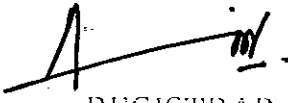


## FORM OF ORDER SHEET

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

Restoration Application No. 539/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.07.2023	<p>The application for restoration of Appeal no. 601/2018 submitted today by Mr. Baseer Ahmad Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>01-08-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

C.M.No Restoration Application No. 539/23  
12023

In Service Appeal No 601/2018

Imran Ullah .....Appellant.

**V E R S U S**

PPO & Others.....Respondents.

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Application for Restoration With Affidavit		1-2
2.	Order dated 03-07-2023		3-4

Dated:-26-07-2023

*Imran Ullah*  
Appellant

Through

*Baseer Ahmad Shah*  
Baseer Ahmad Shah

&

*Ibad Ur Rehman*  
Ibad Ur Rehman

Advocates Peshawar.

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar

Cell# 0315 0195187

(1)

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

C. M. No \_\_\_\_\_/2023

In *Restoration Application No. 539/2023*

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No 601/2018

Diary No. 6722

Dated 26/07/23

Imran Ullah Sub-Inspector No MR 253 District Police Mardan.

.....**Appellant**

**V E R S U S**

1. Provincial police Officer Mardan.
2. Regional police office mardan..
3. District Police Officer Mardan.....**Respondents.**

**APPLICATION FOR THE RESTORATION OF TITLED APPEAL**

**Respectfully Submitted:-**

1. That the above titled Appeal was pending before this honorable Tribunal which has been dismissed in default on 13-07-2023.
2. That actually the appellant was of the view that date is fixed on 14-07-2023 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default and the same day he filed application for attested copy of the order of this honorable Tribunal.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.

5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

**It is therefore prayed, that on acceptance of this application, the mentioned appeal may kindly be ordered to be restored.**

**Dated:--26-07-2023**

*[Signature]*  
**Appellant**

**Through**

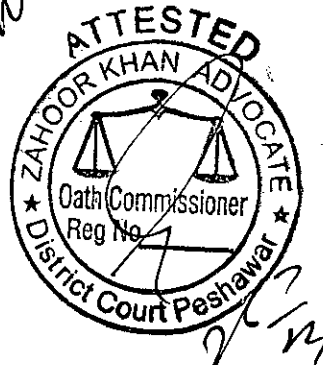
*[Signature]*  
**Baseer Ahmad Shah**  
&  
*[Signature]*  
**Ibad Ur Rehman**  
**Advocates Peshawar.**

**A F F I D A V I T :-**

I, Imran Ullah Sub-Inspector No MR 253 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

**Identified by**  
*[Signature]*  
**Baseer Ahmad Shah**  
**Advocate Peshawar**

*[Signature]*  
**DEPONENT**



3

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**



Service Appeal No. 601 /2018

Imran Ullah Sub-Inspector No MR 253 District Police Mardan  
.....Appellant

**V E R S U S**

- 1. Provincial Police Officer Mardan.
- 2. Regional Police Officer Mardan.
- 3. District Police Officer Mardan.....Respondents

Khyber Pakhtunkhwa  
Service Tribunal  
Discy No. 593  
Dated 18-4-2018

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 02-11-2017 (COMMUNICATED TO THE APPELLANT ON 07-12-2017) OF RESPONDENT NO 2 WHERE BY APPELLANT WAS NOT CONFIRMED AS SUB INSPECTOR FOR NOT HAVING SERVED AS SHO AND AGAINST WHICH REPRESENTATION OF THE APPELLANT DATED 22-12-2017 HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

On acceptance of this appeal the impugned order dated 02-11-2017 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be confirmed as Sub Inspector in his substantive rank with effect from 02-11-2017 with all back benefits.

**Respectfully Submitted:-**

- 1. That the appellant was appointed as Constable in March 1986, was then promoted as Head Constable, was promoted as ASI in the year 2009 and was promoted as Sub Inspector in the year 2014 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
- 2. That according to the seniority list for the year 2014, the name of the appellant is at serial No 78 and he was hopeful for his confirmation as Sub-Inspector having been served for the required length and level of service earning good ACRs and having unblemished service

Filed by  
Registrar  
18/4/18

Certified to be true copy  
REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ORDER**  
13.07.2023



Nemo for the appellant. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
13.07.2023

(Rashida Bano)  
Member (J)

(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

**Certified to be true copy**

MINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
25/7/23

Date of Presentation of Application 25/7/23  
Number of Words Page 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist Shahad  
Date of Completion of Copy 25/7/23  
Date of Delivery of Copy 25/7/23

VAKALATNAMA

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

imran ullah .....Petitioner/Appellant.

VERSUS

PPo & others ..... Respondents/Defendants.

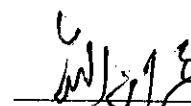
We the undersigned, do hereby appoint and constitute,

**BASEER AHMED SHAH** Advocate To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.


1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND we hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 26/7/2023.

S-A NO: 601/2018

  
Client (s)

  
BASEER AHMED SHAH

  
IBAD UR REHMAN KHALIL  
Advocates  
Peshawar