09.09.2022

Petitioner alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Riaz Ahmad Assistant Advocate General for the respondents present and submitted reply. Learned counsel for the petitioner sought time for arguments on restoration application. Adjourned. To come up for arguments on restoration application on 07.10.2022 before the D.B at Camp Court Swat. Original file also be requisitioned for the date fixed.

(Mian Muhammad) Member (Executive) Camp Court Swat

(Salah-Ud-Din) Member (Judicial) Camp Court Swat

07.10.2022

Petitioner in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Petitioner requested for adjournment on the ground that his counsel is not available today due to some domestic engagement. Last opportunity given. To come up for arguments on restoration application on 11.11.2022 before the D.B at Camp Court Swat.

(Roziná Rehman) Member (J) Camp Court Swat (Salah-Ud-Din) Member (J)

Camp Court Swat

Petitioner in person present.

Notice be issued to the respondents for submission of reply/comments and to come up for arguments on restoration application before the D.B on 06.07.2022 at camp court Swat.

(Mian Muhammad) Member (E) Camp Court Swat

06.07.2022

Petitioner present in person.

Noor Zaman Khattak, learned District Attorney for respondents present.

Former made a request for adjournment as his counsel is n ot available today. Adjourned. To come up for arguments on restoration application on 04.08.2022 before D.B at Camp Court, Swat.

(Fareeha Paul) Member (E) Camp Court, Swat (Rozina Rehman) Member (J) Camp Court, Swat

4.8.20

is adjusted to 9.9-22 for the Came

Form-A

FORM OF ORDER SHEET

Court of			
		-	
	Restoration Application No.	80/2022	

S.No.	Date of order	Order or other proceedings with signature of judge
1	Proceedings	t .
1	2	3
1	03.02.2022	The application for restoration of appeal No. 5675/2020
		submitted today by Mr. Akbar Ali Swati Advocate may be
		entered in the relevant register and put up to the Court for
-		proper order please.
		REGISTRAR,
2		This restoration application is entrusted to touring S
		Bench at Swat to be put up there on 12.5.2022.
		CHAIRMAN
		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
12 () 5.2022	Nemo for the petitioner. Notices be issued to
12.	J.2022	the respondents through registered post fo
٠.		submission of reply/comments and to come up fo
		arguments on restoration application before the
		S.B on 10.06.2022 at Camp Court Swat.
		Notice also be issued to petitioner as well as
		his counsel through registered post for the date
•		fixed.
		Jui.
		(Salah-Ud-Din)
	-	Member (J)
•		Camp Court Swa

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

CM No. 80 of 2022	
In	
Service Appeal No. 5675/2020	
Adnan	Petitioner / Appellant
VE	ERSUS
Provincial Police Officer and other	ersRespondents
	INDEX

Description of Documents Annexures Pages

1. Application 1 2. Affidavit 2 3. Copy of order Dated: 04/11/2021 A

S.

Petitioner / Appellant

Through Counsel

AKBAR ALI (SWATI)

Advocate High Court

Cell # 0333-9496818

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

CM No	of 2022	
In		
Service Appeal No.	5675/2020	
Adnan		Petitioner / Appellant
	VERSU	S
Provincial Police Of	ficer and others	Respondents

APPLICATION FOR RESTORATION OF THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

The Applicant/Petitioner submits as under;

- 1) That the above mentioned service appeal was pending before this Honorable Tribunal, in which last date of hearing was 04/11/2021.
- 2) That on 04/11/2021 this Honorable Tribunal dismissed appeal of the Petitioner/ Appellant due to non prosecution. (Copy of the order Dated: 04/11/2021 is attached herewith as annexure "A").
- That the Petitioner / Applicant was unaware of the date fixed in the above titled case, as no date was given to the Petitioner/ Appellant for appearing before the court, thus the Petitioner/ Appellant kept waiting, and finally the Petitioner came to know that the case has been dismissed vide the aforementioned order due to non prosecution.

- That absence of the Petitioner/ Appellant is not intentional, rather the same has occurred due to the reason that the Petitioner was unaware of the date being fixed in the above titled case.
- 5) That valuable rights of the Petitioner/ Appellant are involved in the instant case.
- 6) That the Petitioner/ Appellant will regularly attend the court.
- 7) That it is according to law and justice that the above titled service appeal may kindly be restored and decided on merits.

It is therefore humbly prayed that on acceptance of this application, the above titled service appeal may kindly be restored, please.

Petitioner / Appellant Through Counsel

> AKBAR ALI (SWATI) Advocate High Court

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

CM No	of 2022	1	·	
In	*			
Service Appeal N	No. 5675/2020			
Adnan . · ·			Petitioner / Appella	ınt
	VER	RSUS		,
Provincial Police	e Officer and other	s ,	Responder	nts

AFFIDAVIT

It is hereby 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 kept concealed from this august court.

DEPONENT

ADNAN

Petitioner/ Appellant in person

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

AT PESHAWAR

Khyher Pakhtukhwa Service Tribunal

Diary No. - 5047

Dated 15/6/262 Saidu Sharif

Adnan S/o Pir Muhammad Khan R/o Currently Faiz Abad Saidu Sha SwatEx Constable (Belt No 3001)APPELLANT

VERSUS

1) Provincial Police Officer Khyber Pakhtunkhwa At CPO Peshawe

2) Regional Police Officer Malakand R-III at Saidu Sharif Swat

3) District Police Officer Swat.

4) Inspector /SHO Muhammad Iqbal P.S Rahim Abad.Respondent

SERVICE APPEAL

Appeal U/S 4 of service Tribunal Act 1974 against the impugned order dated 11-04-2018 & 16-04-2020 whereby respondent No. 2 dismissed the appellant from service vide O.B No. 61, then the appellant preferred department appeal before Respondent No. 2 but the same was filed by Respondent No.2 vide order No. 3691/E dated 16-04-2020

Piledto-day

1 My

15/6/301 Prayer:-

By the acceptance of this instant service appeal, the impugned order of Respondent 2 & 3 may kindly be set aside & the appellant may kindly be re-instated into service with all back benefits.

be tule spectfully Sheweth:

Facts arising to the instant service appeal are as under:.

Pechsivar

That the appellant was initially recruited to the police department as Constable on 22-10-2010.

Service Appeal No. 5675/2020

ORDER 04.11.2021

Nemo for the appellant.

The appeal in hand was called on for hearing ofter warious intervals, however neither the appellant nor anyone else appeared on his behalf till the closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room.

ANNOUNCED 04.11.2021

(Atiq-Ur-Rehman Wazir) Member (E) Camp Court Swat (Salah-Ud-Din) Member (J) Camp Court Swat

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Date of Presentation of Application

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. TB SWAF
APPEAL No. 3675 of 20 2-0
· Adnan
• Apellant/Petitioner
Versus
PP Peshsur
RESPONDENT(S)
Notice to Appellant/Potitioner Adnan S/O Pin Mohamiad Warn R/O Gurrantly Faiz Abad Saidu Shr Swat
Take notice that your appeal has been fixed for Preliminary hearing replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on the first at the f
You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default. A Conf Court Registrar, Khyber Pakhtunkhwa Service Tribunal
Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
No. of R. A. No 80/22 TB Swart Appeal No. 5675 of 20 20 Adman Appellant/Petitioner
Appeal No
Adnan Appellant/Petitioner
Pro Peshawe y Respondent
Respondent No
Notice to: — Inspector Sito Mohamiach, 1960 P.S WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been provinced.
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa
110 the Service 1110 that 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
*onat 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 alternative in the day of the
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.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodateddated
Given under my hand and the seal of this Court, at Peshawar this
Day of
Welams Court Swat Registrar,
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note:

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

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•	PPO	Peshav	sus VO Y	Responder	ıt
	·		Respondent No	3	
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		-		Peshawar.	• •

Note:

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

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
No. Restoration App: No 80/22 TB SWART
Appeal No. 5675 of 20 20
Appellant/Petitioner
PDO PEShawe 6 Respondent
Respondent No. 2
Notice to: - Kegional Police officer Malakand R 111 at Saidu Sharif Swal
R 111 at Saido Sharif Swal
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
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.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodateddated
Given under my hand and the seal of this Court, at Peshawar this.
Day of 6 20)2 If camp Court Swut () Registrar,
Swh Registrar, Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note:

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

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D .	JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.
No.	R. A. NO 80/22 TB Swat
140.	Appeal No. 5675 of 20 20
	Adnam Appellant/Petitioner
	PPO PERNAY Respondent
	Respondent No
Notice to:	- Provincial Police Officer efo
	EREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa
the above hereby in *on	Service Tribunal Act, 1974, has been presented/registered for consideration, in case by the petitioner in this Court and notice has been ordered to issue. You are formed that the said appeal/petition is fixed for hearing before the Tribunal at 8.00 A.M. If you wish to urge anything against the petitioner you are at liberty to do so on the date fixed, or any other day to which may be postponed either in person or by authorised representative or by any duly supported by your power of Attorney. You are, therefore, required to file in that least seven days before the date of hearing 4 copies of written statement any other documents upon which you rely. Please also take notice that in form the fixed and in the manner aforementioned, the etition will be heard and decided in your absence.
given to y address. I address g notice po this appe	tice of any alteration in the date fixed for hearing of this appeal/petition will be you by registered post. You should inform the Registrar of any change in your If you fail to furnish such address your address contained in this notice which the fiven in the appeal/petition will be deemed to be your correct address, and further sted to this address by registered post will be deemed sufficient for the purpose of al/petition.
Co	py of appeal is attached. Copy of appeal has already been sent to you vide this
office No	tice Nodateddated
Gi	ven under my hand and the seal of this Court, at Peshawar this
Day of	<u></u>
et c	amf coust
	Swat Registrar, Khyber Pakhtunkhwa Service Tribunal,
	Peshawar.

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

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<u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.</u>

C.M No. /2020 in Service Appeal No.5675/2020

Adnan	
-------	--

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa Peshawar & others.

.....Respondents

REPLY BY RESPONDENT

Respectfully Shewith,

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. That Appellant and his counsel without any reasonable cause willfully absented from hearing in order to waste the precious time of honorable Tribunal and did not pursue the case properly.
- 3. Incorrect. As stated above, appellant and his counsel without any reasonable cause willfully absented from hearing in order to waste the precious time of honorable Tribunal and did not pursue the case properly.
- 4. Incorrect. The petitioner was well aware of the date fixed in the Court, however the appellant deliberately absented from hearing in honorable Tribunal.
- 5. Incorrect. No valuable and precious rights of the appellant are involved in the instant appeal as the appellant has willfully absented himself from the hearing and did not pursue the case in Service Tribunal.
- That the appeal of the appellant had once dismissed due to his deliberate absence from hearing and restoration of appeal will waste precious time of this honorable Court.

Incorrect. There are no law/rules 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/dismissed with costs.

Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar (Respondent No. 01)

> Regional Police Officer, Malakand Region (Respondent No. 02)

District Police Officer (Swat (Respondent No. 06)

SHO P.S Rahimabad (Respondent No. 04)

BEFÖRE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

C.M No. /2020 in Service Appeal No.5675/2020 |

Adnan

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa Peshawar & others.

.....Respondents

AUTHORITY LETTER

We, the above respondents do hereby authorized Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled C.M

Provincial Police Officer, Khyter Pukhtunghwa, Peshawar (Respongent No. 1)

> Regional Police Officer, Malakand Region (Respondent No. 2)

District Police Officer Swat (Respondent No. 93)

SHO P.S Rahimabad (Respondent No.04)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

C.M No... /2020 in Service Appeal No.5675/2020

Adnan

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa Peshawar & others.

.....Respondents

<u>AFFIDAVIT</u>

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



Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar (Respondent No. 1)

> Regional Police Officer, Malakand Region (Respondent No. 2)

District Police Officer Swat (Respondent No. 03)

SHO P.S Rahimabad (Respondent No. 03)