


# FORM OF ORDERSHEET

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

Misc. application No. 114 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/01/2024	<p>The Misc. application in Service appeal 1552/2023 submitted today by respondents no. 1 to 3 through Senior Superintendent of Police Telecommunication Peshawar. It is fixed hearing before Division Bench at Peshawar on _____ Original file be requisitioned. Parcha Peshi is given to the representative of the police department.</p> <p style="text-align: right;"> REGISTRAR</p>

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

Service Appeal No.1552/2023

*Misc. Appli No. 114/2024*

Yaseen Khan .....(Appellant)

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar & others .....(Respondents)

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S.No.	Description of documents	Annex	Pages
1.	Memo of application	-	1 to 2
2.	Affidavit	-	3
3.	Copy of Order Sheet dated 01.11.2023 & Appeal	A	4-5

  
Respondents Through

Department  
Representative

(1)

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

Service Appeal No. 1552/2023 *Misc. Appli. No 114/2024*

1. Deputy Inspector General of Police Telecomm: & Transport Khyber Pakhtunkhwa, Peshawar
2. Superintendent of Police Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 10878

Dated 30-1-2024

**VERSUS**

**Yaseen Khan** (Ex-Constable No.549/1029) son of Bahadar Khan resident village Kharkanai Warsak Tehsil Adenzai, District Lower Dir, currently residing at House No.1017 Nothia Jadid Nasir Bagh Mohallah Hafiz Minhaj uddin, Peshawar Cantt:

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 01.11.2023 AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS**

Respectfully Sheweth:

1. That, above captioned Service Appeal filed by the appellant namely Yaseen Khan to set-aside the impugned order and to re-instate him into service will all back benefits and the next date of hearing is 19.02.2024.
2. That as the notice was not properly conveyed to the respondents due to which this Hon'ble Tribunal issued ex-parte order dated 01.11.2023 without taking into consideration the stance of Police department, which is not in accordance with natural justice.
3. That, from ex-parte order the answering respondents are deprived of their right of defence.
4. That, respondent department always complied with the directions of Hon'ble Courts in letter and spirit.
5. That, the Para-wise comments accordingly prepared and are ready for submission.
6. That feeling aggrieved the respondents seek right for restoration to file Para-wise comments on the following Grounds.
7. That the valuable rights of the department/ respondents are involved with the instant Service Appeal.
8. 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.

(2)  
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.

  
(NISAR MUHAMMAD KHAN)

Superintendent of Police,  
Telecomm:&Transport  
Khyber Pakhtunkhwa,  
Peshawar.

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

**PESHAWAR**

Service Appeal No.1552/2023

Yaseen Khan .....(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar& others ..... (Respondents)

**AFFIDAVIT**

I, Nisar Muhammad Khan superintendent of Police, Telecommunication & Transport, Khyber Pakhtunkhwa, and 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 Respondents department are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Service Tribunal.



**(NISAR MUHAMMAD KHAN)**

Superintendent of Police,  
Telecomm.&Transport  
Khyber Pakhtunkhwa,  
Peshawar.



(4)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 1552 of 2023

Yaseen Khan (Ex-Constable No.549/1029) Son of Bahadar Khan Permanent Resident Village Kharkanai, Warsak Tehsil Adenzai, District Dir Lower, Currently Residing at House No.1017, Nothia Jadid, Nasir Bagh, Mohallah Hafiz Minhaj Uddin, Peshawar Cantt.

..... **Appellant**

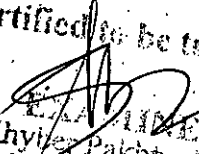
**VERSUS**

- 1- Deputy Inspector General of Police, Telecommunication and Transport, Khyber Pakhtunkhwa, Police Line Peshawar.
- 2- Superintendent of Police Telecommunication and Transport, Khyber Pakhtunkhwa, Police Line Peshawar.
- 3- Muhammad Saeed Deputy Superintendent of Police, Telecommunication and Transport, Khyber Pakhtunkhwa, Police Line Peshawar (Inquiry Officer).
- 4- Provincial Police Officer /Inspector General of police Khyber Pakhtunkhwa Peshawar.
- 5- Govt of Khyber Pakhtunkhwa through Secretary Home Peshawar.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974, AGAINST THE  
IMPUGNED INDECISION OF RESPONDENT  
NO.1 DATED 10/07/2023 WITH REGARD  
TO DEPARTMENTAL APPEAL OF THE  
APPELLANT AGAINST THE IMPUGNED**

Certified to be true copy

  
**CHAIRMAN**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

1<sup>st</sup> Nov. 2023



1. Learned counsel for the appellant present. Mr. Asad Ali Khan,  
Assistant Advocate General present.

2. Learned counsel for the appellant submitted that respondents  
No.3 & 5 are unnecessary party and were arrayed as an abundant  
precaution. He further submits that names of respondents No.3 & 5  
might be deleted from the panel of respondents as the relief claimed in  
the appeal could be properly granted by the rest of the respondents.  
Therefore, names of respondents No.3 & 5 are deleted from the panel of  
respondents. Respondents No.1, 2 & 4 have been served, but they are  
not present, hence placed ex-parte. To come up for arguments on  
19.02.2024 before D.B. P.P given to the parties.

*[Signature]*  
(Kalim Arshad Khan)  
Chairman

\*Muzem Shah\*

**Certified true copy**  
*[Signature]*  
CHIEF CLERK  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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