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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

MISC APPL. NO. 435/2024

Service Appeal No. 184/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13102

Dated 31-05-24

1. DIG/ Legal for Inspector General of Police, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
3. Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa.
4. Capital City Police Officer, Peshawar.

VERSUS

Fazal Akbar No. P/297 Inspector presently posted as Acting DSP Risalpur,
Nowshera District

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 02.05.2024
AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS**

RESPECTFULLY SHEWETH:

1. That, above captioned Service Appeal filed by the appellant namely Fazal Akbar wherein he is seeking ante-dated promotions / confirmations.
2. That, this Hon'ble Tribunal issued ex-parte order dated 02.05.2024 without taking into consideration the stance of Police department, which is not in accordance with natural justice.
3. That, the notice of captioned Service Appeal received to the respondent department much lately and after this the record collection taken much time.
4. That, from ex-parte order the answering respondents are deprived of their right of defence.
5. That, the Para-wise comments accordingly prepared and are ready for its submission.
6. That, respondent department always complied with the directions of Hon'ble Courts in letter and spirit.
7. 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.

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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 vide order dated 02.05.2024 against the respondents may be set aside and right to file Para-wise comments may kindly be restored, please.


Deputy Inspector general of Police,
H.O. Khyber Pakhtunkhwa,
Peshawar

(Respondent No. ~~1234~~
(RIZWAN MANZOOR)PSP
Incumbent

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

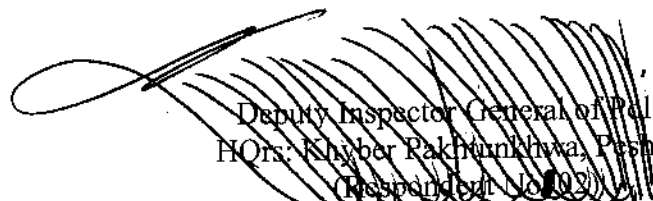
Service Appeal No. 184/2024

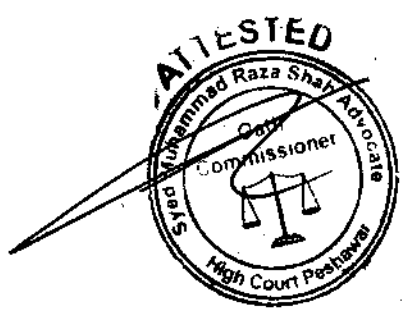
Fazal Akbar No-297/Inspector Acting DSP Risalpur, Nowshera
.....**APPELLANT**
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa and others
.....**RESPONDENTS**

AFFIDAVIT

I, Rizwan Manzoor, Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm on oath that the contents of application for restoring right of submission of Para-wise comments on behalf of respondents are correct to the best of my knowledge/ belief.


Deputy Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar
(Respondent No. 103) **3.4**
(RIZWAN MANZOOR) PSP
Incumbent



13 1 MAY 2024

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No 184/2024

Fazal Akbar, No P/297, Inspector, presently posted as Acting DSP, Risalpur, District, Nowshera.....**Appellant**

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Headquarters, Central Police Office, Peshawar.
3. Additional Inspector General of Police Investigation/Chairman Departmental Selection Committee, Peshawar.
4. Capital City Police Officer, Peshawar.

.....**Respondents**

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE MODIFICATION OF NOTIFICATION DATED 27-11-2023 AND AGAINST THE ORDER COMMUNICATED TO THE APPELLANT VIDE LETTER DATED 29-12-2023 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED

PRAYER:-

On acceptance of this appeal, the impugned Order communicated to the appellant vide Letter dated 29-12-2023 may kindly be set aside and the Notification dated 27-11-2023 may kindly be modified thereby promoting the appellant as Deputy Superintendent of Police (BPS-17), with effect from 27-11-2023 with all back benefits by raising his seniority as Inspector from due date.

Respectfully Submitted:-

1. That the appellant was initially appointed as Assistant Sub Inspector in Shuhada son's Quota on 29-09-2007 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant was then promoted to List "E" and also promoted as Officiating Sub Inspector and later on his promotion to List "E" and promotion to the rank of Officiating Sub Inspector was revised with effect from 27-09-2011 instead of 12-11-2013 vide Notification dated 22-02-2019 and

ATTESTED

[Signature]

31/5/24

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 184/2024
Fazal Akbar vs Govt



27.03.2024 01. Appellant alongwith his counsel present. Mr. Umair Azam,
Additional Advocate General for the respondents present.

02. Reply/comments on behalf of respondents not submitted.
Learned Additional Advocate General seeks time to contact the
respondents for submission of reply/comments. Granted. To come up
for reply/comments on 03.05.2024 before S.B. P.P given to the parties.

SCANNED
KPST
Peshawar

Kamranullah

(Muhammad Akbar Khan)
Member (F)

2nd May. 2024 1. Junior to counsel for the appellant and Mr. Arshad Azam,
Assistant Advocate General present.

2. Despite service, respondents are not before the Tribunal nor
they have submit reply/comments, therefore, they are placed ex-parte.
To come up for arguments on 09.07.2024 before D.B. P.P given to
the appellant's junior counsel.

Mutazem Shah

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
31-5-2024

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 31-5-2024
Number of Page = 2
Copying Fee 10/-
Urgent 8/5
Total 157/-
Name of Copyist Shafiq
Date of Completion of Copy 31-5-2024
Date of Delivery of Copy 31-5-2024