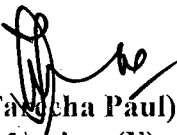


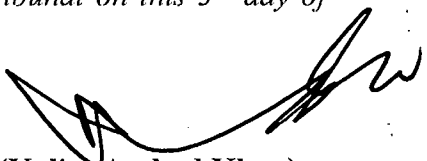
**Restoration Application No. 85/2021**

3<sup>rd</sup> October, 2022 1. None present for the petitioner. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the petitioner. In view of the above, the instant restoration application is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 3<sup>rd</sup> day of October, 2022.*

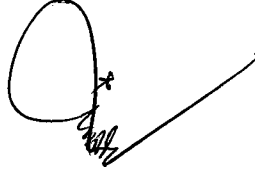
  
(Farooq Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

18.04.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG  
for the respondents present.

Appellant requested for adjournment as his counsel is not available  
today. Last opportunity is granted. To come up for arguments before  
the D.B on 09.06.2022.



(Mian Muhammad)  
Member (E)



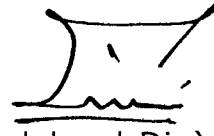
Chairman

09.06.2022

Petitioner in person present. Mr. Muhammad Asif, ASI  
alongwith Mr. Muhammad Adeel Butt, Additional Advocate  
Genera for the respondents present and sought time for  
submission of reply/comments. Adjourned. To come up for  
submission of reply/comments as well as arguments on  
restoration application on 03.10.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

3<sup>rd</sup> October, 2022

1. None present for the petitioner. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the petitioner. In view of the above, the instant restoration application is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 3<sup>rd</sup> day of October, 2022.*

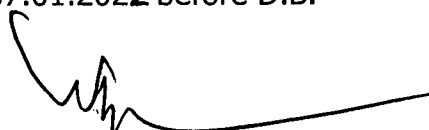




11.10.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Asif ASI for the respondents present.

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for arguments on 07.01.2022 before D.B.


  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

07.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 18.04.2022.



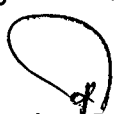

  
(Atiq-Ur-Rehman Wazir)  
Appellant in person  
Member (E)

  
Chairman  
Ac

FORM OF ORDER SHEET

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

Restoration Application No. 85 /2021

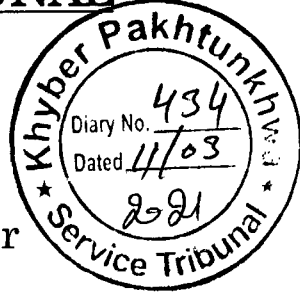
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.03.2021	<p>The Restoration Application submitted by Mr. Misbah Ullah through Mr. Niaz Muhammad Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This Restoration Application be put up before D. Bench-1 on <u>04.06.21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>04.06.2021</p> <p>Nemo for petitioner.</p> <p>Notice be issued to petitioner/counsel and respondents for reply/arguments. To come up for reply/arguments on 11.10.2021 before D.B.</p> <p style="text-align: center;"> (Rozina Rehman) Member (J)</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**PESHAWAR**

R-A. No 85/2021

Misbah Ullah S/o Niaz Muhammad Ex-Driver  
Constable No.52 R/o Badezai P/O Nasir Bagh,



(Petitioner/Appellant)

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar CPO Peshawar.
2. Additional I.G Investigation KPK Peshawar.
3. D.I.G Investigation / Admin CPO KP Peshawar.
4. Senior Superintendent of Police Investigation Unit CPO Peshawar.
5. District Police Officer Peshawar.

(Respondents)

**APPLICATION FOR RESTORATION OF  
SERVICE APPEAL NO. 1216/2018  
TITLED ABOVE WHICH HAS BEEN  
DISMISSED FOR NON PROSECUTION  
ON DATED 22.01.2021.**

**Respectfully Sheweth;**

1. That the above mention service appeal No. 1216/2018 was pending in this Hon'ble

Service Tribunal which was dismissed in default on 22/01/2021. **(Copy of order is attached)**

2. That the Counsel of appellant was unaware and the Petitioner noted the wrong date i.e. 22/03/2021 instead of 22/01/2021.
3. That the dismissal of the appeal on 22/01/2021 came in to the notice of the petitioner a few days back, hence the instant application.
4. That the valuable rights of the Petitioner/appellant are attached with the appeal and if the same is not restored, the petitioner will suffer irreparable loss.
5. That the absence of the appellant/ Petitioner on 22/01/2021 was not willful and deliberately but due to above mentioned circumstances stated above.
6. That it has been held by the apex courts time and again that the cases should be decided on merits.

*It is, therefore, most humbly prayed that on acceptance of this application the appeal of the petitioner/appellant may kindly be restored.*

Dated: 11/03/2018

**Applicant/Petitioner**

Through



**NIAZ MUHAMMAD**


Advocate, High Court

Peshawar

**AFFIDAVIT:**

I, Misbah Ullah S/o Niaz Muhammad Ex-Driver Constable No.52 R/o Badezai P/O Nasir Bagh, do hereby solemnly affirm and declare on Oath that all 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 Hon'ble Tribunal.



 Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

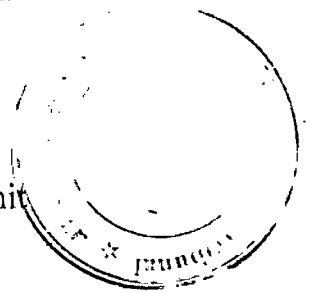
*Appeal No. 1216/2018*

Misbah Ullah S/o Niaz Muhammad Ex- Driver  
Constable No. 52 R/o Badezai P.O Nasir Bagh, <sup>Khyber Pakhtunkhwa</sup> Service Tribunal  
Peshawar: .....Appellant.

Diary No. 1448  
Date: 03/10/2018

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar. CPO Peshawar.
2. Additional I.G Investigation KPK Peshawar.
3. D.I.G Investigation/ Admin CPO KP Peshawar. CPO Peshawar. *HEAD Quarter*
4. Senior Superintendent of Police Investigation Unit CPO Peshawar.
5. District Police Officer Peshawar.



.....Respondents

**APPEAL UNDER SECTION 4 OF KPK  
SERVICE TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED ORDER DATED 30-05-2018  
VIDE ANNEXURE 'A' WHEREBY THE  
APPELLANT HAS BEEN TERMINATED  
FROM HIS SERVICE.**

22.01.2021

Nemo for the appellant. Asstt. A.G for the respondents present.

It is already past 02.15 P.M on a Friday and despite repeated calls no one appeared on behalf of the appellant. It is, therefore, dismissed for non-prosecution. File be consigned to the record.

*[Signature]*

(Mian Muhammad)  
Member(E)

*[Signature]*

Chairman

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ANNOUNCED**

22.01.2021

Date of Payment: 09/03/2021  
Number: 400  
Copy: 6.00  
Urdu: 4.00  
Total: 10.00  
Name of: \_\_\_\_\_  
Date of: 09/03/2021  
Date of Delivery or Conv: 09/03/2021

“B”

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

DB

No.

R.A No. 85/2021

Appeal No. 12/16 of 2018.

Misbah ullah

Appellant/Petitioner

Versus

H.G.P. KP Pesh:

Respondent

Respondent No. 5

Notice to:

Distt. Police officer Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/15/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Restoration ✓

Copy of ~~appeal~~ is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10<sup>th</sup>.....

Day of June 20 21

M. R.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

**“B”**

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

DB

No.

R.A. No. 85/2021

Appeal No. 1216 of 2018.

Misbah ullah

Appellant/Petitioner

Versus

I.G. P. 49 Pesh.

Respondent

Respondent No. 5

Notice to:

Distt. Police officer Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/15/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

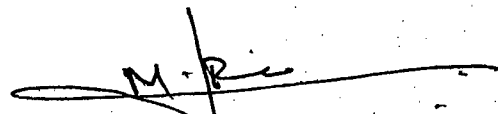
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Restoration ✓  
 Copy of ~~appeal~~ is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 16<sup>th</sup>

Day of June 2021.

  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**PESHAWAR**

R. A. No 85/2021

Misbah Ullah S/o Niaz Muhammad Ex-Driver  
Constable No.52 R/o Badezai P/O Nasir Bagh,

(Petitioner/Appellant)

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa  
Peshawar CPO Peshawar.
2. Additional I.G Investigation KPK Peshawar.
3. D.I.G Investigation / Admin CPO KP Peshawar.
4. Senior Superintendent of Police Investigation Unit  
CPO Peshawar.
5. District Police Officer Peshawar.

(Respondents)

**APPLICATION FOR RESTORATION OF  
SERVICE APPEAL NO. 1216/2018  
TITLED ABOVE WHICH HAS BEEN  
DISMISSED FOR NON PROSECUTION  
ON DATED 22.01.2021.**

**Respectfully Sheweth:**

1. That the above mention service appeal No.  
1216/2018 was pending in this Hon'ble

Service Tribunal which was dismissed in default on 22/01/2021. **(Copy of order is attached)**

2. That the Counsel of appellant was unaware and the Petitioner noted the wrong date i.e. 22/03/2021 instead of 22/01/2021.
3. That the dismissal of the appeal on 22/01/2021 came in to the notice of the petitioner a few days back, hence the instant application.
4. That the valuable rights of the Petitioner/appellant are attached with the appeal and if the same is not restored, the petitioner will suffer irreparable loss.
5. That the absence of the appellant/ Petitioner on 22/01/2021 was not willful and deliberately but due to above mentioned circumstances stated above.
6. That it has been held by the apex courts time and again that the cases should be decided on merits.

*It is, therefore, most humbly prayed that on acceptance of this application the appeal of the petitioner/appellant may kindly be restored.*

Dated: 11/03/2018

Applicant/Petitioner

Through



NIAZ MUHAMMAD

Advocate, High Court

Peshawar

AFFIDAVIT:

I, Misbah Ullah S/o Niaz Muhammad Ex-Driver Constable No.52 R/o Badezai P/O Nasir Bagh, do hereby solemnly affirm and declare on Oath that all 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 Hon'ble Tribunal.



Deponent

نوٹ :

نائب قلم کار اس کی سرپرستی کے تحت جاری کیا گیا ہے۔  
یہ ایک ڈی پی او (DPO) ہے۔

15-6-2021



**“B”**

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

No.

**R. A. No. 85/2021**

**in Appeal No. 12/16 of 2018**

**Misbah Ullah** Appellant/Petitioner

Versus

**I. G. P. KPK Pesh.** Respondent

Respondent No. **I**

Notice to: **Inspector General of Police KPK Peshawar**  
**CPO Peshawar.**

11/10/2021

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on **11/10/2021** at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

**Reslocation** ✓  
 Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this **10<sup>th</sup>**.....

Day of..... **June**..... 20 **21**

**17/6**

**Registrar,**

**Khyber Pakhtunkhwa Service Tribunal,**  
**Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.



**“B”**

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

DB

No.

R.A. No. 85 / 2021

in Appeal No. 17/16 of 2018

Miskah Ullah Appellant/Petitioner

Versus

I.G.P KPK Pesh. Respondent

Respondent No. 2

Notice to:

Additional I.G Investigation KPK  
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Restoration ✓

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 10<sup>th</sup> .....

Day of June 2021

*[Handwritten signature]*  
17/10/21

*[Handwritten signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

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

DB

R.A. No. 85/2021

No.

*in* Appeal No. 1216 of 20 18  
Misbah Ullah Appellant/Petitioner

*Versus*  
H.G.P KPK Pesh. Respondent

Respondent No. 3

Notice to: D.I.G Investigation/Admin C/O KP Peshawar.

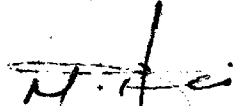
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/15/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Restoration ✓

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 10<sup>th</sup> Day of June 2021.

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

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

DB

No.

R.A. No. 85/2021

Appeal No. 1215 of 2018

*Recd*

Misbah ullah Appellant/Petitioner

Versus

I.C.P. ILPIL Pesh. Respondent

Respondent No. 4

Notice to:

Senior Superintendent of Police  
 Investigation Unit CPO Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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*Restoration ✓*

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of June 2021

*M. P. I.*  
 Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.