

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 838/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.11.2023	<p>The application for restoration of Appeal no. 1380/2023 submitted today Syed Muddasir Pirzada 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>

By the order of Chairman


REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

*Restoration Application
No 838/2023*

Service Appeal No. 1380/2023

Sadiq ur Rehman.....Appellant

V E R S U S

IGP, KPK & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-3
2.	Affidavit		4
3.	Copy of Order dated 31.10.2023	A	5-6

Applicant/ Appellant
Through

Dated: 21.11.2023

SYED MUDDASIR PIRZADA

Advocate, High Court
At District Courts Kohat
Cell # 0345-9645854

①

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

*Restoration Application
No 838/2023*

Service Appeal No. 1380/2023

9282
21/11/23

**Sadiq ur Rehman, Ex-Police Constable Belt No.
485, District Police Line Kohat.**

.....Appellant

V E R S U S

- 1. Inspector General of Police KPK Peshawar**
- 2. Deputy Inspector General of Police Kohat
Region Kohat.**
- 3. District Police Officer Kohat**

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 31.10.2023.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this
Hon'ble Tribunal on 31.10.2023

2

2. That the counsel of the Appellant as well as Appellant are belongs to District Kohat, moreover on the date fixed they were on way to Court and due to blockage of Road, they were unable to appear before the Court on time and when appear, they came into knowledge that the Appeal was dismissed in default on 31.10.2023. **(Copy of Order dated 31.10.2023 is attached as annexure A)**

3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant is involved in the case in question.
- C. That the law otherwise favour the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.

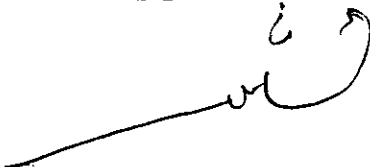
3

F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Applicant/ Appellant
Through

Dated: 21.11.2023


SYED MUDDASIR PIRZADA
Advocate, High Court
At District Courts Kohat

4

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1380/2023

Sadiq ur Rehman.....Appellant

VERSUS

IGP, KPK & others.....Respondents

AFFIDAVIT

I, **Sadiq ur Rehman, Ex-Police Constable Belt No. 485, District Police Line Kohat**, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



S. Rehman

DEPONENT

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1380/2023

Sadiq-ur Rehman (Ex-Police Constable Belt No 485) District Police Line Kohat.

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

1. INSPECTOR GENERAL POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

Diary No. 6109

Dated 20/6/2023

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18-01-2023 VIDE-OB 41 IN WHICH THE RESPONDENT NO-3 WITHOUT ANY COGENT REASON BLESS MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE APPELLANT PREFER REPRESENTATION ON DATED 06-02-2023 WHICH WAS TOO REJECTED ON 12-05-2023 RECEIVED ON 14-06-23.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondent No-3 may please be set aside and reinstate the appellant with all back benefits of absence period which was not deliberate on the basis that the appellant was serving and respondent for no reason dismissed.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts as per impugned order that appellant constable while posted at police lines kohat allotted SMG rifle bearing NO. 48000989 original foreign made [CHINA RIFLE] from kot of police station jungle khel for official duty ON 08.10.2022 he has deposited the weapon in kot and inspected by SI Nadeem Khan Armourer the rifle was found totally changed and deposited Pak made thus committed misappropriation and due to the above allegation the appellant was awarded major punishment of dismissal from service with immediate effect (Copy of impugned order is annexed as annexure A)

- 1:-That the appellant was enrolled an constable in the year 2009 and Since his enrollment the appellant has served the police department with sincerity and efficiently.
- 2; That during his services the appellant has always served on merit and kept his departmental interests is above his personal interests and upon above score his respectable senior officers always posed confidence in him and the appellant never damaged/injured their confidence. The appellant never provided opportunity for lodging /preferring complaint against the appellant.

Certified
16/11/23

A. No: 1382/2023, Sadia Nur Rahman

08.2023

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is out of station. Adjourned. To come up for preliminary hearing on 21.09.2023 before S.B. P.P given to the parties.

(6)

SCANNED
KUST
Peshawar

(Muhammad Akbar Khan)
Member (I)

21st Sept. 2023

01. Counsel for the appellant sought time to complete the documents *including the Inquiry Report*. Granted. To come up for preliminary hearing on 31.10.2023 before the S.B. Parcha Peshi given to the learned counsel for the appellant.

SCANNED
KUST
Peshawar

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

ORDER

31st Oct. 2023

1. Nobody is present on behalf of the appellant.
2. This case was called several times but nobody put appearance on behalf of the appellant before the Tribunal till its rising, therefore, the appeal in hand is dismissed in default. Consign.
3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 31st day of October, 2023.*

SCANNED
KUST
Peshawar

(Kalim Arshad Khan)
Chairman

16/11/23

Date of Presentation of Application: 01/11/23

Number of Words: 27

Copying Fee: 10/-

Urgent:

Total: 10/-

Name of Copyist: Shafiq

Date of Completion: 16-11-23

Date of Delivery: 16-11-23