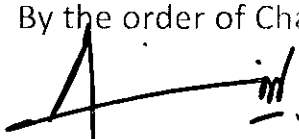


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 819/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.11.2023	<p>The application for restoration of Appeal no. 1064/2022 submitted today Mr. Afrasiab Khan Wazir Advocate. It is fixed for hearing before Single Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman,</p>  REGISTRAR

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Restoration appli. no. 819/2023

Khyber Pakhtunkhwa
Service Tribunal

C.M No. _____/2023

In

Appeal No 1064/2022.

File No. _____

Dated _____

Raziq Khan (Petitioner/Appellant)

VERSUS

Inspector General of Police K.P Peshawar & others

..... (Respondents)

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Restoration application with affidavit	-	1-2
2.	Dismissal order	A	3-4
3.	Wakalatnama	-	

Dated: 10-11-2023

THROUGH:

AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT
PESHAWAR

Afrasiab Khan Wazir

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

Restoration Appli. No. 819/2023

C.M No. _____/2023

In

Appeal No 1064/2022.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 8953

Dated 10-11-2023

Raziq Khan Ex-CONSTABLE, BELT NO. 1889
..... (Petitioner/Appellant)
S/O ISLAM-U-DIN R/O MAIN DATAI, DISTRICT KURRAM POLICE.

VERSUS

1. Inspector General of Police K.P Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. Regional Police Officer, Kohat Region, Kohat.
4. District Police Officer, District Kurram. (Respondents)

PETITION FOR RESTORATION OF APPEAL
WHICH WAS DISMISSED IN DEFAULT BY THIS
HON'BLE TRIBUNAL ON 23-08-2023:

RESPECTFULLY SHEWETH.

The petitioners very graciously submit as under:

1. **That** the above noted Appeal was pending in adjudication before this Hon'ble Tribunal, which was dismissed in default and due to non-submission of notice fees on 23-08-2023.
2. **That** the case of the petitioner/appellant was fixed in pre-admission notice before this hon'ble tribunal in which no reply/comments were submitted by the respondents party.
3. **That** the absence and non submission of notice's fee by the petitioner/appellant and his counsel was neither intentional nor deliberate but due to miscommunication of the said date, infact the reader of the court communicated 09-10-2023 instead of 23-08-2023 to the petitioner/appellant but on 09-10-2023 the petitioner/appellant and his counsel were astonished

when the came to know that the appeal was fixed on 23-08-2023 and was dismissed accordingly.

- 4. **That** valuable right of the petitioner/appellant is involved and the same would be defeated if not heard on merits.
- 5. **That** this Hon'ble Tribunal has Ampel powers to restore the same and the present restoration application is well within time.
- 6. **That** any other ground will be raised and argued with prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly requested that on acceptance of the present restoration application, the appeal of the petitioner/appellant may kindly be restored, in the best interest of justice.

پتitioner/آپلانت
Through

Afrasiab Khan Wazir

&

NAZUREHMAN KHAN

&

JUNAID UR REHMAN

Advocate(s) High Court.

Dated: 20-10-2023

AFFIDAVIT

It is to verify on oath, that as per the instructions conveyed to me by my client, the contents of the accompanying **Restoration Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



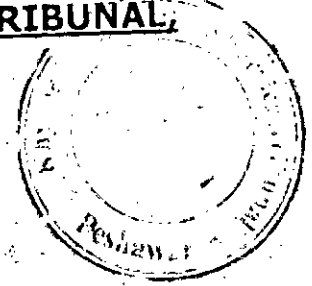
10 11 25
D.E.P.O.N.E.N.T

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1064 /2022

Mr. Raziq Khan, Ex-Constable , Belt No.1889,
S/O Islam Ud Din R/O Main Patai, District Kurram.



.....**APPELLANT.**

VERSUS

- 1- The Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Kohat Region, Kohat
- 3- The Regional police Officer, Kohat Region District Kohat.
- 4- The District Police Officer, District Kurram.

.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 22.06.2020 WHEREBY THE APPELLANT HAS
BEEN AWARDED MAJOR PENALTY OF DISMISSAL FROM
SERVICE AND AGAINST NO ACTION TAKEN ON
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE
STITUTORY PERIOD.

PRAYER:-

That on acceptance of this appeal the impugned order dated 22.06.2020 may very kindly be set aside and the appellant be re-instated into service with all back benefits. And any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts arising the present appeal are as under:-

- 1- That the appellant was appointed in the respondent department as Spoy in 2012 in Levies & Khasadar now constable and since his appointment he performed his duties quiet efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....**A.**

- 2- That after appointment, the appellant embarked on performing his duties with full devotion since 2012 and will denied no any kind of

certified to be true
10/11/23

Appeal No. 1064/2022, Raziy Khan vs Govt

11.07.2023

Learned counsel for the appellant present. Mr. Asif Masood
Ali Shah, Deputy District Attorney for the respondents present.

4

Reply/comments on behalf of respondents not submitted.
Record shows that notices have not been issued to the respondents
due to non-deposit of TCS expenses, therefore, appellant is
directed to deposit TCS expenses within three days: To come up
for reply/comments as well as preliminary hearing on 23.08.2023
before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)



Expense for TCS
not submitted
S. B. Mahanvi

SCANNED
PK-IST
Peshawar

Kamsuallah

23rd Aug. 2023

1. Nobody is present on behalf of appellant. Mr. Muhammad Jan, District Attorney for the respondents present.
2. On the previous date, appellant was directed to deposit expenses of TCS within three days, but till date, the same has not been deposited. Case was called time and again but no one put appearance on behalf of appellant. Therefore, this case is dismissed for non-compliance of the Court order as well as in default. Consign.
3. Pronounced in open Court at Peshawar under my hand and seal of the Tribunal on this 23rd day of August, 2023.

Date of Presentation of Application: 10-11-23
 Number of Words: Page = 2
 Copying Fee: 19/-
 Urgent: 5/-
 Total: 15/-
 Name of Copier: Shehryar
 Date of Completion: 10-11-23
 Date of Delivery: 10-11-23

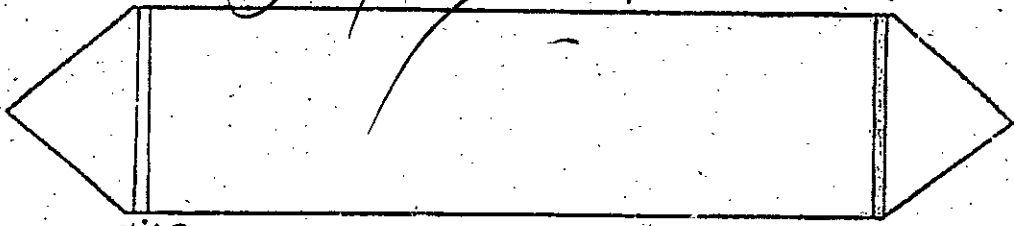
Certified to be true copy

EMILY WAINER
Khuzdar Pakhtunkhwa
Service Tribunal
Peshawar

Mutozem Shah

(Kalim Arshad Khan)
Chairman

بعدالت ضام - ضرورت مینوں KP سے



2 مخانب

رائف کپٹن بنام 14P و وکیل

Restoration

موزخ

مقدم

دعویٰ

نیم

باعث تحریر آنگہ

حیدر علی خان
مکتوبہ
اور
دوسرے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکیل کاروائی متعلقہ
آن مقام مستاور کیلئے افراسیخان دوسر - حیدر علی خان رید نظر الم حسن
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز
وکیل صاحب کو راجسٹی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
باعدت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل ٹرانسفری و نظر ثانی و پیروی کرنے کا اختیار 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 کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سارا
بہداشتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرتوم 10/11/23

واہ العباد

مستاور

Accepted

Attested

A7

Accepted

Attested

N

Accepted

Attested

J