through notice about Fixation of the case.


3. That the above mentioned appeal was fixed on 24/03/2015 and have been dismissed due to non appearance by this Worthy Tribunal.
4. That due to unavoidable circumstances the appellant was out of country and the counsel of the appellant as well as to the appellant no notice about the fixation of case, moreover during the days that counsel had been medically operated.
5. That hearing of the appeal on merit is indispensable for the proper administration of justice.

It is, therefore, kindly requested that on acceptance of this application the tilled appeal be restored for hearing/ proceeding.

Appellant

Through

Dated: 17/04/2015


Mushtaq Ahmad Khan.
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2015

In

Service Appeal No. 1283/14

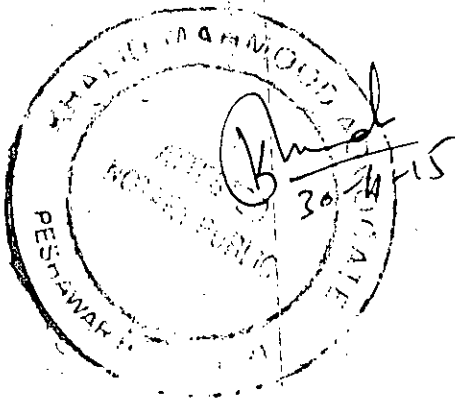
Imran Ullah.....(Appellant)

V E R S U S

Police Department.....(Respondents)

AFFIDAVIT

I, **Mushtaq Ahmad Khan** Advocate, as per instruction of my client, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




ADVOCATE

Before The Khyber Pakhtunkhwa Service

• Tribunal Peshawar

appel. No - 1283/14

Imranullah, Sub Inspector legal

Vs

Police Department

Application For adjournment

Humbly Sheweth;

- 1- That The captioned Service appeal is pending adjudication before this worthy Tribunal and is Fixed For 6/7/2015.
- 2- That The applicant (ie counsel for the appellant) have got some personal nature problem due to which he would not be able to attend this worthy Tribunal on the aforesaid date.

It is Therefore kindly requested That on acceptance of this application, the titled appeal be adjourned to some other date

Dated 5/7/2015

applicant
Mushtaq Ahmad
Rtn advocate

بعد التبعہ - حرمین مہر و سوسائٹی کے لیے عدالت کی طرف سے

کوریٹ فیس

مورخہ 13 جولائی 2016ء منجانب اسلام آباد
مقدمہ محمد اسرار اللہ بنام حکومت و دیگر
دعویٰ سے عدالت کی طرف سے
جرم باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے ایڈووکیٹ اسرار اللہ کی طرف سے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اس کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جاتہ التوا بے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 13 جولائی 2016ء
واہ شہدہ العبد

مقام کے لیے منظور ہے
Accepted & Accepted
[Signature]

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1283/2014

Imranullah (Appellant)

VERSUS

Secretary Home and other (Respondents)

Application for amendment/rectification clerical mistake in Para No. 3 of facts

Respectfully Shewith:

1. That the titled Appeal is pending adjudication before this August Tribunal.
2. That the appeal is admitted for full hearing and Notices have been issued for submission of reply.
3. That in Para No. 3 04-09-2012 has been inadvertently written instead of 04-012-2009.
4. That the clerical mistake needs rectification and 04-09-2012 may be read as 04-12-2009.

PRAER:

In view of the above it is most humbly requested that Para No. 03 date 04-09-2012 may be read as 04-012-2009.

Appellant

Through



Mushtaq Ahmad Khan

Advocate

AFFIDAVIT:

I Imranullah s/o Ikram Shah do hereby solemnly affirm and and declare on oath that the contents of the application are correct to the best of my knowledge and belief.



Deponent



Before the Khyber Pakhtunkhwa Service Tribunal

Service Appeal no. 1283/14

Imranullah (Appellant) vs Gout and others
(Respondents)

Application for withdrawal of titled case with
the permission to re-file the same.

Respectfully sheweth:

- a. that the titled case is pending before this Honorable Tribunal
- b. that the appellant wish to withdraw his case
- c. that the appellant also seek the permission of this Honorable Tribunal to re-file the titled case with additional facts, grounds and documents.

prayed:- in view of the above it is most humbly prayed that appellant may be permitted to withdraw his case and to re-file the same with additional facts, grounds and documents.

dated. 04-01-2017

Imranullah
(Appellant)