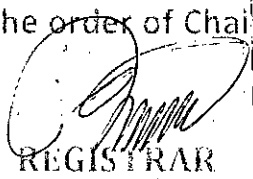


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 207/2024

S.No	Date of order or proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.03.2024	<p>The application for restoration of Service Appeal No. 1380/2023 submitted today by Syed Muddasir Pirzada Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ .Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Restoration Appli. no. 207/2024

CM No. 207 /2024

In

Restoration Application No. 838/2023

In Re:

Service Appeal No. 1380/2023

Sadiq ur Rehman.....Appellant

V E R S U S

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 26.02.2024	A	5-7

S. Rehman

Applicant/ Appellant
Through

SYED MUDDASIR PIRZADA

Advocate, High Court
At District Courts Kohat
Cell # 0345-9645854

①

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11557

Dated 04-03-2024

R.A.
CM No. 207/2024

In

Restoration Application No. 838/2023

In Re:

Service Appeal No. 1380/2023

Sadiq ur Rehman, Ex-Police Constable Belt No. 485,
District Police Line Kohat.

.....Appellant

V E R S U S

1. Inspector General of Police KPK Peshawar
2. Deputy Inspector General of Police Kohat
Region Kohat.
3. District Police Officer Kohat

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 31.10.2023.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this
Hon'ble Tribunal on 31.10.2023

2. That the counsel of the Appellant as well as Appellant are belongs to District Kohat, moreover on the date fixed they were on way to Court and due to blockage of Road, they were unable to appear before the Court on time and when appear, they came into knowledge that the Appeal was dismissed in default on 31.10.2023.
3. That thereafter the Appellant filed an Application for restoration of the above titled Appeal, which was fixed for 26.02.2024.
4. That on the date fixed, counsel of the Appellant was busy due to illness of his father, who was admitted in Hospital and the Appellant was on duty as the leave was not granted to the Appellant, moreover the Clerk of the Counsel was appeared before the court but astonishingly the Application for restoration of Appeal was also dismissed in default for non-prosecution on 26.02.2024. **(Copy of Order dated 26.02.2024 is attached as annexure A)**
5. That the applicant wants the restoration of the titled Appeal for the following amongst other.

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GROUNDS:

- A. That the absence of the Appellant was neither willful nor intentional.
- B. That valuable rights of the Appellant are involved in the case in question.
- C. That the law otherwise favours 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.

J. Rehman

Applicant/ Appellant
Through

SYED MUDDASIR PIRZADA
Advocate, High Court
At District Courts Kohat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No. _____/2024

In

Restoration Application No. 838/2023

In Re:

Service Appeal No. 1380/2023

Sadiq ur Rehman.....Appellant

VERSUS

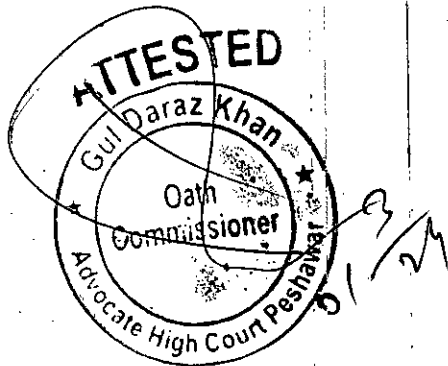
IGP, KPK & others.....Respondents

AFFIDAVIT

I, Sadiq ur Rehman, Ex-Police Constable Belt No. 485, District Police Line 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.

S. Rehman

DEPONENT



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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Sadiq ur Rehman(Ex-Police Constable Belt No.485)District Police Line Kohat.

(Appellant).

VERSUS

1. INSPECTOR GENERAL POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18-01-2023 VIDE-OB 41 IN WHICH THE RESPONDENT NO:-3 WITHOUT ANY COGENT REASON BLESS MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE APPELLANT PREFER REPRESENTATION ON DATED 06-02-2023 WHICH WAS TOO REJECTED ON 12-05-2023 RECEIVED ON 14-06-23.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondent No-3 may please be set aside and reinstate the appellant with all back benefits of absence period which was not deliberate on the basis that the appellant was serving and respondent for no reason dismissed.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts as per impugned order, that appellant constable while posted at police lines kohat allotted SMG rifle bearing NO. 48000989 original foreign made [CHINA-RIFLE] from kot of police station jungle khel for official duty ON 08.10.2022 he has deposited the weapon in kot and inspected by SI Nadeem Khan Armourer the rifle was found totally changed and deposited Pak made thus committed misappropriation and due to the above allegation the appellant was awarded major punishment of dismissal from service with immediate effect (Copy of impugned order is annexed as annexure A)

1-That the appellant was enrolled as constable in the year 2009 and Since his enrollment the appellant has served the police department with sincerity and efficiently.

2-That during his services the appellant has always served on merit and kept his departmental interests above his personal interests and upon above score his respectable senior officers always posed confidence in him and the appellant never damaged/injured their confidence. The appellant never provided opportunity for lodging/prefering complaint against the appellant.

Certified to be true

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

A. No. 1380/2023 (5-A)
Sadir-ur-Rahman vs Govt

07.08.2023

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is out of station. Adjourned. To come up for preliminary hearing on 21.09.2023 before S.B. P.P given to the parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (I)



21st Sept. 2023

01. Counsel for the appellant sought time to complete the documents including the Inquiring Report. Granted. To come up for preliminary hearing on 31.10.2023 before the S.B. Parcha Peshi given to the learned counsel for the appellant.

SCANNED
KPST
Peshawar

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

ORDER

31st Oct. 2023

1. Nobody is present on behalf of the appellant.
2. This case was called several times but nobody put appearance on behalf of the appellant before the Tribunal till its rising, therefore, the appeal in hand is dismissed in default. Consign.
3. Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 31st day of October, 2023.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

*Restoration Application
No 838/2023*

Service Appeal No. 1380/2023

9282
21/11/23

**Sadiq ur Rehman, Ex-Police Constable Belt No.
485, District Police Line Kohat.**

.....Appellant

VERSUS

- 1. Inspector General of Police KPK Peshawar**
- 2. Deputy Inspector General of Police Kohat
Region Kohat.**
- 3. District Police Officer Kohat**

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 31.10.2023.**

Respectfully Sheweth:

- 1. That the above titled Appeal was fixed before this
Hon'ble Tribunal on 31.10.2023

Certified to be true copy
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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R.A No. 838/2023

Sadiq-ur-Rahman vs Govt

26th Feb. 2024

01. Clerk of counsel for the appellant present. Mr. Muhammad Jan, District for the respondents present.

02. It is an application for restoration of appeal which was dismissed in default on 21.10.2023 on the ground that despite several calls nobody put appearance on behalf the appellant.

26th Feb, 2024

03. On this restoration application, the learned counsel sought adjournment two times, and today again his clerk is requesting for adjournment. This attitude of the learned counsel for the appellant shows that he is not interested in pursuing the case. Dismissed for non-prosecution.

26th Feb, 2024

04. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 26th day of February, 2024.

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal Peshawar

(Faheeha Paul)
Member(E)

Fazle subhan P.S

Date of Presentation of Application	26-02-2024
Number of Words	Page = 3
Copying Fee	15/-
Urgent	
Total	15/-
Name of Copyist	Shahzad
Date of Completion	28-02-2024
Date of Delivery	28-02-2024