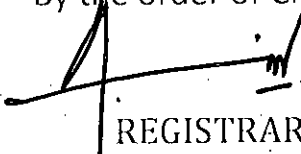


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 02/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.01.2024	<p>The application for restoration of service appeal no. 104/2023 submitted today by Mr. Mir Zaman Safi 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>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli. No. 2/2024

C.M. No. _____/2023

IN

APPEAL ON. 104/2023

KHUSHAL

V/S

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of application	1.
2.	Affidavit	2.
3.	Order/Judgment	A	3- 4.
4.	Wakalat Nama	5.

APPELLANT

THROUGH:

M. Zaman Safi

**MIR ZAMAN SAFI
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

R.A. No. 2/2024
C.M. No. _____/2023

IN

APPEAL ON. 104/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10079

Dated 1-1-2024

Mr. Khushal, Constable No.536,
Police Lines, District Mansehra.....APPLICANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Hazara Division at Abbottabad.
- 3- The District Police Officer, District Mansehra

.....RESPONDENTS


**APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL**

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honorable Tribunal at abbottabad in which 11-12-2023 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 19.08.2022.
- 3- That on the date mentioned brother of the appellant was died while Counsel for the appellant was busy at the Principal Bench of this august Tribunal at Peshawar as well as before the Peshawar High Court, Peshawar.
- 4- That due to non appearance of the appellant as well as his counsel, the above mentioned appeal has been dismissed in default vide order dated 11.012.2023. **Copy of the order sheet is attached.**
- 5- That non-appearance of the appellant and Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is, therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 01-01-2024.

APPELLANT
THROUGH: 
MIR ZAMAN SAFIR
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2023

IN
APPEAL ON. 104/2023

KHUSHAL

V/S

POLICE DEPTT:

AFFIDAVIT

I Mir Zaman Safi Advocate, High Court, do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



MIR ZAMAN SAFI
ADVOCATE

ATTESTED



D

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 104 /2023

Mr. Khushal, Constable No.536,
Police Lines, District Manshra.....**APPELLANT**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Hazara Division, at Abbottabad.
- 3- The District Police Officer, District Manshra.
- 4- The District Account Officer, District Manshra.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 19.08.2022 WHEREBY THE APPELLANT HAS BEEN RE-INSTATED INTO SERVICE WITH EFFECT FROM 01.09.2018 INSTEAD OF 28.04.2011 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 01.09.2022 may very kindly be modified/rectified and re-instated the appellant with effect from the date of dismissal i.e. 28.04.2011 with all back benefits. Any other relief which your good self deems appropriate may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent department and is serving the department as Constable No. 536 quite efficiently and upto the entire satisfaction of his superiors.
- 2- That during service the appellant was charged in criminal case in FIR No. 758, under section 337/II, dated 10.06.2009, Police Station City, Manshra. That the respondent Department conducted preliminary inquiry in the matter and subsequently vide letter dated 16.03.2011 the appellant was preferred for medical examination to the Standing Medical Board. Copies of the inquiry report, Show cause notice, Reply and letter dated 16.03.2011 are attached as annexure.....**A, B & C.**

104/23 *Alam*



Khushal vs Govt

ORDER
11.12.2023

Nemo for the appellant. Mr. Gul Shehzad, S.L. (Legal) alongwith Mr. Habib Anwar, Additional 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
11.12.2023

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
(Salah-ud-Din)
Member (Judicial)
Camp Court Abbottabad

Naeem Amin

Date of Presentation of Appeal *01-01-2024*
Number of Pages *Page 2*
Copying Fee *10/-*
Urgent *5/-*
Total *15/-*
Name of Copyist *Shehzad*
Date of Completion of Copy *01-01-2024*
Date of Delivery of Copy *01-01-2024*