14<sup>th</sup> Nov, 2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. To come up for arguments on 12.12.2022 before the D.B at Camp Court Abbottabad.

(Salah Ud Din)

(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad

(Kalim Arshad Khan) Chairman Camp Court Abbottabad

SCANNED KPST Peshawan

12<sup>th</sup> Dec, 2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 20.02.2023 before the D.B at Camp Court Abbottabad.

(Salah Ud Din) Member (Judicial)

Camp Court Abbottabad

(Kalim Arshad Khan) Chairman Camp Court Abbottabad Petitioner present through counsel.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

Arguments heard. Record perused.

Application in hand was submitted on 30.05.2022 for restoration of main service appeal which was dismissed in default vide order dated 18.05.2022.

It was submitted by the learned counsel for petitioner that on the date of hearing he was busy in the august Peshawar High Court and that case was called but none appeared on behalf of petitioner due to the reason mentioned above, therefore, he requested for restoration of the instant service appeal

Learned AAG shows no objection on acceptance of the instant application seeking restoration of main appeal.

In view of the above, instant application being filed well within time, is accepted and the main service appeal stands restored. It be properly registered. Case be put up for arguments before D.B on 15.08.2022.

(Fareena Paul) Member (E) Camp Court A/Abad

# Form-A FORM OF ORDER SHEET

Court of						
_	 			212	•	

## Restoration Application No. 313 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.05.2022	The application for restoration of appeal No. 340/2019 submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.
2		REGISTRAR CL
	de bed and theted	at A.Abad to be put up there on 15-6-22. Original file be
	Noov M (Par	requisitioned. Notices to the appellant be also issued for the
	Noted mondfletted	date fixed.
		CHAIRMAN

9

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

C.M NO. 313

APPEAL NO: 340/2019

**SHERAZ KHAN** 

V/S

**POLICE DEPTT:** 

# INDEX

S.N O	DOCUMENTS	ANNEXURE	PAGE
1	Application for restoration		1
2	Affidavit		2
3	Case list of Peshawar high court as well as principal bench of this tribunal	A	3-6
4	Memo of appeal & order sheets	В	7-10
5	Wakalat Nama	*********	27

Dated: 30.05-2022

**APPELLANT** 

Through:

NOOR MOHAMMAD KHATTAK ADVOCATE

BC 10/0853 0345-9383141



# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM. NO. 3/3 /2022 IN APPEAL No. 340/2019

**SHERAZ KHAN** 

VS

**POLICE DEPT:** 



# APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

## R/SHEWETH:

- 1- That the above title appeal was pending adjudication before this Hon'ble Court which was fixed on 18-05-2022.
- 2- That the counsel for the appellant was busy at Peshawar High Court, Peshawar and also there were 13 cases fixed before the Principle Bench of this Tribunal at Peshawar due to this reason the council for the appellant did not appeared. Copy of the cause list of Peshawar High Court as well as principle bench of this tribunal are attached as annexure
- 4-: That as the matter pertaining in the appeal has not been decided on merit, therefore the mentioned appeal be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mention appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned appeal may very kindly be restored.

Dated: 30.05.2022

APPLICANT/APPELLANT

Through:

NOOR MUHAMMAD KHATTAK

Advocate, Peshawar



# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 340/2019

SHERAZ KHAN

VS

POLICE DEPTT:

## **AFFIDAVIT**

I Sheraz khan Constable No. 494 Police Line Haripur District Haripur, do hereby solemnly affirm that the contents of the instant Application of Restoration are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

(APPELLANT)

Cell No. 0343-8865988 Cell No. 0317-2213383

**IDENTIFIED BY:** 

NOOR MOHAMMAD KHATTAK

ADVOCATE



# PESHAWAR HIGH COURT, PESHAWAR

# DAILY LIST FOR WEDNESDAY, 18 MAY, 2022

<u>MR. JUSTICE LAL JAN KHATTAK &</u> MR. JUSTICE ABDUL SHAKOOR

Court No: 3

BEFORE:-

## MOTION CASES

16. W.P 1532-P/2022 with IR(Service-Provincial-Civil Services-Promotion) (191708)

Atta ur Rehman V/s Govt of KP etc

Muhammad Zafar Khan Tahirkh

Secretary PDA, Mirzali Khan, Abdul Rauf, Writ Petition Branch AG Office

W.P 1557-P/2022 with IR(Service-Provincial-Civil Services-Appointment-DSC(Merit)) (191796

**Muhammad Tanveer** V/s Govt of KP & others Noor Muhammad Khattak

Nemo, Muhammad Ilyas, Writ Petition Branch AG Office

18. W.P 1647-P/2022 with IR(NADRA-CNIC) (192117)

V/s

Muhammad Siddique & anothe Muhammad Ahmad Asif Parach (Kohát)

DG NAB & others

Deputy Attorney General, Muhammad Mubarik, Mirza Kha Manmood., Writ Petition Branch AG Office, Muhammad Mubarik Jan

19 W.P 1654-P/2022 with IR(Minining Concession-License) (192148)

Said Majan V/s Mian Asif Aman

Secretary Mines & Minerals KP & others

Siraj Ahmad Khan, Writ Petition Branch AG Office, Yousaf Ali Khan, Ishfaq Ahmad Saleem

20. W.P 1656-P/2022 with IR(Minining Concession-License) (192151)

Ghulam Rasool V/s Secretary Mines & others Mian Asif Aman

Siraj Ahmad Khan, Writ Petition Branch AG Office, Yousaf Ali Khan, Ishfaq Ahmad Saleem



## PESHAWAR HIGH COURT, PESHAWAR

## DAILY LIST FOR WEDNESDAY, 18 MAY, 2022

BEFORE:-

## JUSTICE MS. MUSARRAT HILALI & MR. JUSTICE MOHAMMAD IBRAHIM KHAN

Court No: 4

### NOTICE CASES

14. W.P 4877-P/2019 With CM 2497p/2019(N)(Service -Federal-Civil Services-Promotion) (148694)

Sved Sultan Asad V/s

National Bank of Pakistan

Hafeezul Asad shangla

Deputy Attorney General, Riaz Hussain, Kashif Zaman, Writ Petition Branch AG Office, Muhammad Ali Adv

15. W.P 580-P/2020(Service-Provincial-Civil Services-Appointment-DSC(Merit)) (156060)

Aftab Khan (Date By Court) V/s District Education Officer (M) Mardan

Fazal Shah Mohmand

Hidayatullah (Focal Person), Kashif Zaman, Muhammad Kha Matten, Writ Petition Branch AG Office

16. W.P 1319-P/2020 With CM 2104p/2021(M)(Crimina I-IIIegal<sup>\*</sup> Dispossession) (157201)

Shaheen Shah V/s The State

Arshad Zaman (Peshawari)

Shakir Ullah Afridi, Writ Petition Branch AG Office

COURT (CIVIL)

C.R 636/2021 MODEL Gul Wazir & others Abdul Wahab

Arshad Zarnan (Peshawari)

W.P 1522-P/2020 With IR(Service-Provincial-Civil Services-ge Relaxation) (157771)

Awal Said V/s Government of KPK Noor Mohammad Khattak

Nasir Naeem, Muqarrab Khan, Writ Petition Branch AG Office



# L LIST OF SB CASES FIXED BEFORE MR MIAN MUHAMMAD MEMBER (J) KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

# 18/05/2022 (WEDNESDAY )

# PRELIMINARY HEARING

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
	11/22	M ISMAIL & (01)	HEALTH	
01:	7557/21	NOSHAD BEGUM	EDU .	
03	7558/21	HASHMAT KHAN & (01)	POLICE	
04	7560/21	MUZAFFAR IQBAL	POLICE	
05)	7565/21	QAIM KHAN	EDU	
U0 -	7566/21	SHER BAHADUR	POLICE	
07	7471/21	SAJID SARDAR	POP	
08	7581/21 ·	GULZAR TABASUM & (01)	EDU	
<u> </u>	7817/21	ZIA UR REHMAN	HEALTH	
705	7274/21	KAMAL MUHAMMAD	POLICE	
11	452/22	BAKHT AMIN	FOREST	-
12				

# EXECUTION PETITION

5.110	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
S.NO		AURANGZEB KASHMERI		
01	67/22	GUL MEENA	POLICE	
02	131/22	TARIQ UMAR	POLICE	
03	147/21	JEHANZEB	EDU	
04	169/20	DARR UL ULOOM	EDU	
05	133/20	NAZIR AHMAD	C&W	
06)	151/21	UMAR DARAZ	POLICE	
07	334/21	FURQAN JAVED	POLICE	
08	154/22 120/22	MUSHTAQ HUSSAIN	SMBR	
09		ABID JAWAD	POLICE	<u> </u>
10-	122/22	ZAKIR ULLAH	POLICE	
.11	135/22 195/22	SHAKIR ULLAH	EDU	

### REPLY

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		APPELLANT NAME	DEPTT	NEXT DATE
S.NO	APPEAL	APPELLANT MASTE	EDU	
01)	9996/20	SAIF UR REHMAN & (05)	EDU .	_
02	9396/20	ABDUL HAKEEM		
03	6605/21	HAROON RASHEED	HEALTH	
	2958/21	RASHID AYUB	HEALTH	
04	6616/21	WAQAR AHMAD	LG	
05		SHAMS UR REHMAN	POLICE	
06	2957/21	FAWAD YOUSAF & (08)	POLICE	
<b>(77)</b>	5740/20	ZUHRAN ULLAH	HEALTH	
08 —	15577/20		POLICE	
69	12451/20	IMTIAZ AHMAD	POLICE	
10	6619/21	M RAZA	EDU	
11	1626/21	MUHIB ULLAH & (01)		
12	564/22	SONIA IKHLAS		
1-2	1			
			<u>.                                      </u>	

READER

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# TIST OF DB CASES FIXED BEFORE MR SALAH UD DIN MEMBER (J) & ROZINA REHMAN MEMBER (J) KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.



### ARGUMENTS -

### 18/05/2022 (WEDNESDAY)

1 2 3	1116/14 492/16	ZAHOOR UD DIN	EDU	
3				
	**************************************	ZAHOOR UD DIN	EDU	
	1405/14	ABDUL HAMEED	ESTAB	
4	108/16	INAYAT KHAN	EDU	
5	110/16	M. SOHAIL		
6)	1407/17	FARASH KHAN	FOREST	
7	671/17	MURAD ULLAH (1)	PRISON	
8	321/18	M. AYAZ	EDU	
9	1199/18	FAZAL SUBHAN	ESTAB	
10	.143/19	M. USMAN	FOREST	
11	491/19	GOHAR ALI	INDUST	
12)	2091/19	HAFEEZ UR REHMAN (6)	POLICE	
13)	404/20	RAHAM ZEB	IRRI	
14	11152/20	FAROOQ KHAN	POLICE	
15)	1529/20	ATIQ UR REHMAN	EDU	<u> </u>
16	15916/20	ATA ULLAH	POLICE	•
17	11127/20	QADIR MUNIR	POLICE	
18	5611/21	DR. TAMANA GUL	HEALTH	
19	7051/21	SALIM KHAN (13)	POLICE	
20)	7671/21	ZIA UR REHMAN	HEALTH	
21	6856/21	ASIF IQBAL	POLICE	
22)	7279/21	SAID NAWAZ (1)	POLICE	
23	7500/21	BASHIR AHMAD	COMMIS	
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1		M. KABIR SHAH	JUDICIARY	
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ANNEX B

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

APPEAL NO. 340 /2019

Diary No. 3/

Mr. Sheraz Khan, Constable No. 494,

**APPELLANT** 

Police Line Haripur, District Haripur...

### **VERSUS**

1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

2- The Regional Police Officer, Hazara Region at Abbottabad.

3- The District Police Officer, District Haripur.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.06.2018 WHEREBY THE INTERVENING PERIOD i.e. W.E.F. 06.03.2014 TILL 28.06.2018 HAS BEEN TREATED AS LEAVE WITHOUT PAY AND AGAINST THE APPELLATE ORDER DATED 13.12.2018 COMMUNICATED TO APPELLANT ON 15.2.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO **GOOD GROUNDS** 

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 13.12.2018 communicated to the appellant on 15.2.2019 may very kindly be set aside and the original Filed to-day impugned order dated 28.06.2018 and may very kindly be modified/rectified to the extent that the intervening period w.e.f. 6.3.2014 till 28.6.2018 may be treated as earned leave. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

# R/SHEWETH: **ON FACTS:**

Brief facts giving rise to the present appeal are as follows:-

- 1- That appellant is the employee of the respondent Department and is serving as Constable No. 494 quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service the appellant had been dismissed from service vide order dated 06.03.2014 on the ground that the appellant was involved in FIR No.358. That appellant feeling aggrieved from the impugned order dated 06.03.2014 filed Departmental appeal by following service appeal No. 913/2014. Copy of the order dated ... 06.03.2014 is attached as annexure....



3- That this august Tribunal allowed appeal of the appellant and set aside the impugned order dated 06.03.2014 vide judgment dated

- 5- That appellant feeling aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

### **GROUNDS:**

- A- That the impugned orders dated 28.06.2018 and 13.12.2018 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified to the extent of back benefits.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent Department acted in arbitrary and malafide manner by treating the intervening period as leave without pay.
- D- That the respondents discriminated the appellant on the subject noted above by treating the intervening period w.e.f. 11.03.2014 is leave without pay.
- E- That the action and inaction of the respondents are not in accordance with law and rules, therefore the impugned order dated 22.03.2018 is liable to be modify/rectify to the extent of back benefits i.e. w.e.f. 11.03.2014.
- F- That the impugned order dated 4.12.2017 is violative of FR-14(A) of the Fundamental Rules, therefore not tenable and liable to be modified.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

9

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

SHERAZ KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

ę.

MIR ZAMAN SAFI ADVOCATES

Khyb Thomas

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31/

24/5/21

Appert No. 340/2018 Sherry Khan VS Goit

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18.05.2022

Appellant absent. Learned counsel for the appellant absent. Mr. Asif Masood, Deputy District Attorney for respondents present. Called for several times but no one appeared on behalf of the appellant. Consequently, the present appeal is dismissed for non-prosecution. Consign.

Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal this 18<sup>th</sup> day of May, 2022.

(Fareena Paul) Member(E) (Kalim Arshad Khan) Chairman Camp Court Abbottabad

24-5-23

11/1-

24-5-22

# **VAKALATNAMA**

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

NO:	OF 2022
Shevaz Khan	(APPELLANT) (PLAINTIFF) (PETITIONER)
<u>VERSUS</u>	
Police	(RESPONDENT) (DEFENDANT)
I/We Sharag Khan	
KHATTAK Advocate, Peshawar to compromise, withdraw or refer to an my/our Counsel/Advocate in the without any liability for his default an engage/appoint any other Advocate Counting I/we authorize the said Advocate to receive on my/our behalf all sums and deposited on my/our account in the all	bitration for me/us as above noted matter, d with the authority to ounsel on my/our cost. deposit, withdraw and amounts payable or
Dated//2022	a Share
<i>)</i> -	CLIENTS ACCEPTED
	FAROOQ MOHMAND
	KAMRAN KHAN
	HAIDER ALI

KHANZAD GUL ADVOCATES

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
Regd Judicial Complex (OLD), KHYBER ROAD, PESHAWAR. No. Restoration APPGNO 3/3/22 7B A/A
Appeal No of 20
Sheruz 10ham Appellant/Petitioner
Versus 16 P Roshawor Respondent
Respondent No
Notice to: _ Districts Police officer Haripor
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
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
Day of 6 20 27  It camp court  MAlord
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Registrar, Khyber Pakhtunkhwa Service Tribunal,
Anyber Fakitunkiwa Scrvice Friounai,

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.

Note:

6)	KHYBER PAKHTUNKHWA SERVICE T JUDICIAL COMPLEX (OLD), I	RIBUNAL, PESHAWAR.
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	167 Postreusor	Respondent
	Respond	ent No
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the above hereby in *onappellant the case Advocate this Cour alongwit default of appeal/pe	ce Service Tribunal Act, 1974, has been present ove case by the petitioner in this Court and not informed that the said appeal/petition is fix	ce has been ordered to issue. You are sed for hearing before the Tribunal wish to urge anything against the date fixed, or any other day to which authorised representative or by any You are, therefore, required to file in aring 4 copies of written statement ely. Please also take notice that in an the manner aforementioned, the ence.
address, address anotice po	s. If you fail to furnish such address your addres given in the appeal/petition will be deemed to posted to this address by registered post will be peal/petition.	ss contained in this notice which the beyour correct address, and further
Co	Copy of appeal is attached. Copy of appeal ha	s already been sent to you vide this
office No	Notice Nodatedd	2
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	Khybe	. Registrar, er 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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Peshawar.

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	19P	y,	ensus. Chámar	Resp	
			Respondent	No	***************************************
Notice to:	Regional	Police	officer	Hazax	Region
			AlAbo	aS	
Province Serthe above cashereby, information appellant/pet the case may Advocate, dulthis Court at alongwith an default of you appeal/petition.  Notice given to you address. If you address given notice posted this appeal/petition.	vice Tribunal Act, e by the petitioner ped that the said 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2	, 1974, has been in this Could appeal/pet appeal/pet appeal/pet appears of the first upon when the date of the decided in the date of the address strion will be registered parts appears to a strict appears to a strict appears to a strict a strict appears to a strict a strict appears to a strict a strict a strict a strict appears to a strict a	een presented art and notice hition is fixed A.M. If you wish so on the date on or by auth Attorney. You date of hearing ich you rely. Tixed and in the your absence fixed for hearing dinform the your address endeemed to be your will be decembed.	l/registered for as been order for hearing be shown to urge any efixed, or any orised repressare, therefore a 4 copies of Please also the manner afficient ained in the correct accent of a contained in the correct accent of a correct	ber Pakhtunkhwa or consideration, in red to issue. You are efore the Tribunal ything against the other day to which entative or by any e, required to file in written statement ake notice that in orementioned, the eal/petition will be any change in your is notice which the ddress, and further t for the purpose of
Copy of	f appeal is attach	ed. Copy of	appeal has al	ready been se	ent to you vide this
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			KHYDUL F	akmunknwa Peshaw	

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.

Note: