


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 242/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.04.2023	<p>The application for restoration of Appeal no. 1387/2022 submitted today by Uzma Syed Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>cb</i></p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1387 /2023

Zahid Talba VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED APPEAL AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Dated: 12-4-2023

Through

Appellant/Applicant

Uzma Syed

Q

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application # 242/2023

In Service Appeal No. 1387/2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 4838

Dated 12/4/2023

Mr Zahid Iqbal constable No. 3424 Police Line Dir Lower at
Timer Gara

..... Appellant

VERSUS

1. The Inspector General of Police KPK Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif Swat.
3. The District Police Officer District Dir Lower.
4. The District Accountant Officer District Dir Lower.

..... Respondents

**APPLICATION FOR RESTORATION OF THE
ABOVE SERVICE APPEAL WAS DISMISSED IN
DEFAULT BY THIS HON'BLE SERVICE
TRIBUNAL VIDE ORDER DATED 05/04/2023.**

Respectfully Sheweth:

- 1) That the above mention Service Appeal was pending before this Hon' able Tribunal in which 05/04/2023 date was fixed for arguments .
- 2) That instant Service Appeal was dismissed in default due to the non-availability of appellant and his counsel.
- 3) That due to non-appearance of the council for the appellant on the date mentioned above the Service Appeal of the appellant has been dismissed and default by this Hon' able Tribunal vide order dated 05/04/2023. (Copy of the order sheet is attached).

- 4) That on the same date council of the appellant was not available due to illness while the appellant was unaware about the date of hearing and due to that reason appellant and his council could not appear before this august Service Tribunal on the date fixed.
- 5) That non-appearance of the appellant and council was neither intentionally but due to the above mention reason.

It is, therefore, humbly prayed that on acceptance of this application, the Service Appeal may be restored and fixed for final arguments.

Dated 12/04/2023

2

Applicant / appellant

Through

Uzma Syed
Advocate High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Service Appeal No. 1383/2022

Mr Zahid Iqbal constable No. 3424 Police Line Dir Lower at
Timer Gara

..... Appellant

VERSUS

1. The Inspector General of Police KPK Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif Swat.
3. The District Police Officer District Dir Lower.
4. The District Accountant Officer District Dir Lower.

..... Respondents

AFFIDAVIT

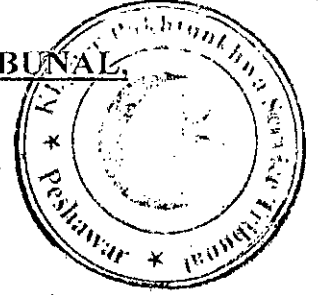
I, Mr Zahid Iqbal constable No. 3424 Police Line Dir Lower at
Timer Gara do hereby solemnly affirmed and declare that the contents
of this comments are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Tribunal.



② —————
DEPONENT

(1) (4)

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



SERVICE APPEAL NO. 1387 /2022

Mr. Zahid Iqbal, Constable No. 3424,
Police Lines Dir Lower at Timergara.

.....APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
- 3- The District Police Officer, District Dir Lower.
- 4- The District Accounts Officer, District Dir Lower.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
APPELLATE ORDER DATED 14.07.2022 COMMUNICATED TO
THE APPELLANT ON 22.08.2022 WHEREBY DEPARTMENTAL
APPEAL FOR CORRECTION/ATERATION IN DATE OF BIRTH
HAS BEEN REJECTED ON NO GOOD GROUNDS**

PRAYER:


That on acceptance of this service appeal the impugned order dated 14.07.2022 communicated to the appellant on 22.08.2022 may very kindly be set aside and the date of birth of appellant be corrected/altered in the service record and recorded the same as 14.04.1996 instead of 24.12.1992. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

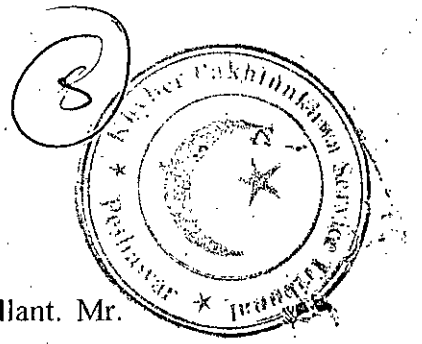
ON FACTS:

- 1- That the appellant was initially appointed in Police Department vide order dated 11.07.2014 on contract basis and till than the appellant regularly served the department quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.
- 2- That during service the respondent department regularized the appellant alongwith his other colleagues vide order dated 08.05.2020. Copy of the regularization order is attached as annexure.....B.
- 3- That it is pertinent to mention that the date of birth of appellant has erroneously been recorded as 24.12.1992 in the Service Roll and other official record i.e. service book etc; at the time of enlistment in the police department. Copies of the service book alongwith other record is attached as annexure.....C.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5th April, 2023



1. Nobody is present on behalf of the appellant. Mr. Fazal Shah, Addl: AG alongwith Mr. Jamil Shah, Senior Auditor and Mr. Zahir Shah, SI for the respondents present.

2. After 10.11.2022 on none of the subsequent three dates before the Tribunal the appellant put appearance, therefore, it seems that he is not interested in this appeal and consequently this appeal is dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 5th day of April, 2023.*

(Salah Ud Din)
Member(Judicial)

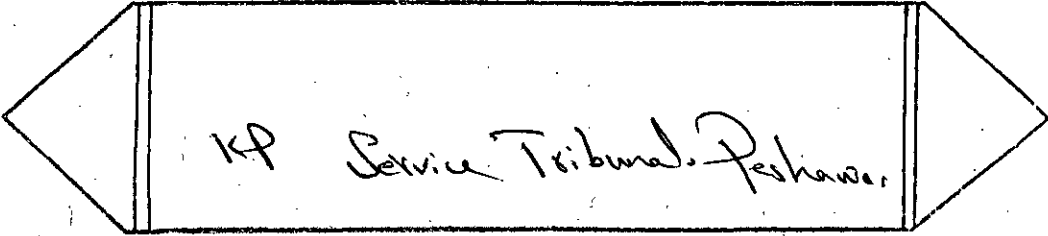
(Kalim Arshad Khan)
Chairman
Camp Court Swat

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 12/04/2023
Number of Words Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of _____
Date of Completion 12/04/23
Date of Delivery of Copy 12/04/23

(6)

بعدالت



2023ء پنجاب

ذیہد اقبال پننام

Police

موزخه	-----
مقدمه	-----
دعویٰ	-----
جرم	-----

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Uzma Syed کیلئے Uzma Syed

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پڑ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 12 ماہ 2023

گواہ

بمقام Peshawar کے لئے منظور ہے۔

Uzma Syed