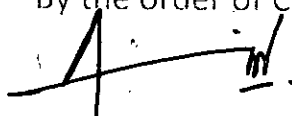


Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 101/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.01.2024	<p>The application for restoration of Service Appeal no. 11881/2020 submitted today by Mr. Taimur Ali Khan Advocate. It is fixed for hearing before touring Single Bench at Swat on _____. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

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

In Re: R.A. No. 101/2024

Service Appeal No. 11881/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10728

Dated 23-1-2024

Jawad Ali, Constable No.341,

Police Station Talash, Dir Lower. . . . **APPLICANT/APPELLANT**

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region, Saidu Sharif, Swat.
3. The District Police Officer, Dir Lower. . . . **RESPONDENTS**

**APPLICATION FOR RESTORATION OF INSTANT**  
**APPEAL WHICH WAS DISMISSED IN DEFAULT**  
**ON 02.01.2024.**

**Respectfully Sheweth:**

1. That the instant appeal was fixed on 09.10.2023 for arguments before this Hon'ble Court.
2. That on 09.10.2023, the case was adjourned to 02.01.2024 and also transferred to Camp court Swat, however, the counsel for appellant wrongly noted the date as 22.01.2024 and also noted date 22.01.2024 in his diary which is evident from relevant page of diary, due to which the appellant as well as his counsel were not appeared before the

Hon'ble Tribunal on date fixed i.e. 02.01.2024 and case was dismissed in default on 02.01.2024.

(Copies of relevant page of Diary and Order Sheet dated 02.01.2024 are attached as annexure "A" & "B").

3. That as the counsel for the appellant noted 22.01.2024 in his diary, but the case was not mentioned in cause list today i.e. 22.01.2024 and when he inquired about the case, he was informed that case was transferred to Camp Court, Swat and was dismissed in default on date fixed i.e. 02.01.2024 at Camp Court, Swat.
4. That the appellant has good prima facie case and to be decided on merit in interest of justice.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be restored and decided on merit to meet the ends of justice.

Through

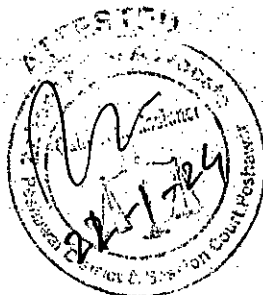
Applicant/Appellant

  
**TAIMUR ALI KHAN**  
Advocate High Court

Dated: 22.01.2024

### AFFIDAVIT

It is stated on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
DEPONENT

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

In Re:

Service Appeal No.11881/2020

Jawad Ali

**VERSUS**

The Provincial Police Officer, etc.

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING APPLICATION**  
**RESTORATION OF APPEAL.**

**Respectfully Sheweth:**

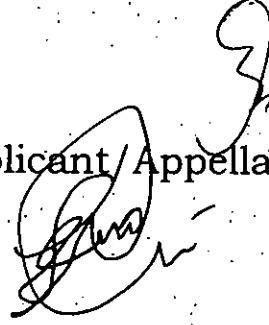
1. That on 09.10.2023, the case was adjourned to 02.01.2024 and also transferred to Camp court Swat, however, the counsel for appellant wrongly noted the date as 22.01.2024 and also noted date 22.01.2024 in his diary which is evident from relevant page of diary, due to which the appellant as well as his counsel were not appeared before the Hon'ble Tribunal on date fixed i.e. 02.01.2024 and case was dismissed in default on 02.01.2024.
2. That as the counsel for the appellant noted 22.01.2024 in his diary, but the case was not mentioned in cause list today i.e. 22.01.2024 and when he inquired about the case, he was informed that case was transferred to Camp Court, Swat and was dismissed in default on date fixed i.e.

02.01.2024 at Camp Court, Swat and the counsel for the appellant got knowledge on 22.01.2024, the case was dismissed in default on 02.01.2024, and as per rule, the time period for restoration of an appeal is 15 days and instant application is barred by time of 5 days due to above mentioned reason, hence this application.

It is, therefore, most humbly prayed that on acceptance of this application, the delay in filing of application for restoration of appeal may kindly be condoned, to meet the interest of justice.

Through

Applicant/Appellant



**TAIMUR ALI KHAN**  
Advocate High Court

Dated: 22.01.2024

**AFFIDAVIT**

It is stated on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT





**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 11881 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9916

Dated 09/09/2020

Jawad Ali, Constable, No.341,  
Police Station Talash, Dir Lower.

(APPELLANT)

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. The District Police Officer, Dir Lower.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 12.08.2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 29.07.2019, "WHEREIN MINOR PUNISHMENT OF FORFEITURE OF TWO YEARS OF APPROVED SERVICE HAS BEEN IMPOSED UPON THE APPELLANT" FOR NO GOOD GROUNDS.

Filed to-day

*scw*  
Registrar

09/09/2020

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 12.08.2020 AND 29.07.2019 MAY KINDLY BE SET ASIDE AND THE FORFEITED APPROVED SERVICE OF THE APPELLANT MAY BE RESTORED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.

*22-1-20*

6



ORDER

02.01.2024

Nemo for the appellant. Mr. Muhammad Jan,

Attorney 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

02.01.2024

(Rashida Bano)  
Member (Judicial)  
Camp Court Swat

(Salah-ud-Din)  
Member (Judicial)  
Camp Court Swat

\*Naeem Amin\*

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

22-1-24

Date of Presentation of Application 22-01-2024  
 Number of Words page 2  
 Copying Fee 10/-  
 Urgent 5/-  
 Total 15/-  
 Name of Copyist Shahjad  
 Date of Completion of Copy 22-01-2024  
 Date of Delivery of Copy 22-01-2024

کوئی بھی اقرار نامہ کسی بھی شخص کو کسی بھی جائیداد سے متعلق مائیکل یعنی ملکیت کا حق نہیں دیتا۔  
PLJ 2023 SC 68

کسی اقرار نامے کی بنیاد پر کسی بھی شخص کو کسی بھی رقبے سے متعلق ملکیت کا حق نہیں دیتا  
جب تک فروخت کی تمام تر رجحانات ثابت نہ ہوں۔  
PLJ 2023 SC 68

17/12 محمد رحمان (ب) نام حکومت سندھ

15/12 محمد رفیق نام حکومت P.T.N

2423/23

محمد جاوید احمد نام حکومت H.C

5835/24

اسد جان نام حکومت

9/10 حواد بنام حکومت سندھ

اسد اقبال نام حکومت

عاصم محمد نام حکومت

11  
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