

Form-A

FORM OF ORDER SHEET

Restoration Application No. 181/2024

S.No. Date of order
Proceedings

1

2

Order or other proceedings with signature of judge

3

1

26.02.2024

The application for restoration of Service Appeal No. 733/2023 submitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.

By the order of Chairman


REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

R. A. No. 181/2024

Service Appeal No. 733/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11369

Dated 26.02.2024

Ameer Nawaz.....Appellant

VERSUS

The IGP, KPK & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-3
2.	Affidavit		4
3.	Copy of Order dated 20.02.2024	A	5-6

A-nawaz
Applicant/ Appellant

Through

Dated: 26.02.2024

As

ASHRAF ALI KHATTAK
Advocate, Supreme Court
Of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Restoration No 181/2024
Service Appeal No. 733/2023

Ameer Nawaz, Ex-Constable No 12, Police Force Kohat
.....Appellant

VERSUS

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

APPLICATION FOR RESTORATION OF THE
ABOVE TITLED APPEAL DISMISSED IN
DEFAULT ON 20.04.2024.

Respectfully Sheweth:

- 1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 20.02.2024.
- 2. That the Muharrir / Official of this Hon'ble Court Tribunal given the date i.e 22.02.2024 to the Appellant and the same was also conveyed to the

counsel as well but unfortunately the case was fixed for 20.02.2024, when the Appellant as well as Counsel for the Appellant appeared on 22.02.2024 before this Hon'ble Tribunal, they came into knowledge that the Appeal of the Appellant was dismissed in default for non prosecution on 20.02.2024. **(Copy of Order dated 20.02.2024 is attached as annexure A)**

3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

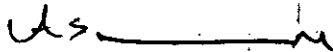
- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant is involved in the case in question.
- C. That the law otherwise favour the decision of cases on merit.
- D. That the application is within time.
- E. That there is no legal bar on acceptance of the instant Application.
- F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

A. Nawaz
Applicant/ Appellant

Through

Dated: 26.02.2024


ASHRAF ALI KHATTAK
Advocate, Supreme Court
Of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 733/2023

Ameer Nawaz.....Appellant

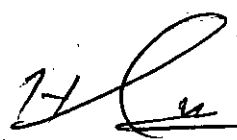
VERSUS

The IGP, KPK & others.....Respondents

AFFIDAVIT

I, **Ameer Nawaz, Ex-Constable No 12, Police Force Kohat**, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

A-Nawaz
DEPONENT


Humaira Rehman Advocate
Oath Commissioner
Endst No. 3370-75
26/2/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 223 /2023



Ameer Nawaz,
Ex-Constable No.12,
Police Force Kohat.....Appellant:

Versus

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 3987
Dated 1/3/2023

1. The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General,
Kohat Region, Kohat.
3. The District Police Officer,
Kohat Region, Kohat.....Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED FINAL ORDER OF RESPONDENT NO.2 DATED 14-02-2023 PASSED ON THE DEPARTMENTAL APPEAL PREFERRED AGAINST THE IMPUGNED ORDER OF RESPONDENT NO.3 DATED 22-12-2022 VIDE WHICH THE APPELLANT WAS DISMISSED FROM SERVICE WITHOUT ANY LEGAL OR FACTUAL JUSTIFICATION.

Respectfully Sheweth,

The facts given rise to the present service appeal are as under;

1. That appellant joined the Police Deptt: as Constable in the year 2008. He has more than 14 years service at his credit. During the period of his service, he has worked with zeal, zest and devotion.
2. That unfortunately the appellant, while posted in Police Lines, Kohat, was charged sheeted on the ground that while deputed on challan duty and to produce hardened criminals including accused Najeeb Ullah S/o Taj Ali Khan R/o Civil Lines, District Tank involved in case FIR No.35 dt: 30-03-2022 w/s 302/324/353/120-B PPC, 4/5/ESA/15AA/7ATA P.S CTD D.I Khan at ATC Kohat and during Police custody the said accused made good his escape from the Police

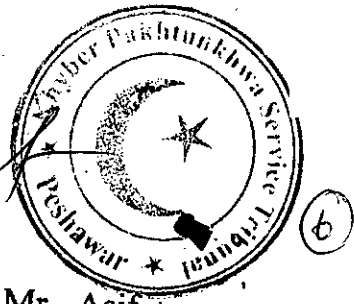
Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Monday
01/03/2023

A. No. 733/2023

Ameeer Nadeem vs Govt





20th Feb, 2024

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Ghulam Mustafa, Law Officer for the respondents present.

2. The case was called time and again but neither appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default.

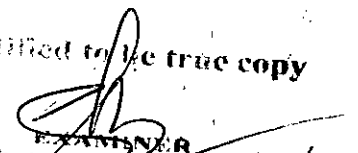
3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 20th day of February, 2024.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/2/24
Number of Words Page = 2
Copying Fee 10/-
Urgent _____
Total 10/-
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