


FORM OF ORDERSHEET

Court of _____

Misc. application No. 20/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04/01/2024	<p>The Misc. application in appeal no. 829/2023 submitted today by respondent no. 1 to 3 through Assistant Inspector General of police Establishment. It is fixed hearing before Single Bench at Peshawar on _____.</p> <p>Original file be requisitioned. Applicants be informed accordingly.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

C. Application no. 20/2024
Service Appeal No. 829/2023

Diary No. 10361

1. Dr. Muhammad Akhtar Abbas, DIG/ Legal for Inspector General of Police, Khyber Pakhtunkhwa. Dated 04-01-2024
2. Awal Khan, Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
3. Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa

VERSUS

Zakaria Khan *Senior Clerk District Police Office Nowshera.*

APPLICATION FOR SETTING ASIDE EX-PARTE DATED 14.12.2023 AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS

Respectfully Sheweth:

1. That, above captioned Service Appeal filed by the appellant namely Zakaria Khan Senior Clerk for promotion to the rank of Assistant Grade Clerk which is fixed for 30.01.2024.
2. That, instant case pertains to promotion and for which last 05 DPCs record were required to be collected and inserted into Para-wise comments.
3. That, this Hon'ble Tribunal issued ex-parte order dated 14.12.2023 without taking into consideration the stance of Police department, which is not in accordance with natural justice.
4. That, from ex-parte order the answering respondents are deprived of their right of defence.
5. That, the Para-wise comments accordingly prepared and are ready for submission.
6. That, respondent department always complied with the directions of Hon'ble Courts in letter and spirit.
7. That feeling aggrieved the respondents seek right for restoration to file Para-wise comments on the following Grounds.

GROUND:

- A) That the valuable rights of the department/ respondents are involved with the instant Service Appeal.
- B) That the application is within time and there is no disobedience on the part of respondents.
- C) That there is no legal bar in acceptance of the application in hand.
- D) That the delay was not intentional but due to the above justified reasons, the respondents will show punctuality in future.
- E) That according to the rules of natural justice, Audi-alteram-partem, no one cannot be condemned unheard.

PRAYERS:

It is therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings against the respondents may be set aside and right to file Para-wise comments may kindly be restored, please.



(MUHAMMAD AZHAR) PSP
Assistant Inspector-General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 829/2023

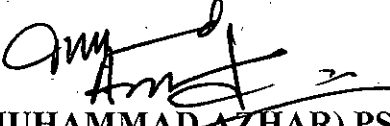
Zakaria Khan.....(Appellant)

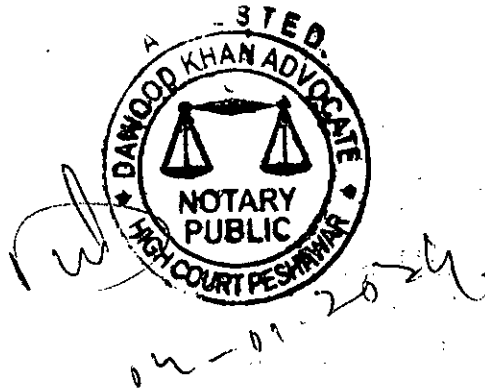
VERSUS

Govt: of Khyber Pakhtunkhwa etc..... (Respondents)

AFFIDAVIT

I, Muhammad Azhar AIG/ Establishment, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying application for restoration of right of submission of Para-wise comments, on behalf of respondent department are correct to the best our knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.


(MUHAMMAD AZHAR) PSP
Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. ⁸²⁹ /2023



Zakria Khan Senior Clerk District Police Office Nowshera.

.....Appellant

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police (HQ) Khyber Pakhtunkhwa, Peshawar.
3. Assistant Inspector General of Police (Establishment) CPO, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPEAL U/S-4 OF KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL ACT, 1974.

Respectfully Sheweth;

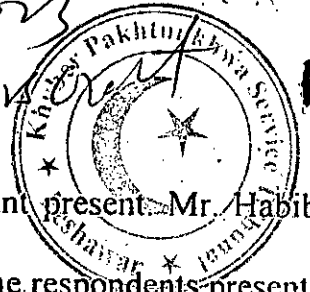
1. That the appellant was initially appointed as Junior Clerk on 22-09-1990 and was posted at District Police Office, Nowshera where posted till date.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
& Peshawar

2. That the appellant is performing his duties with full zeal & zest, devotion, determination and to the entire satisfaction of his superiors and being qualified and fulfilling all the

Appeal No. 829/2023
Zakaria Khem



10th Nov, 2023

1. Learned counsel for the appellant present Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Written reply/comments have not been submitted. Learned AAG seeks time to submit written reply/comments on the next date. Last chance is given. To come up for written reply/comments as well as preliminary hearing on 14.12.2023 before S.B. P.P given to the parties.

AD
J
AWAR

Adnan Shah

(Kalim Arshad Khan)
Chairman

14th Dec. 2023

1. Junior to counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General present.

2. Last chance was given to the respondents on the previous date to submit reply. Today, nobody is present on behalf of the respondents. Therefore, they are placed ex-parte. To come up for preliminary hearing on 30.01.2024 before S.B. P.P given to the appellant.

Muazzem Shah

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EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 04-01-24

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