


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 645/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge.
1	2	3
1	19.09.2023	<p>The application for restoration of Appeal no. 1901/2022 submitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for hearing before Division Bench at Peshawar on 20.09.2023. Original file be requisitioned. Parcha peshi is given to counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Restoration Application 648/2023
C.M NO. _____/2023
IN APPEAL NO.1901/2022

**FAZAL RABI, Ex-LHC No. 838 Village Asaf Khel Korona, City Karak,
Post Office , Tehsil & District Karak.....(applicant)**

Versus

1. Inspector General of KP, Peshawar
2. The Regional Police Officer Kohat Region
3. District Police Officer, District Karak
4. Accountant General KP Peshawar
5. District Account Officer , District Karak

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7672

Dated 19/09/23

**APPLICATION FOR RESTORATION OF THE ABOVEMENTIONED
APPEAL DISMISSED IN DEFAULT.**

RESPECTFULLY SHEWETH:

- 1- That the aforementioned appeal was pending adjudication before this August Tribunal and was fixed for arguments on dated 06.09.2023 and was dismissed in default on the same date. **Copy of order sheet is attached attached.....A**
- 2- That the appellant filed the abovementioned appeal against the impugned order dated 12.04.2021 through which appellant is compulsory retired from service and absence period has been treated as leave without pay.
- 3- That when the counsel searched his case on the website at night, it was not available in 07.09.2023 cause list as the date which was provided to the counsel by appellant was 07.09.2023 which the counsel noted on his office file.
- 4- When the counsel asked about his case non availability in the cause list of 07.09.2023, he was told by reader of the Tribunal that your case has been dismissed in default on dated 06.09.2023.
- 5- That the reason of mistake in date was of appellant as he lost his Parchi wherein date was provided to him by the reader of the tribunal.
- 6- That the valuable rights of the appellant are attached to this appeal and there was no other source of income except this job which helped him earn bread for the family.

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It is therefore most humbly prayed that on acceptance of this application the aforementioned appeal of the appellant may very graciously be restored and an opportunity be given to argue case on merit.



Appellant

Through counsel:


Afrasab Khan Wazir
Advocate High Court

Affidavit

I, FAZAL RABI, Village Asat Khel Korona, City Karak, Post Office, Tehsil & District Karak, do hereby solemnly affirm and declare the content of restoration application is true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal



Deponent

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① A ①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1901 /2022



Mr. Fazal Rabi, Ex-LHC No.838,
Village Asat Khel corona City
Karak, Post office Tehsil & District Karak.

.....APPELLANT.

VERSUS

- 1- The Inspector General of Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Kohat Region.
- 3- The District Police Officer, District Karak.
- 4- The Accountant General of Khyber Pakhtunkhwa, Peshawar.
- 5- The District Account Officer, District Karak.

.....RESPONDENTS.

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST IMPUGNED ORDER DATED 12.04.2021 WHEREBY RESPONDENTS IMPOSED MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE UPON APPELLANT AND ABSENCE PERIOD HAS BEEN CONSIDERED AS LEAVE WITHOUT PAY AND AGAINST APPELLATE ORDER DATED 23.11.2022 REJECTED ON NO GOOD GROUNDS.

Prayer:

That on acceptance of this instant service appeal of the appellant the impugned orders dated 12.04.2021 & 23.11.2022 may, very kindly be set aside and respondents may please be directed to reinstate the appellant with all back benefits. Any other remedy which this Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts of the appeal are as following:

- 1- That the appellant is appointed vide order dated 12.02.2002 in police department as Constable and was performing his duties passionately and wholeheartedly. Copy of the appointment order is attached as annexure.....A.
- 2- That appellant due to some urgency moved an application vide dated 17.09.2020 & 21.09.2020 to the respondent for grant of leave and the reason for moving applications was ailment of appellant aged father while in that period mother appellant died. Copy of applications and medical reports are attached as annexure are attached as annexure.....B & C.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

13/11/22

(4)

(2)


ORDER
06.09.2023

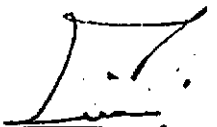


Nemo for the appellant. Mr. Waqar Ahmad, ASI and Syed Tariq Shah, Senior Auditor alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

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
06.09.2023


(Faheeha Paul)
Member (Executive)


(Salah-ud-Din)
Member (Judicial)

Naeem Amin

Certified in the true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
13/9/23

Date of Presentation of Application 13/9/23
Number of Words page 2
Copying Fee 10/-
Urgent _____
Total 12/-
Name of Copyiest Shahzad
Date of Completion of Copy 13/9/23
Date of Delivery of Copy 13/9/23

POWER OF ATTORNEY / VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Rawal Rabi

VERSUS

Police Deptt

In Appeal No. 18011 -P/2022

On behalf of Petitioner/Appellant No.

I/ we the **petitioners/appellant** hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me us and fully understood by me/ us.

Accepted & Attested

Afrasiab Khan Wazir
Advocate Peshawar High Court, Peshawar.

Terms Accepted

Signatures

Office Address:

Room No.6 Afridi Tower, Government College Chowk,
Faqirabad, Peshawar.

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