

11.08.2021

Petitioner present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Arguments on application heard. Record perused.

Application in hand was filed for restoration of appeal which was dismissed in default on 11.06.2019.

As per record, appeal was dismissed in default on 11.06.2019, whereas, application seeking restoration was filed on 11.07.2019.

In view of the above, instant application stands accepted. File stands restored. It be properly registered. Application stands consigned to the record room, copy whereof be placed on original file. To come up for arguments in the main appeal on ~~03.12~~ 03.12.2021 before D.B.



(Rozina Rehman)  
Member (J)

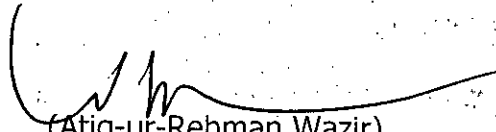


Chairman

12.01.2021

Counsel for the appellant and Addl. AG alongwith Ihsanullah, H.C for the respondents present.

Learned AAG has submitted reply on behalf of respondents to the application for restoration of the appeal. Placed on file. To come up for arguments on 19.04.2021 before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

19.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 11.08.2021 for the same as before.

  
Reader



13.11.2019

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Ihsan Ullah SI (Legal) representative of the respondent department absent. Respondents as well as absent representative be put to notice for reply of the present application. Adjourn. To come up for reply and arguments on 15.01.2020 before D.B.

  
Member

  
Member

15.01.2020 Petitioner absent. Learned counsel for the petitioner absent. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Ihsan Ullah S.I representative of the respondent department present and seeks time to furnish reply. Adjourn. To come up for reply and arguments on 26.02.2020 before D.B.

  
Member

  
Member

26.02.2020

Learned counsel for the petitioner present. Reply not submitted. Ihsan Ullah S.I representative of respondent No.1 absent. Respondents as well as absent representative of respondent No.1 be put to notice for reply. Adjourn. To come up for reply and arguments on 01.04.2020 before D.B.




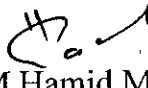
  
Member

  
Member

Form-A  
FORM OF ORDER SHEET

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

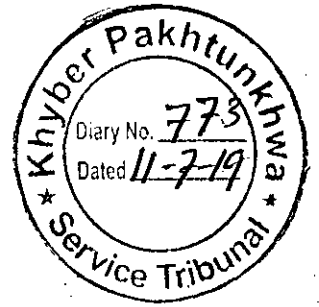
Appeal's Restoration Application No. 272/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.07.2019	<p>The application for restoration of appeal No. 436/2017 submitted by Uzma Syed Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<u>16-7-19</u>	<p>This restoration application is entrusted to D. Bench to be put up there on <u>06-09-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.09.2019	<p>Learned counsel for the appellant present. Notice be issued to the respondent for reply on 13.11.2019 before D.B. Original record be requisitioned for the date fixed.</p> <p style="text-align: center;">  (Ahmed Hassan) Member         <span style="margin-left: 200px;">  (M Hamid Mughal) Member         </span> </p>

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

**PESHAWAR**

*Restoration Application no. 272/19*  
**APPEAL NO.436/2017**



kamran

V/S

police Deptt:

**APPLICATION FOR RESTORATION OF APPEAL NO. 436/2017 WHICH WAS DISMISSED ON DEFAULT VIDE ORDER DATED 11.06.2019.**

**RESPECTFULLY SHEWETH:**

1. That the instant appeal No. 436/2017 was filed before this Honourable Tribunal against impugned order whereby the appellant was dismissed from service.
2. That the instant appeal was in Argument stage at Peshawar on 11.06.2019 and the counsel for the appellant was ill therefore cannot attend the court and appellant in person present but don't know, why the appeal was dismissed on default on 11.06.2019. **(Copy of the order is attached)**
3. That the counsel for the appellant acknowledge today on 11.07.2019 about the appeal and submitting application which is in time from the acknowledgment , so it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 436/2017 may be restore on the acceptance of this application.

*Uzma Syed*  
**APPELLANT**  
Kamran

Through:

*Uzma Syed*  
**Uzma Syed**  
**ADVOCATE, HIGHCOURT**

**AFFIDAVIT**

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

*Uzma Syed*  
**DEPONENT**

*Date 11-7-2019*



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 436 of 2017

Khyber Pakhtunkhwa Service Tribunal

Diary No. 326

Dated 4-4-2017

Kamran Son of Shah Khisro Ex-Constable (FRP)  
R/o Dheri Allah Dand Malakand Agency.

... .. Appellant

VERSUS

- 1) Addl: Inspector General / Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar
- 2) Superintendent of Police, FRP Malakand Range, Swat.

... .. Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT 1974, AGAINST THE REMOVAL FROM SERVICE ORDER OB NO.462 DATED 26/12/2011 AND PASSED BY THE RESPONDENT NO.2 AND ORDER BEARING NO.71/05/16/EC DATED PESHAWAR THE 10/11/2016 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

Filed to-day

  
Registrar

4/4/17

Prayer in Appeal:


On acceptance of the instant appeal the impugned order of respondents No.1 and 2 may please be set aside/ varied and the respondents may please directed to reinstate the appellant in the service with all back benefits.

Re-submitted to -day and filed.

  
Registrar

5/5/17

ATTESTED

  
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No 436/2017  
Kamran vs Govt



11.06.2019

Nemo for appellant. Mr. Muhammad Riaz Paindakhel, Asstt. AG for the respondents present.

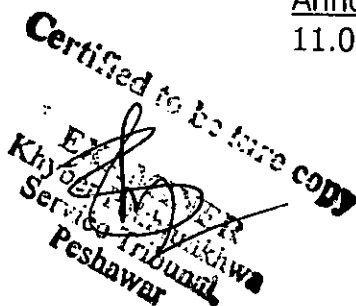
It is now past 4.00 P.M and no one is present on behalf of the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to record room.

  
Member

  
Chairman

Announced:  
11.06.2019

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 11-07-19  
Number of Words 800  
Copying Fee 6.00  
Urgent 2.00  
Total 8.00  
Name of Copyist [Signature]  
Date of Completion of Copy 11-07-19  
Date of Delivery of Copy 11-07-19



# بعدالت

KP Service Tribunal, Peshawar

2019ء منجانب

قائدان بنام

پولیس

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام Peshawar کیلئے عطی علی سید ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

Accepted

2019ء

7

ماہ

11

المرقوم

العبد گواہ العبد

Reshwar کے لئے منظور ہے۔

مقام

وکیل

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 436/2017

Restoration Appeal No. 272/2019

Kamran Constable No. 3347, FRP Malakand Range, Swat.....Appellant.

**V E R S U S**

1. Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police,  
FRP Malakand Range, Swat .....Respondents.

**WRITTEN REPLY ON BEHALF OF RESPONDANTS IN APPLICATION FOR RESTORATION OF APPEAL NO. 436/2017 WHICH WAS DISMISSED ON DEFAULT VIDE ORDER DATED 11.06.2019:-**

1. Correct to the extent that the subject appeal had been filed by the Appellant before this Honorable Tribunal which was subsequently dismissed in default due to less interest of counsel of the appellant.
2. Incorrect and denied: That the counsel of the appellant has found less interest to argue the case as he failed time and again to appear before this Honorable Tribunal. Finally the instant appeal was fixed for hearing on 11.06.2019, but the counsel of the appellant again deliberately found absent to appear before the Honorable Tribunal, without taking any prior permission.
3. Incorrect and denied. The counsel of the appellant has been called so many time to appear and argue the case, but he did not turn up. Therefore, the Honorable Tribunal correctly dismissed the instant appeal in default.

**PRAYERS:**

Keeping in view of above mentioned facts / submission the instant restoration application may very kindly be dismissed with cost.



**(KABIR ULLAH KHATTAK)**  
ADDITIONAL ADVOCATE GENERAL  
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR