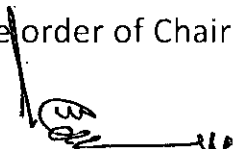


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 728/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.12.2022	<p>The application for restoration of Appeal No. 986/2018 submitted today by Syed Mudassir Pirzada Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

In Re: *Restoration Appli no-728/2022*

Restoration Application No.625/2022  
In Service Appeal No.986/2018

Ex-Constable Naimat Ullah Khan. . . **APPLICANT/APPELLANT**

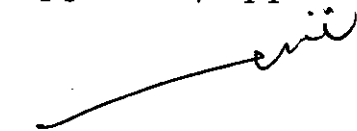
**VERSUS**

Inspector General of Police & others. . . . . **RESPONDENTS**

**I N D E X**

<b>S.#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Restoration Application alongwith Affidavit		1-2
2.	Attested Copy of Order dated 21.11.2022		3-4

Applicant/Appellant  
Through



**Syed Mudassir Pirzada**  
Advocate High Court  
Cell: 0345-9645854

Dated: 13.12.2022

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

In Re: *Restoration Appli. No. 728/2022*

Khyber Pakhtunkhwa  
Service Tribunal

Restoration Application No.625/2022  
In Service Appeal No.986/2018

Diary No. *2292*

Dated *13/12/2022*

Ex-Constable Naimat Ullah Khan. . . **APPLICANT/APPELLANT**

**VERSUS**

Inspector General of Police & others. . . . . **RESPONDENTS**

**APPLICATION FOR RESTORATION**  
**OF THE TITLED CASE WHICH WAS**  
**DISMISSED-IN-DEFAULT BY THIS**  
**HON'ABLE TRIBUNAL, VIDE ORDERS**  
**DATED 05.10.2022 & 21.11.2022.**

**Respectfully Sheweth:**

1. That the titled appeal was pending adjudication before this Hon'ble Tribunal, which was dismissed-in-default, vide order dated 05.10.2022.
2. That earlier an application bearing No.625/2022 for restoration of the titled appeal was filed by the appellant, but unfortunately the same was also dismissed in default, vide order dated 21.11.2022. (Attested copy of Order is attached).
3. That on 21.11.2022 due to strike of lawyers community, the counsel for appellant could not appear before this Hon'ble Tribunal.
4. That the clerk of the counsel has also brought this fact before the Hon'ble Tribunal, which was not considered.

5. That the absence of the applicant/appellant or his counsel was neither deliberate nor willful, but due to aforesaid reasons.
6. That since valuable rights of applicant/appellant are involved, therefore, the same needs to be decided on its own merit.
7. That the spirit of law is decision on merits rather dismissal on technicalities.

It is, therefore, prayed that on acceptance of this application, the application for restoration of the titled appeal may please be restored to its original number and thereafter the same may please be decided in its own merits.

Applicant/Appellant  
Through

  
**Syed Mudassir Pirzada**  
Advocate High Court

Dated: 13.12.2022

### **AFFIDAVIT**

I, Syed Mudassir Pirzada Advocate High Court, as per information conveyed to me by my client, do hereby solemnly affirm and declare that the contents of the accompanying **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
ADVOCATE

bc-09-1969

CNC: 14301-8368535-1

Cell: 0345-9645854



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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 986 2018



Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

(Appellant)  
Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 1171

Dated 17-7-2018

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
- 3:- DISTRICT POLICE OFFICER KOHAT

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 02-03-2018 VIDE NO 222 IN WHICH THE RESPONDENT NO:-3 CONDUCT THE DENOVA ENQUIRY FOR BACK BENEFIT IN COMPLIANCE TO THE ORDER OF KPK SERVICE TRIBUNAL THE RESPONDENT NO-3 AGAIN DISMISS THE APPELLANT WITHOUT ANY COGENT REASON FEELING AGGRIVED THE APPELLANT PREFER DEPARTMENTAL REPRESENTATION DATED 06-03-2018 WHICH WAS NOT CONSIDER NOR ENTERTAIN TILL DATE.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant may please be re instated in the service with all back benefits are blessed with any other remedy as the honorable tribunal deem proper.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving as constable Belt No-750 in District Police Kohat and a false criminal case was register against the appellant dated 06-08-2014 u/s 377/367-A382/34/109 along with other accused PS Bilitang Kohat.

That due to above mentioned criminal case the appellant was dismissed from service and then the honourable service tribunal reinstated the appellant in to service and so far as for back benefits honourable tribunal directed the respondent to conduct the denova enquiry but due to non reading and mis

Filed to Registrar  
17/7/18

Re-submitted to Registrar and filed.

10/8/18

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

+ (3) A

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



*Restoration Appli. no. 625/2022*

Khyber Pakhtunkhwa  
Service Tribunal

In Re:

Diry No. 1638

Service Appeal No.986/2018

Dated 19-10-2022

Ex-Constable Naimat Ullah Khan. . . **APPLICANT/APPELLANT**

**VERSUS**

Inspector General of Police & others. . . . . **RESPONDENTS**

**APPLICATION FOR RESTORATION**  
**OF THE TITLED APPEAL WHICH WAS**  
**DISMISSED-IN-DEFAULT BY THIS**  
**HON'ABLE TRIBUNAL, VIDE ORDER**  
**DATED 05.10.2022.**

**Respectfully Sheweth:**

1. That the titled appeal was pending adjudication before this Hon'ble Tribunal, which was dismissed-in-default, vide order dated 05.10.2022. (Attested copy of the Order dated 05.10.2022 is attached).
2. That the counsel for the applicant/appellant has ensured his attendance on date fixed with the Reader concerned.

Certified to be true copy  
EX-DRAINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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21<sup>st</sup> Nov, 2022

1. Nemo for petitioner present. Mr. Muhammad Adeel Butt  
Additional Advocate General for the respondents present.

2. On pervious date neither the appellatnt nor his counsel  
was present and the case was adjourned for today. But today  
again nobody put appearance on behalf of the appellatnt till last  
hours of the court, therefore, the appeal is dismissed in default.  
Consign.

3. *Pronounced in open court and given under my hand and  
seal of the Tribunal on this 21 day of November, 2022.*

  
(Kalim Arshad Khan)  
Chairman

22-11-2022

Date of Presentation of Application \_\_\_\_\_

Number of ~~Words~~ Page 2 - Pages

Copying Fee 10/-


Urgent \_\_\_\_\_

Total 10/-

Name of Copyiest \_\_\_\_\_

Date of Completion of Copy 30-11-22

Date of Delivery of Copy 01-12-22

**Certified to be ture copy**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**