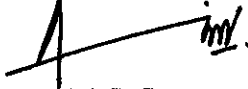


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 418/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.06.2023	<p>The application for restoration of appeal No. 1418/2021 submitted today by Mr. Azmat Ullah Afridi 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</p>

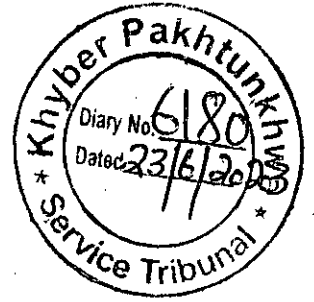
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. no. 418/23

C.M No. _____/2023

In

Service Appeal No. 1418/21



Mukhtiar Hussain S/O Said Rahman **Appellant**

Ex-HC No.672, District Police, Kohat.

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Headquarter Peshawar.
2. Additional Inspector General of Police, Khyber Pakhtunkhwa, Headquarter Peshawar.
3. District Police Officer, Kohat.

..... **Respondents**

**APPLICATION FOR RESTORATION OF THE
ABOVE APPEAL WHICH WAS DISMISSED IN
DEFAULT FOR NON-PROSECUTION VIDE
ORDER DATED 05.01.2023**

Respectfully Sheweth:

1. That the above tilted appeal was fixed on 05.01.2023 and was dismissed for non prosecution the same date.
2. That the previous counsel informed the appellant the date of hearing is fixed for 19.06.2023 and when the appellant approach/appear before the Honourable Services Tribunal Court on 19.06.2023 he was informed by the by reader of the court that is case has been dismissed in default on last date of hearing i.e. on 05.01.2023. (Copy of the order dated 05.01.2023 is attached).

3. That the act of the counsel shall not prejudice the case of the appellant and due to the negligent of the counsel the case of the appellant was dismissed for non prosecution.
4. That no notice of the court was served upon the appellant regarding the fixation of date.
5. That valuable right of the appellant is involved in the case in question. Moreover their plethora of guideline of the Honourable Supreme Court of Pakistan on the ground that a case should be decided on merits rather than dismissal on technical grounds.
6. That the law otherwise favour the decision of cases on merit rather on technicalities.
7. That there is no legal bar on acceptance of the instant Application.
8. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application, the captioned service appeal may kindly be restored to its original number in the interest of justice.

[Signature]
Appellant

Through

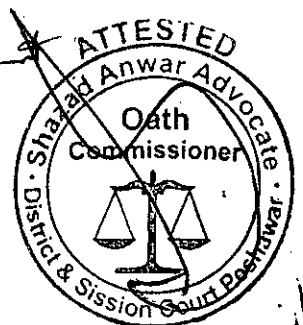
[Signature]
Azmat Ullah Afridi

&

[Signature]
M. Zeeshan Shinwari

Advocates,
High Court Peshawar

Dated 23.06.2023



AFFIDAVIT

It is solemnly affirmed on oath that contents of this application are True and Correct

[Signature]
DEPONENT

27/06/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. 1418/21

Mukhtiar Hussain S/O Said Rahman**Appellant**

Ex-HC No.672, District Police, Kohat.

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Headquarter Peshawar.
2. Additional Inspector General of Police, Khyber Pakhtunkhwa, Headquarter Peshawar.
3. District Police Officer, Kohat.

.....**Respondents**

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the above tilted appeal was fixed on 05.01.2023 and was dismissed for non prosecution the same date.
2. That the previous counsel informed the appellant the date of hearing is fixed for 19.06.2023 and when the appellant approach/appear before the Honourable Services Tribunal Court on 19.06.2023 he was informed by the by reader of the court that is case has been dismissed in default on last date of hearing i.e. on 05.01.2023. (Copy of the order dated 05.01.2023 is attached).
3. That the act of the counsel shall not prejudice the case of the appellant and due to the negligent of the counsel the case of the appellant was dismissed for non prosecution.

4. That no notice of the court was served upon the appellant regarding the fixation of date.
5. That the appellant informed regarding the dismissal of his appeal on 19.06.2023, therefore his present application for condition of delay is well within time and the delay of filing of the restoration application is not intentionally due to the above mentioned reason
6. That valuable right of the appellant is involved in the case in question. Moreover their plethora of guideline of the Honourable Supreme Court of Pakistan on the ground that a case should be decided on merits rather than dismissal on technical grounds.
7. That the law otherwise favour the decision of cases on merit rather on technicalities.
8. That there is no legal bar on acceptance of the instant Application.

It is, therefore, requested that by accepting this application, the delay if any in filing of the application for restoration may kindly be condoned in the best interest of justice.

Through

Appellant

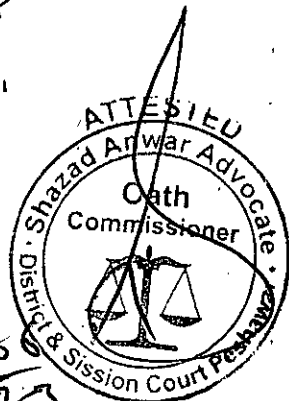
&

Azmat Ullah Afridi

Mr. Zeeshan Shinwari

Advocates,
High Court Peshawar

Dated 23.06.2023



AFFIDAVIT:

It is Solemnly affirm on Oath that no such like appeal has been filed earlier & the contents of this application are true & correct

D.E.P.O.N.E.N.T



**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 1418 /2020

Khyber Pakhtunkhwa
Service Tribunal
Case No. 1418/20
Dated 07/12/2020

Mukhtiar Hussain S/o Said Rehman
Ex-HC No.672, District Police, Kohat. APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Headquarter, Peshawar.
2. Additional Inspector General of Police, Khyber Pakhtunkhwa, Headquarter, Peshawar.
3. District Police Officer, Kohat. RESPONDENTS

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS ACT, 1974
AGAINST THE ORDER/ JUDGMENT DATED
29.10.2020, WHEREBY THE APPELLANT'S
SERVICE WAS FORFEITED OF TWO YEARS
AND 14 MONTHS SALARY DETACHED
DURING INTERVENING PERIOD.**

Filed to-day
Registrar,
07/12/2020

PRAYER:

On acceptance of this appeal, the order dated 29.10.2020 may kindly be set aside alongwith all back benefits.

\\PUZAN-PC\Users\Faisal\Desktop\Mukhtiar Hussain Service Appeal, 2020 (Roor Wali Khan Mayba) Adv).docx

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
19/6/23

Appeal No. 1418/2021
MUKHTIAR HUSSAIN VS GOVT




08.11.2022


Counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 05.01.2023 before D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)

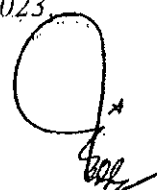

(Rozina Rehman)
Member (J)


5th Jan, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl: AG for 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 5th day of January, 2023.*


(Mian Muhammad)
Member(E)


(Kalim Arshad Khan)
Chairman

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19/6/2023
Number of Words page 2
Copying Fee 10/-
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Date of Completion of Copy 19/6/23
Date of Delivery of Copy 19/6/23

قیمت
50 روپے

693

پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈویکٹ: [Signature]
بار کونسل ایسوسی ایشن نمبر: Bc 12-3677
رابطہ نمبر: 0333-9228336



Before the Lable Judge Senior Tribunal [Signature]
بعد اسی جناب

Appellant Mukhtar Ali بنام Inspector General of Police & others	مخائب:	دعویٰ: Appeal
		علت نمبر:
		مورخہ:
		جرم:
		تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام [Signature] کے لئے [Signature] کے لئے [Signature] کے لئے [Signature] کے لئے
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظارتی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کے ساتھ [Signature] کا ساتھ [Signature] منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے ہوگا کوئی تازہ خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے
باہر ہو تو وکیل صاحب باہندانہ ہوں گے کہ پیروی مذکورہ کریں، لہذا کالک نامہ لکھ دیا تاکہ مندرجہ
المقوم: 22/06/2023
AWAR BAR ASSOCIATION
HYBER PAKHTOONIWA

دعویٰ
امیدوار

Ex-HC No 672, District Police Kohat