


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 94/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.02.2023	<p>The application for restoration of appeal no. No.3438/2021 submitted today by Mr. Fida Muhammad Yousafzai Advocate. It is fixed for hearing before Single Bench at Peshawar on Original file be requisitioned. Parcha Peshi is given to applicant/Counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Restoration Application No. 94/2023

C. M No. _____/2023

In Service Appeal No: 3438/2021

Jehan Afsar

VERSUS

Inspector General of Police, etc

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3	Copy of order dated: 31-01-2023	AA	4-5

Applicant/Appellant

Through

[Signature]
Fida Muhammad Yousafzai

Advocate High Court.

Call# 03149033235

Khanyouafzi321@gmail.com

B.c 16-6512

Dated: 22-02-2023

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Restoration Appli. No. 94/2023

C. M No. _____/2023
In Service Appeal No: 3438/2021

Jehan Afsar

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 3711

VERSUS

Dated 22/2/2023

Inspector General of Police, etc

APPLICATION FOR THE GRANT OF ORDER OF
RESTORATION OF SERVICE APPEAL No.
3438/2021 WHICH WAS DISMISSED IN DEFAULT
FOR APPEARANCE ON DATE FIXED VIDE
ORDER DATED: 31-01-2023 BY THE HON'BLE
TRIBUNAL.

Respectfully Sheweth:

The appellant/applicant most humbly submits as under:

1. That the above captioned appeal was pending in this Hon'ble Tribunal, which was dismissed in default on 31-01-2023 by the Hon'ble Tribunal.
2. That the non-appearance of the applicant/appellant was not intentional but due to the mistake of noting incorrect date, i.e. 13-02-2023.
3. That on 13-02-2023 the applicant/appellant when appeared before the Hon'ble Tribunal, he was informed that the case is not fixed on that day, so after thorough scrutiny of the cause lists of Hon'ble Tribunal, it revealed that the case was fixed on 31-01-2023 which was dismissed in default due to absence of appellant/applicant.

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{True copy of order dated: 31-01-2023 is attached, as mark Annex-AA}

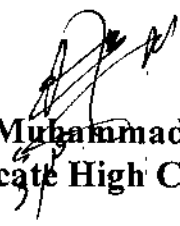
4. That the non-appearance of the applicant/appellant is not intentional but due the reason mentioned above.
5. That the present application, in the circumstances mentioned above, is well within time and being involvement of valuable rights of the applicant/appellant, restoration of the appeal and its decision on merits is the need of hour and in the best interest of justice.
6. Other points will be raised at the time of arguments.

**IT IS, THEREFORE, MOST HUMBLY SUBMITS
THAT WHILE ACCEPTING THE INSTANT
APPLICATION, ORDER OF RESTORATION OF
SERVICE APPEAL MAY KINDLY BE PASSED
AND THE APPLICANT BE PERMITTED TO
ARGUE THE MATTER ON MERITS.**

Dated: 22-02-2023

Through

Applicant/Appellant


**Fida Muhammad Yousafzai
Advocate High Court.**

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**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR.**

C. M No. _____/2023
In Service Appeal No: 3438/2021

Jehan Afsar

VERSUS

Inspector General of Police, etc

AFFIDAVIT

I, Fida Muhammad Yousafzai, Advocate High Court, Peshawar (as per instructions of my client), do hereby solemnly affirms and declare upon oath that the contents of the instant application are true and correct to the best of information given by my client and nothing has been kept concealed or withheld from this Hon'ble Tribunal.

[Signature]
Deponent



(3)

(4)

(Anachar) "AA"

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3438 /2021

Khyber Pakhtunkhwa Service Tribunal
Diary No. 3314

Dated 02/03/2021

JEHAN AFSAR S/O WALI MUHAMMAD R/O MOHALLAH SADEEN KHAIL
VILLAGE KARNAL SHER KHAN KALI TEHSIL RAZZAR DISTRICT SWABI

Appellant

Versus



1. Inspector General of Police Khyber Pakhtun khwa.
 2. Commandant Frontier Reserve Police, Khyber Pakhtun khwa Peshawar.
- Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUN KHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS WHO INSTEAD OF PROMOTING THE APPELLANT, ISSUED OFFICE ORDER DATED 29.04.2019 WHILE THE DEPARTMENTAL APPEAL IS KEPT INTACT AND NOT DECIDED TILL DATE.

PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL THE APPELLANT MY KINDLY BE PROMOTED TO THE NEXT HIGHER RANK SINCE THE DATE OF QUALIFICATION FOR PROMOTION i.e. 1986 to 1996 (THE DATE WHEN HE QUALIFIED THE DRILL COURSE). FURTHER DECLARE THAT THE OFFICE ORDER NO 3881 /EC/ DATED 29.04.2019 IS NOT DIRECTLY OR INDIRECTLY APPLICABLE TO THE CASE OF APPELLANT (BECAUSE THE APPELLANT IS LITERATE HAVING SSC ON HIS CREDIT).

Filed to-day
Registrar
12/03/2021

Respectfully Sheweth:

1. That the appellant joined police department in the year of 1986 as police constable and later on permanently absorbed in frontier police of Khyber Pakhtunkhwa.

Re-submitted to Registrar and filed.

Registrar
08/03/2021

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. 3438/2021

Jelan Afsar

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ORDER
31.01.2023


Notice for the appellant. Mr. Umair Azam Khan, Additional


Advocate General for official respondents present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

SCANNED
KPST
Peshawar

ANNOUNCED
31.01.2023


(Fareeha Paul)
Member (E)


(Salah-Ud-Din)
Member (J)

Certified to be true copy
EMANUIEL
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/02/2023
Number of Page 2 words _____
Copying Fee 10/- _____
Urgent 5/- _____
Total 15/- _____
Name of C. _____
Date of Completion of Copy 22/02/2023
Date of Delivery of Copy 22/02/2023