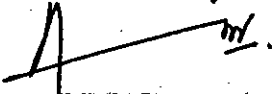


## FORM OF ORDER SHEET

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

Restoration Application No. 352/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.06.2023	<p>The application for restoration of appeal No. 941/2014 resubmitted today by Syed Ghufan Ullah Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <b>05-06-2023</b>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

**BEFORE HONORABLE KHYBER PAKHTUNKHUWH SERVICE**

**TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

CM No. \_\_\_\_\_/2023 *Restoration Appli. No. 352/23*  
In Service Appeal No. 491/2014

Diary No. *5781*  
Dated *1/6/2023*

Abdul Jalal Khan (Late) through his wife Mst; Miraj Gul.....Petitioner

**VERSUS**

1. The Regional Police Officer Malakdand Region at Saidu Sharif Swat
2. The District Police Officer District Dir Upper.....Respondents

**PETITION ON BEHALF OF PETITIONER FOR RESTORATION  
OF THE ABOVE TITLED SERVICE APPEAL NO 491/2014  
WHICH WAS DISMISSED IN DEFAULT ON 31-03-2023.**

**RESPECTFULLY SHEWETH:**

That the petitioner submits as under:-

1. That the above titled Service Appeal No 491/2014 was pending before this honorable tribunal but was dismissed in default on 31-03-2023. **(Copy of the Order/ Judgment is annexed)**
2. That the subject case was previously fixed on 30-01-2023 which was adjourned to 22-03-2023.  
**(Copy of the Order dated 30-01-2023 is annexed)**
3. That on 22-03-2023 the attorney for the petitioner along with the counsel attends this Honorable Tribunal but due to non availability of the bench the same was adjourned to 24-5-2023.  
**(Copy of cause list dated 22-03-2023 is annexed)**
4. That accordingly attorney of the appellant along with Counsel attends this Honorable tribunal on 24-05-2023 but found the case missing from cause list of that day. Upon proper probe into the matter it came in the knowledge of the counsel of the appellant that the subject case was fixed and dismissed in default on 31-03-2023.  
**(Copy of order/judgment is annexed).**
5. That it is pertinent to mention that beside actual date of last hearing i-e 22-03-2023 and the actually next fixed date i-e 24-05-2023, the case

(10)

has been shown as fixed on 17-03-2023 and 31-03-2023 and on the same day the impugned order has been passed.

**(Copy of order sheets are annexed)**

6. That being highly aggrieved from the impugned order the instant application is being filed among the following other grounds.

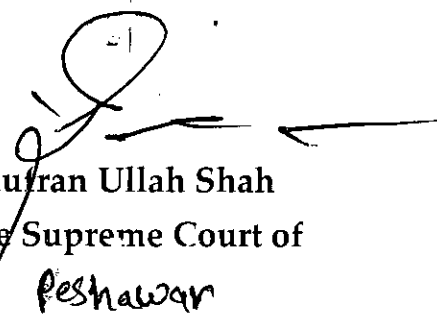
### **GROUND**

- A. That there is no fault on the part of applicant/petitioner neither he has been served with any notice for early fixation of the case.
- B. That admittedly the case was fixed on 22-03-2023 and was adjourned to 24-05-2023 due to non availability of the bench on the same day.
- C. That both the two order sheets i-e is 17-03-2023 and 31-03-2023 are artificial and have been made due to some misunderstanding of administrative staff of tribunal.
- D. That the impugned order is against the knowledge and interest of the appellant.
- E. That the impugned order is void and illegal having no force of law to effect legal right of petitioner.
- F. That it is mandate of substantial justice to avoid technicalities and to decide the matter on merit.
- G. That the non compliance/non appearance of the petitioners is not intentional neither deliberate but the petitioner has been punished for wrong of others, which is against the norms of administration of justice.
- H. Any other ground will be furnished at the time of arguments.

**It is therefore requested that on acceptance of this application the above titled case may kindly be restored for its decision on merit in the interest of justice.**

Petitioner

Through,

  
Syed Ghufuran Ullah Shah  
Advocate Supreme Court of  
Pakistan Peshawar

(3)

**BEFORE HONORABLE KHYBER PAKHTUNKHUWH SERVICE**  
**TRIBUNAL PESHAWAR**

CM No. \_\_\_\_\_/2023  
In Service Appeal No. 491/2014

Abdul Jalal Khan (Late) through his wife Mst; Miraj Gul  
**VERSUS**  
Regional Police Officer Malakand Division at Saido Sharif Swat and others

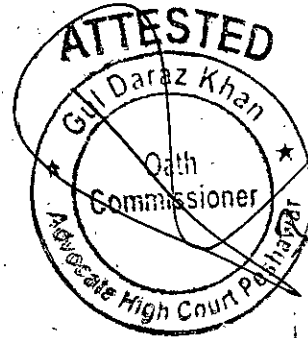
**AFFIDAVIT**

I Mst Miraj Gul Widow of deceased petitioner/ applicant do hereby solemnly declare and affirm on Oath that all the contents of this petition are true and correct to the best of knowledge and belief and nothing has been concealed from this honorable court.

*Miraj Gul*  
**DEPONENT**

CNIC No. 15202-3744599-1

Verified By: *[Signature]*  
Syed Ghufran Ullah Shah  
(Advocate)



①

④

Annex A

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



*Appeal no. 491/2014*

Ex. SI Abdul Jalal Khan S/o Mir Zaman Shah R/o Village Kari Tehsil and District Chitral.....**Appellant**

**VERSUS**

*499*  
*03/4/2014*

1. The Regional Police Officer Malakand Region at Saidu Sharif Swat
  2. The District Police Officer District Dir Upper
- .....**Respondents**

**Service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order O.B No.827 dated 24.12.2013 of the Respondent No.2 wherein he penalized the appellant with major penalty of compulsory retirement and against which appellant has filed department appeal which is still pending without disposal.**

*3/4/14*

**Respectfully Sheweth:**

re-submitted to and filed.

*8/4/14*

1. That appellant has been enlisted in the police force Chitral in the year 1978. He has got long

**TESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(2)

(5)

standing service with unblemished and clean sheet conducted record and has never been ~~rated~~ <sup>rated</sup> as inefficient and unqualified even the same can be established from the findings of inquiry committee.

2. That at relevant time appellant was serving as ASHO Police Station Gandigar Dir Upper when he was served with show cause notice dated 01.11.2013 by respondent No.2 (Annexure A). Appellant submitted reply on 09.11.2013 (Annexure B) and denied the flimsy accusation which had no factual and legal backing.
3. That it is pertinent to mention here that during the inquiry proceeding appellant was transferred from P.S Gandigar Dir Upper to Chitral District vide order No.10104-10/E dated 08.11.2013 (Annexure C).
4. That vide dated 04.12.2013 appellant was served with charge sheet and statement of allegations (Annexure D) wherein he was charged for corruption and corrupt practices to the following effect.

ATTESTED  
EXAMINED  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

Appeal No. 491/2014  
Abdul Jalil vs Govt

Ammed A<sup>3</sup>

(6)

31<sup>st</sup> Mar, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.
3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 31<sup>st</sup> day of March, 2023.

(Salah Ud Din)  
Member(Judicial)

(Kalim Arshad Khan)  
Chairman

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 25/05/2023  
Number of words Pages 4  
Copying Fee 20/-  
Urgent 5/-  
Total 25/-  
Name of Copy   
Date of Completion of Copy 25/05/2023  
Date of Delivery of Copy 25/05/2023


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Anmed B

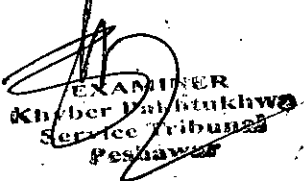
30.01.2023

Clerk of learned counsel for the petitioner present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Clerk of learned counsel for the petitioner again sought adjournment on the ground that learned counsel for the petitioner is busy in the august Supreme Court of Pakistan. Several opportunities have been granted to learned counsel for the petitioner for arguments on maintainability of the instant review petition, therefore, last opportunity is given, failing which the review petition will be decided on the available record on 22.03.2023 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



8

Annex C

LIST OF DB CASES FIXED BEFORE ROZINA RAHMAN MEMBER (JUDICIAL) & MUHAMMAD AKBAR KHAN, MEMBER (EXECUTIVE) KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR 22/03/2023 (WEDNESDAY)

ARGUMENTS TRANSFER CASES

S.NO.	APPEAL NO.	APPELLANT NAME	DEPARTMENT	NEXT DATE
1	7434/22	GHANI UR REHMAN	POLICE	31-3-23
2	7676/22	ZIA UR REHMAN	HEALTH	30-3-23
3	7724/22	JAMAL ABDUL HASIR	EDU	30-3-23
4	7869/22	SAID MUHAMMAD	EDU	29-3-23
5	1220/22	DR. GULISTAN	HEALTH	29-3-23
6	1576/22	ZIA ILLAH	S. MILITARY	31-3-23

ARGUMENTS OTHER CASES

S.NO.	APPEAL NO.	APPELLANT NAME	DEPARTMENT	NEXT DATE
1	491/16	ABDUL JALAL	POLICE	24-5-23
2	793/16	ABDUL RASHEED	T. EDU	25-5-23
3	683/17	M. RAJIB (S/L) / APP.	PRISON	24-5-23
4	998/17	AMAN ULLAH	HEALTH	31-5-23
5	236/18	AKHTAR ALI	POLICE	1-6-23
6	422/18	ADMAN KHAN	HEALTH	1-6-23
7	859/18	KAMRAN KHAN	EDU	6-6-23
8	51/19	BAKHT HUSSAIN	EDU	6-6-23
9	363/19	TALAT FARID	EDU	7-6-23
10	483/19	IZZAT NOOR (1)	EDU	7-6-23
11	617/19	QAZI ALI MURAD	POLICE	7-6-23
12	1600/19	M. JAWAD	EDU	7-6-23
13	1888/19	WAHID ALI	EDU	8-5-23
14	2227/19	SHAH JEHAN	REVENUE	7-6-23
15	7815/19	HASSAN GHULAM	POLICE	7-6-23
16	819/20	DR. MURAD KHAN	POLICE	7-6-23
17	3192/20	JAMIL UR REHMAN	EDU	29-5-23
18	4545/20	SAID UL ISRAR	POLICE	7-6-23
19	5370/20	M. JAN	EDU	7-6-23
20	961/21	AKHTAR ALI	PRISON	1-6-23
21	12783/21	KHALID KHAN	POLICE	28-4-23
22	12884/21	BKHTIAR ALI	EDU	7-6-23
23	14043/21	AJMAL KHAN	RAW	7-6-23
24	1069/22	M. DEEDAR (G)	JUDICIARY	7-6-23
25	1620/22	FAZAL BABI	EDU	7-6-23
26	4836/22	SHEER SHAH	POLICE	12-5-23
27	7208/22	M. ARIF	EDU	7-6-23
28	7676/22	ZAFAR IQBAL	POLICE	7-6-23
29	63/22	SAEED KHAN	POLICE	7-6-23
30	81/22	S. SLAMAT SHAH	AGRI	7-6-23
31	208/22	HAYAT MUHAMMAD	POLICE	7-6-23
32	259/22	ATTA ULLAH (132)	EDU	8-6-23
33	317/22	BOHAR ULLAH	HEALTH	8-6-23
34	419/22	DR. FAKHR UDDIN	HEALTH	8-6-23
35	865/22	M. SHAHID	EDU	5-5-23
36	1182/22	MUMRAIZ KHAN	POLICE	3-5-23
37	1552/22	M. REHMAN (1)	STAB	13-5-23



APPELLANT NAME DEPARTMENT NEXT DATE

Attested

9

LIST OF DBCASES FIXED BEFORE MR. KALIM ARSHAD KHAN, CHAIRMAN & MR. SALAH UD DIN, MEMEBR (JUDICIAL) KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

31/03/2023 (FRIDAY)

ARGUMENTS - TRANSFER CASES

S.NO.	APPEAL NO.	APPELLANT NAME	DEPARTMENT	NEXT DATE
1	7434/21	GHANI UR REHMAN	POLICE	2-5-23
2	7869/21	SAID MUHAMMAD	EDU	19-5-23
3	7894/21	SAMIR ULLAH	EDU	11-4-23
4	145/22	ROBEENA BEGUM	EDU	DEFULT
5	1526/22	ZIA ULLAH	S. WELFARE	18-4-23
6	151/23	ABDUL QADOOS	HEALTH	17-4-23
7	654/23	ZIA UR REHMAN	HEALTH	18-4-23

ARGUMENTS - OTHER CASES

S.NO.	APPEAL NO.	APPELLANT NAME	DEPARTMENT	NEXT DATE
1	491/14	ABDUL JALAL KHAN	POLICE	DEFULT
2	253/15	FARZANA BANO (1)	EDU	9-5-23
3	1412/15	GULZAR AHMAD	S. WELFARE	11-5-23
4	1123/16	ZAHEED UD DIN	EDU	18-5-23
5	147/18	ISHTIAQ AHMAD	EDU	29-5-23
6	923/18	M. RASHEED	POLICE	16-5-23
7	478/19	M. YASIN	POLICE	2-6-23
8	976/19	HAYAT KHAN	H. EDU	2-6-23
9	345/21 12(2)	SAMI ULLAH	EDU	20-4-23
10	5189/21	SHAMSHER KHAN	REVENUE	11-5-23
11	678/22 RA	RAFI ULLAH	POLICE	2-6-23
12	879/22	M. ARABI	TOURISM	12-6-23
13	1288/22	FALAK SHER	POLICE	17-4-23
14	151/23 CM	YASIR SAMOOD (1)	LABOUR	17-4-23

27/4  
rehan ALI

ORDER	S.NO.	APPEAL NO.	APPELLANT NAME	DEPARTMENT	NEXT DATE
1	1	1382/18	REHMAN GUL	WILDLIFE	10-4-23
2	2	936/19	HAMID SHAH	HEALTH	10-4-23

Attested

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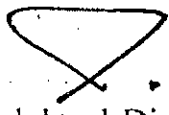
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Annex 1

17<sup>th</sup> March, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 30.03.2023 before the D.B. Parcha Peshi given to the parties.

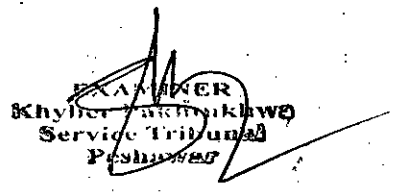


(Salah-ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

ATTESTED



EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar