

27.12.2019


Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mian Rashid Ali S.I (Legal) present.

Arguments heard. File perused.

Learned counsel for the petitioner raised the plea that the instant application for restoration of service appeal No.1425/2017 was filed within time and in the interest of justice, the same may be allowed, to which learned DDA showed his no objection.

In view of above the present application for restoration of Service Appeal No. 1425/2017 is allowed and the main service appeal is restored. To come up for arguments on main service appeal on 04.03.2020 before D.B. No order as to costs. File of the instant application be consigned to the record room.


Member


Member

04.10.2019


Counsel for the petitioner present. Addl: AG
alongwith Mr. Jawad Hamid, SDO for respondents present.
Learned counsel for the petitioner seeks adjournment.
Adjourned. To come up for further proceedings on
08.11.2019 before D.B.


Member

Member

08.11.2019

Learned counsel for the petitioner present. Mr. Mr. Zia Ullah
learned Deputy District Attorney alongwith Rashid Ali SI present.
Representative of the respondent department seeks time to furnish
reply. Granted. To come up for reply and arguments on 27.12.2019
before D.B.






Member


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 249/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.06.2019	<p>The application for restoration of appeal No.1425/2017 submitted by Mr. Taimur Ali Khan 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>
2	10-7-19	<p>This restoration application is entrusted to D. Bench to be put up there on <u>04-09-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
04.09.2019		<p>Learned counsel for the appellant present. Notice be issued to the respondents for 04.10.2019 before D.B. Original record be requisitioned for the date fixed</p> <p style="text-align: center;">  (Hussain Shah) Member  (M. Amin Khan Kundi) Member </p>

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.
Restoration Application No. 249/2019
Appeal No.1425/2017



Muhammad Zubair

V/S

Police Deptt:

.....
**APPLICATION FOR RESTORATION OF INSTANT
APPEAL WHICH WAS DISMISSED IN DEFAULT ON
13.06.2014 DUE TO NON-PROSECUTION.**
.....

RESPECTFULLY SHEWETH:

1. That the instant appeal was pending before this august Tribunal, which was fixed on 13.06.2019 for arguments.
2. That the counsel for the appelland was engaged with a patient in hospital due to which he could not attend the court in the instant appeal on the date fixed, i.e. 13.06.2019 due to which the instant appeal was dismissed in default due to non-prosecution. **(Copy of the order sheet dated 13.06.2019 is annexed)**
3. That the appelland has a good prima facie case and to be decided on merit to meet the ends of justice.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be restored and decide the case on merit to meet the ends of justice.


Appellant

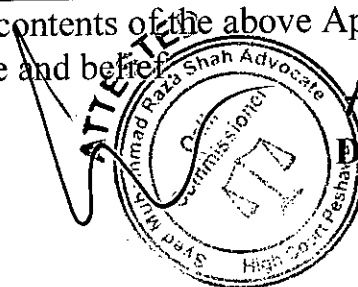
THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

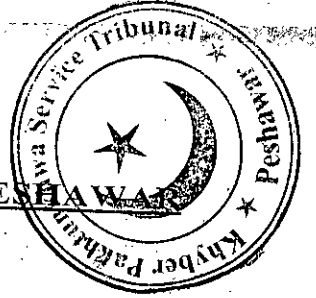
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1425 /2017

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1396

Dated 08/12/2017

Muhammad Zubair, Ex-Constable, No.198,
Police station Darbani.

.....(Appellant)

VERSUS

1. The Provincial Police Officer, KPK Peshawar.
2. The Regional Police Officer Hazara, Region Abbotabad.
3. The District Police Officer Torghar.

.....(Respondents)

APPEAL UNDER SECTION

13.06.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mian Rashid Ali, S.I (Legal) for the respondents present. Called several times till 4:00 PM but no one appeared on behalf of the appellant nor he was present in person. Therefore, the appeal in hand is dismissed in default. File be consigned to the record room.

ATTESTED

ANNOUNCED
13.06.2019

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Signature)
(AHMAD HASSAN)
MEMBER

(Signature)
(M. AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 20-6-2019
 Number of Words 410
 Copying Fee 4
 Urgent 2
 Total 6
 Name of Applicant 4
 Date of Completion of Copy 20/6/19
 Date of Delivery of Copy 20/6/19

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Restoration Application No. 249/2019

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Muhammad Zubair

V/S

Police Deptt:

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THROUGH:


Appellant


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ANNOUNCED
13.06.2019

(AHMAD HASSAN)
MEMBER

Muhammad Amin Khan Kundi
(M. AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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