

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

Service Appeal No. 621/2023

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
  2. Deputy Inspector General of Police /  
Regional Police Officer, Kohat
  3. District Police Officer, Kohat
- ..... Respondents

**VERSUS**

Ishrat Ali S/O Hashmat Ali Ex-Constable No. 1200  
r/o district Police Kohat

..... Appellant

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*Ashraf*  
Deponent

01-03-2024  
Peshawar

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..... Respondents

**VERSUS**

Ishrat Ali S/O Hashmat Ali Ex-Constable No. 1200  
r/o district Police Kohat

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11171

Dated 16-02-2024

..... Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 06.11.2023 AND  
RESTORING RIGHT OF FILING PARAWISE COMMENTS**

**Respectfully Sheweth:-**


1. That above captioned Service Appeal led by the appellant namely Ex-Constable Ishrat Ali for reinstatement in service which is fixed for 01.03.2024.
2. That this Hon'ble Tribunal issued ex-parte order dated 06.11.2023 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 the para-wise comments accordingly prepared and are ready for submission.
5. That respondent department always complied with the directions of Hon'ble Courts in letter and spirit.
6. 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 justifiable reasons, the respondents will show punctuality in future.

- E) That according to the rules of natural justice, Audi-alterem-partam, no one should be condemned unheard.

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

  
(FARHAN KHAN) PSP  
District Police Officer,  
Kohat  
(Respondent No. 3)

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**VERSUS**

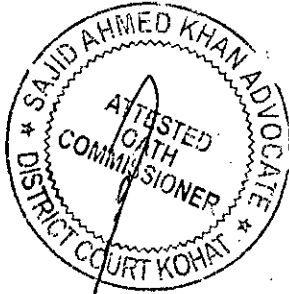
Ishrat-Ali S/O Hashmat Ali Ex-Constable No. 1200  
r/o district Police Kohat

..... Appellant

**AFFIDAVIT**

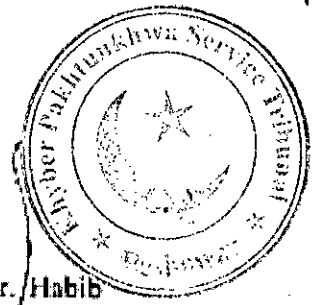
I, Farhan Khan, District Police Officer, Kohat Respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of reply to the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal. *It is his oath*

*The answering respondents has neither plea  
exposed nor their defense struck  
off/lost.*



*[Signature]*  
District Police Officer,  
Kohat  
(Respondent No. 3)  
**(FARHAN KHAN) PSP**

A. No. 621/2023  
Ishrat Agha



6<sup>th</sup> Nov. 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present.
2. On the previous date, one Mr. Arif Saleem, Stenographer was present on behalf of the respondents but today no one is present on behalf of the respondents nor their written reply/comments have been submitted, hence they are placed ex-parte. Learned counsel for the appellant seeks time to assist the Tribunal. To come up for preliminary hearing on 11.12.2023 before S.B. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman

\*Adm. Stk.\*

11<sup>th</sup> Dec, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Usman Khan, DSP (Legal) for the respondents present.
2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last opportunity is granted. To come up for preliminary hearing on 17.01.2024 before S.B. P.P given to the parties.

Attested  
Arif Saleem

RECORDED  
&  
INDEXED

(Kalim Arshad Khan)  
Chairman

\*Adm. Stk.\*

Date of Presentation of Petition 17/12/23  
 Number of Words \_\_\_\_\_  
 Copying Fee \_\_\_\_\_  
 Urgent \_\_\_\_\_  
 Total 16/-  
 Name of Copyist \_\_\_\_\_  
 Date of Completion 17/12/23  
 Date of Delivery to Court 17/12/23

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar