

FORM OF ORDER SHEET

Court of

Restoration Application No. 562/2023

S.No.

Date of order Proceedings

Order or other proceedings with signature of judge

1

2

3

1

08.08.2023

The application for restoration of Appeal no. 366/2017 resubmitted today by Syed Mudasir Pirzada Advocate. It is fixed for hearing before Division Bench at Peshawar on 10-8-23. Original file be requisitioned.

By the order of Chairman


REGISTRAR

The application for restoration of appeal no. 366/2017 received today i.e. on 27.7.2023 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

Application is not in proper format.

No. 2056 /S.T,

Dt. 31/7 /2023.



REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Syed Mudassir Pirzada Adv.
High Court Kohat.

Note
Not Submitted after compliance

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Application No. SB2/2023

C.M No. _____/2023
In Service Appeal No.366/2017

Nadeem Shah, Constable No.618. . . .**APPLICANT/APPELLANT**

VERSUS

The Provincial Police Officer & others.**RESPONDENTS**

I N D E X

S.#	Description of Documents	Annex	Pages
1.	Restoration Application alongwith Affidavit		1-2
2.	Attested Copy of Order dated 03.07.2023		3-4

N. Shah
Applicant/Appellant
Through

M. Pirzada
Syed Mudassir Pirzada
Advocate High Court
Cell: 0345-9645854

Dated: 27.07.2023

177

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration

C.M No. _____/2023
In Service Appeal No.366/2017

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 6737
Dated 27/07/23

Nadeem Shah, Constable No.618. **APPLICANT/APPELLANT**

VERSUS

The Provincial Police Officer & others. **RESPONDENTS**

APPLICATION FOR RESTORATION
OF THE TITLED CASE WHICH WAS
DISMISSED-IN-DEFAULT BY THIS
HON'ABLE TRIBUNAL, VIDE ORDER
DATED 03.07.2023.

Respectfully Sheweth:

1. That the titled appeal was pending adjudication before this Hon'ble Tribunal, which was dismissed-in-default, vide order dated 03.07.2023. (Attested copy of Order is attached).
2. That, unfortunately, on the date fixed, the applicant's son was admitted in hospital and he has to look-after his son, while the counsel for the applicant/appellant was busy before the Federal Service Tribunal and was unable to put his appearance before this Hon'ble Tribunal on the date fixed, hence this application.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023
In Service Appeal No.366/2017

Nadeem Shah, Constable No.618,
CTD Kohat Region. **APPLICANT/APPELLANT**

VERSUS

1. The Provincial Police Officer, KPK Peshawar.
2. The Additional Inspector General of Police, CTD, KPK Peshawar.
3. The District Police Officer, Kohat. **RESPONDENTS**

APPLICATION FOR RESTORATION
OF THE TITLED CASE WHICH WAS
DISMISSED-IN-DEFAULT BY THIS
HON'ABLE TRIBUNAL, VIDE ORDER
DATED 03.07.2023.

Respectfully Sheweth:

1. That the titled appeal was pending adjudication before this Hon'ble Tribunal, which was dismissed-in-default, vide order dated 03.07.2023. (Attested copy of Order is attached).
2. That, unfortunately, on the date fixed, the applicant's son was admitted in hospital and he has to look-after his son, while the counsel for the applicant/appellant was busy before the Federal Service Tribunal and was unable to put his appearance before this Hon'ble Tribunal on the date fixed, hence this application.

3. That the absence of the applicant/appellant or his counsel was neither deliberate nor willful, but due to aforesaid reasons.
4. That since valuable rights of applicant/appellant are involved, therefore, the same needs to be decided on its own merit.
5. That the spirit of law is decision on merits rather dismissal on technicalities.

It is, therefore, prayed that on acceptance of this application, the application for restoration of the titled appeal may please be restored to its original number and thereafter the same may please be decided in its own merits.

M. Shah

Applicant/Appellant

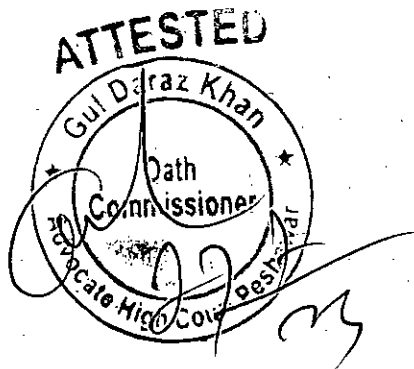
Through

M. Shah
Syed Mudassir Pirzada
 Advocate High Court

Dated: 27.07.2023

AFFIDAVIT

I, Nadeem Shah, Constable No.618, , do hereby solemnly affirm and declare that the contents of the accompanying **Restoration Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Nadeem Shah
 DEPONENT

3

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR



APPEAL NO. 366 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 357

Dated 10-4-2017

Nadeem Shah, Constable No.618,
CTD Kohat Region.

(Appellant)

VERSUS

1. The Provincial Police Officer, KPK Peshawar.
2. The Additional Inspector General of Police, CTD, KPK, Peshawar.
3. The District Police Officer Kohat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 08.12.2016, WHEREBY THE PROMOTION OF THE APPELLANT FROM CONSTABLE TO HEAD CONSTABLE WAS CANCELLED/WITHDRAWN AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 08.12.2016 MAY BE SET ASIDE AND THE RESPONDENTS MAY FURTHER PLEASE BE DIRECTED TO RESTORE THE APPELLANT TO THE POST OF HEAD CONSTABLE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

10/4/17

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Certified to be true copy

4 Appeal No. 366/2017
Nadeem Shah vs Govt



3rd July, 2023

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Amir Abbas DSP (Legal) for the respondents present.
2. The case was called time and again but neither the appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3rd day of July, 2023.

(Rashida Bano)
Member(J)

(Kalim Arshad Khan)
Chairman

Adnan Shah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
11/7/23

Date of Presentation of Application 11/7/23
Number of ~~words~~ page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copier Shahid
Date of Completion of Copy 11/7/23
Date of Delivery of Copy 11/7/23