

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

CM No- 427/2024

Service Appeal No. 327/2024

Deputy Commandant Elite Force Khyber PakhtunkhwaRespondent

Versus

Suhbat Khan Ex-IHC No.3436 Elite ForceAppellant

APPLICATION FOR SETTING ASIDE EX-PARTY DATED 29-04-2024

AND RESTORING RIGHT OF FILING PARAWISE COMMENTS

Khyber Pakhtunkhwa
Service Tribunal

Respectfully sheweth:-

Diary No. 13058

Dated 29-05-2024

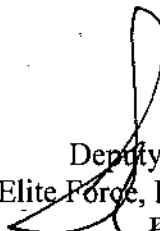
1. That the above captioned service appeal file by the appellant namely IHC Suhbat Khan was fixed for 29.04.2024.
2. That the instant case pertains to Dismissal from his Service.
3. That this hon'able Tribunal issue ex party order dated: 29.04.2024 in the title case without taking into consideration the stance of Police Department which is not in accordance with the natural justice.
4. That from the said ex-party order the answering respondent is deprived of his right of defense.
5. That, the parawise comments accordingly prepared and are ready for submission.
6. That respondent department always complied with the direction of the Hon'able court in letter and spirit.
7. That feeling aggrieved the respondent seek right for restoration of defense and filing parawise comments on the following grounds.

Grounds.

- A- That the valuable right of the department/respondent is involved with the instant Service Appeal.
- B- That the application is within time and there is no disobedience on the part of respondent.
- C- That there is no legal bar an acceptance of the application in hand.
- D- That the delay was not intentional but due to the above justified reasons, the respondent will show punctuality in future.
- E- That according to the rules of natural justice, Audi-alteram-partem, no one cannot be condemned unheard.

PRAYER

It is therefore most respectfully prayed that one 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.


Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa
Peshawar.
(ABDUS SAMAD) PSP
(Respondent No. 01)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

Service Appeal No. 327/2024

Suhbat Khan Ex-IHC No.3436 Elite ForceAppellant

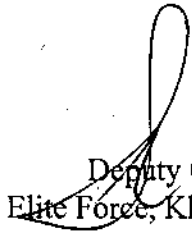
Versus

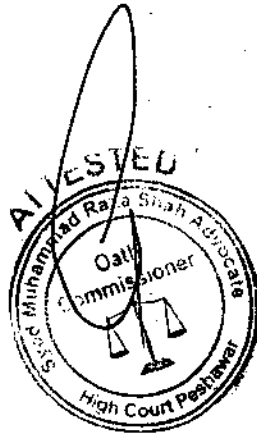
Deputy Commandant Elite Force Khyber Pakhtunkhwa etcRespondent

AFFIDAVIT

I, **Abdus Samad Khan Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar responded No. 1**) do hereby solemnly affirmed that the contents of these joint parawise comments on behalf of Respondents No. 1 is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.


Deputy Commandant
Elite Force, Khyber Pakhtunkhwa
Peshawar
(Respondent No1)
(**ABDUS SAMAD KHAN**) PSP
Incumbent



29/52

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 327/2024



Suhbat Khan, Ex-IHC No. 3436,
Elite Force, Mardan.

(APPELLANT)

VERSUS

1. The Deputy Commandant, Elite Force Khyber Pakhtunkhwa,
Peshawar.

(RESPONDENT)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 10.11.2023, WHEREBY
THE APPELLANT WAS DISMISSED FROM THE
SERVICE AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 10.11.2023 MAY PLEASE BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE REINSTATED
INTO SERVICE 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.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

29.5.24

Appeal No- 327/2024
Subbet Khan vs Govt

29th Apr. 2024

1. Learned counsel for the appellant and Mr. Muhammad Jan,
District Attorney present.

2. Despite service, nobody is present on behalf of the
respondents. Therefore, they are placed ex-parte. The appeal has
already been admitted to full hearing. To come up for arguments on
11.07.2024 before D.B. P.P given to the appellant.



Mutazem Shah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Handwritten signature]
29.5.24

9

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 29-5-24
Number of ~~words~~ page = 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
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