

## Form-A

## FORM OF ORDER SHEET

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

Restoration Application No. 285/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.05.2023	<p>The application for restoration of 11467/2020 resubmitted today by Mr. Zia ud Din Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on 15-5-23. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

The application for restoration of appeal no. 11467/2020 received to-day i.e. on 27.04.2023 is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Copy of title page of service appeal is not attached with the application.
- 2- Copy of last court order sheet is not attached with the application.
- 3- Application is not in proper shape.
- 4- Spare copies/sets of memo of application along with annexures for all respondents may also be submitted with the application.

No. 1325 /S.T.

Dt. 04/05 /2023.

↓  
*Counsel*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Zia ud Din Khan Adv.  
High Court Peshawar.

R/Sir,

Case file resubmitted today dated 09/05/2023  
after removal of the above-mentioned  
objections.

Thanking you  
Ziaud-din Khan  
Advocate High Court.

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR**

C. M. No. \_\_\_\_\_ -P/2023  
*Restoration Application No. 285/2023*  
In

S. A. No. 11467 -P/2020

Tasbih Ullah

**VERSUS**

DIG Mardan Police

**INDEX**

S. No	Description of Documents	Annexure	Pages
1	Application for Restoration		2 - 3
2	Copy of Order dated 06/02/2023	<u>A</u>	4 - 5
3	Copy of Death Certificate dated 05/02/2023	<u>B</u>	6

Dated: 09/05/2023

Applicant/Appellant  
Through  
Zia-Ud-Din Khan  
Advocate High Court

&  
Federal Sharia Court  
*ZIA UD-DIN KHAN*  
Advocate  
High court Federal Sharia  
Court of Pakistan

Office: INSAF LAW CHAMBER Flat No. 34-B, Super Market Phase-1  
Hayatabad Township Peshawar City, Khyber Pakhtunkhwa Province  
the Islamic Republic of Pakistan.

Cell. No. 0345-9110368/0303-5893180  
E-mail: Ziakhan\_12@yahoo.com

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR**C. M. No.                      -P/2023*Restoration Application no. 285/2023*S. A. No. 11467 -P/2020Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi  
Khyber Pakhtunkhwa.

[Appellant]

**VERSUS**

- 1) The Deputy Inspector General (DIG) of Police Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 2) The Regional Police Officer (RPO) Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 3) The District Police Officer (DPO) District Swabi, District Headquarter of Police Swabi Khyber Pakhtunkhwa.
- 4) The Govt of Khyber Pakhtunkhwa through Chief Secretary Central Civil Secretariat Peshawar.

[Respondents]

**APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED CASE/SERVICE APPEAL***Respectfully Sheweth:*

- 1) That the appellant filed the above titled appeal before this Hon'ble Court/Tribunal which was dismissed in default by the Hon'ble Court on 06/02/2023.
- 2) It is pertinent to mention here that the applicant regularly proceeded his case before the order of dismissal on the ground of default and the same is crystal clear from the previous order-sheets of the Hon'ble Court. Therefore, non-appearance of the applicant was neither intentional nor deliberate rather due to some unavoidable circumstances.

{Copy of Order dated 06/02/2023 annexed Annexure- A}

- 3) That beloved sister of the applicant died on 05/02/2023 (day before the case fixed) and for that very reason the appellant wasn't appear before this

Hon'ble Court/Tribunal. While, clerk on behalf of counsel for the applicant appeared before the Court but unfortunately, he left the Court in earlier hours as counsel for the appellant was busy in out district Court proceedings at "District Judiciary Mahmand". However, clerk of the Counsel for applicant wrongly noted the case in '10<sup>th</sup> April 2023' and when the applicant appeared before the Court, he was informed that the above titled case has been dismissed in default. Hence, it transpires that nonappearance on behalf of appellant and his counsel wasn't intentional but due to misunderstanding.

{Copy of Death Certificate dated 05/02/2023 annexed Annexure- B}

- 4) That the valuable rights of the applicant/appellant are involved in the above titled case and Law always favors adjudication on merits and discouraging knock out parties on technicalities.
- 5) That if the above titled case/service appeal has not been restored on its original position, the applicant/appellant shall suffer irreparable loss.

**PRAYER**

It is therefore, most humbly prayed that the instant application may graciously be allowed and the impugned order of dismissal in default may kindly be recalled and the case/appeal may graciously be restored on its original position as the same was prior to date of its dismissal in the best interest of justice.

Dated: 09/05/2023

*Zia-Ud-Din Khan*

Applicant/Appellant

Through

Zia-Ud-Din Khan  
Advocate High Court

*Zia-Ud-Din Khan*  
Federal Sharia Court  
ZIA-UD-DIN KHAN  
Advocate  
High court Federal Sharia  
Court of Pakistan

**Verification**

Verified on oath that the contents of the above 'Application' are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.

*Zia-Ud-Din Khan*  
OATH  
Commissioner  
ULTAF HUSSAIN ADVOCATE  
Peshawar  
ATTES TED

*Zia-Ud-Din Khan*  
DEPONENT

Annex - A (4-5)

4

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR

Service Appeal No. 11467/P/2020



Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi  
Khyber Pakhtunkhwa.

Khyber Pakhtunkhwa  
Service Tribunal

[Appellant] Entry No. 10368

VERSUS

Dated 16/9/2020

- 1) The Deputy Inspector General (DIG) of Police Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 2) The Regional Police Officer (RPO) Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 3) The District Police Officer (DPO) District Swabi, District Headquarter of Police Swabi Khyber Pakhtunkhwa.
- 4) The Govt of Khyber Pakhtunkhwa through Chief Secretary Central Civil Secretariat Peshawar.

[Respondents]

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974

AGAINST THE IMPUGNED OFFICE ORDER NO. 2063-68/PA, DATED SWABI, THE  
24/09/2019, WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN  
IMPOSED ON THE APPELLANT BY THE RESPONDENT NO. 3/THE DISTRICT POLICE  
OFFICER SWABI. WHILE, THE APPELLATE AUTHORITY THE RESPONDENT NO.  
2/THE REGIONAL POLICE OFFICER (RPO) THROUGH OFFICE ORDER NO. 5126-  
/ES/DATED MARDAN THE 24 - 08 - 2020, WHEREBY THE DEPARTMENTAL APPEAL  
DATED: 10/07/2020 OF THE APPELLANT WAS REJECTED.

Respectfully Sheweth;

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BRIEF FACTS

- 1) That the Appellant is a respectable Law-abiding citizen of Pakistan and belongs to a respectable family. Moreover, the appellant was initially appointed/recruited as a 'Constable (BPS -05)' in the Khyber Pakhtunkhwa Police in 2007 at his dwelling District Mardan where he render his services with honesty, zeal and zest to the entire satisfaction of his superiors (respondents). While, later on the appellant was promoted as 'Head-Constable (BPS-07)'.

Filed to-day  
Registrar  
16/9/2020

Resubmitted to-day  
and filed.

Registrar  
01/10/2020



Service Appeal No. 11467/2020 , *Tasbi hallah*

06.02.2023 Nemo for appellant. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced  
06.02.2023

*[Signature]*  
(Rozina Rehman)  
Member (J)

**Certified to be true copy**  
*[Signature]*  
EX. OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 08/05/2023  
Number of Words Page 2  
Copying Fee \_\_\_\_\_  
Urgent 10/2  
Total 25/2  
Name of Copyist \_\_\_\_\_  
Date of Completion 08/05/2023  
Date of Delivery of Copy 08/05/2023

Annex-B

6



حکومت خیبر پختونخوا پاکستان

Govt of Khyber Pakhtunkhwa Pakistan



اندراج وفات سرٹیفکیٹ

## Death Registration Certificate

دفتر اندراج : Kot Ismail Zai\_Garhi Kapoora

Tracking Id: 91100009164588

CRMS No. D438227452

OLD/M REG #: 62/D

## Deceased Person's Details

متوفی کے کوائف

Old CRMS No.:

Name :	Mehnaz Bibi	نام :	مہناز بی بی
Nationality :	Pakistan	قومیت :	پاکستان
CNIC No :	16101-6871345-4	شناختی کارڈ :	16101-6871345-4
Date of Birth :	05-Feb-1992	تاریخ پیدائش :	05-Feb-1992
Gender :	Female	جنس :	عورت
Religion :	Islam	مذہب :	اسلام
Sickness Period :	06 Days 00 Months 00 Years	مدت علالت :	06 دن 00 ماہ 00 سال
Date of Death :	05-Feb-2023	تاریخ وفات :	05-Feb-2023
Date of Burial/Last rite :	05-Feb-2023	تاریخ تدفین/آخری رسومات :	05-Feb-2023
Place of Death :	Hospital	جائے وفات :	ہسپتال
Reason of Death :	Natural	وجہ وفات :	قدرتی
Nature of Death :	Normal	کیفیت وفات :	عام
Buried/Last rite at :	Kot Ismail Zai	جگہ تدفین/آخری رسومات :	کوٹ اسماعیل زئی

## Parental Information

والدین کے کوائف

Father's Name :	Anwar Shed	والد کا نام :	انور شہید
CNIC No :	16101-1280896-5	شناختی کارڈ :	16101-1280896-5
Mother's Name :	Razia	والدہ کا نام :	راضیہ
CNIC No :	16101-1177071-0	شناختی کارڈ :	16101-1177071-0

## Husband's Information

شوہر کے کوائف

Name :		نام :	
CNIC No :		شناختی کارڈ :	

## Address

Address :	Muhallah Boki , Village Kot Ismail Zai , Post Office Garhi kapura	پتہ :	محلہ بوکی ، گاؤں کوٹ اسماعیل زئی ، ڈاکخانہ گڑھی کیپورہ
Tehsil :	Mardan	تحصیل :	مردان
District :	Mardan	ضلع :	مردان

## Applicant's Details

درخواست دہندہ کے کوائف

Name :	Salman	نام :	سلیمان
CNIC No :	16101-2054037-3	شناختی کارڈ :	16101-2054037-3
Relation with Deceased :	Sister	متوفی سے رشتہ :	بہن
Entry Date :	28-Feb-2023	تاریخ اندراج :	28-Feb-2023
Issue Date :	05-Mar-2023	تاریخ اجراء :	05-Mar-2023
Entry Status :	Normal	اندراج اسٹیٹس :	نارمل
Additional Information :		اضافی معلومات :	

دستخط سیکرٹری

SECRETARY  
VILLAGE COUNCIL

Kot Ismail Zai Mardan

تحصیل گڑھی کیپورہ ضلع مردان

