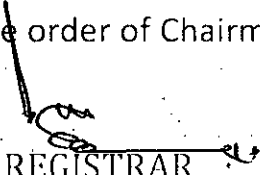


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 727/2022

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. 7935/2021 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 style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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

In Re: *Restoration appli. no-727/2022*

Restoration Application No.624/2022  
In Service Appeal No.7935/2021

Constable Ali Faisal. . . . . **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

Through Applicant/Appellant

*[Signature]*  
**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. 727/2022*

Restoration Application No.624/2022  
In Service Appeal No.7935/2021

Constable Ali Faisal. . . . . **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.**

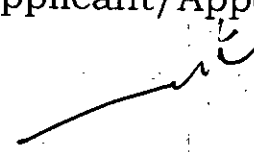
**Respectfully Sheweth:**

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.624/2022 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.

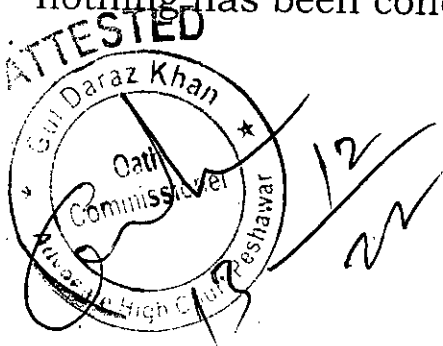
Applicant/Appellant  
Through

  
**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

(1) (3)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no 7935/2021

Constable Ali Faisal No: 194 Police lines Kohat

(Appellant)  
Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 8048

Dated 16/12/2021

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

(Respondent)



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 13.10.2017 VIDE OB-NO-839 IN WHICH THE RESPONDENT NO:-3 DIRECTLY AWARD THE MINOR PUNISHMENT OF STOPPAGE OF TWO YEARS INCREMENTS WITH CUMULATIVE EFFECT WITHOUT ANY LAWFUL JUSTIFICATION THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 21.09.2021 AND THE SAME WAS REJECTED ON DATED 16.11.2021

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondent No-3 may be set aside with all consequential back benefits

Respectfully Sheweth,

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

Facts:

1. Briefly facts are that as per the impugned order are that the appellant was posted as PS. Cantt upon the allegations (i) reported reputation is being corrupt (ii) Links with criminals the respondent No: 3 award the punishment of stoppage of two years increments with cumulative effect (Copy of impugned order is annexed as annexure A)

Filed to Day  
16/12/21  
Registration

2. That upon the above score allegation the appellant was issued with the charge sheet and the appellant duly submitted his reply to the charge sheet but the inquiry officer in his biased so called conducted enquiry held guilty (Copy of reply to the charge sheet is annexed as annexure B)

3. That the appellant feeling aggrieved from the impugned order prefer departmental representation on dated 21-9-21 which were too rejected on dated 16.11.2021 (Copy of representation along with rejection order annexed as annexure C)

4. That the appellant was not associated in the inquiry proceedings nor called in OR room only on the basis of charge sheet appellant has been awarded impugned punishment as in the absence of issuing final show cause notice

TESTED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

R.A# 624/2022 (4)  
Ali Faisal vs Govt



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 appellant nor his counsel  
was present and the case was adjourned for today. But today  
again nobody put appearance on behalf of the appellant 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

Date of Presentation of Application 22-11-2022  
Number of <sup>Page</sup> 2-P  
Copying Fee 10/-  
Urgent —  
Total 10/-  
Name of Copy —  
Date of Completion of Copy 30-11-22  
Date of Delivery of Copy 01-12-22

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar