

BEFORE THE HON'BLE Khyber Pakhtunkhwa
SERVICE TRIBUNAL PESHAWAR

In Re S.A No. 360/2024

C.M.No-640/2024

1. Regional Police Officer, Kohat
2. District Police Officer, Kohat Respondents

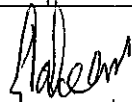
VERSUS

Fahad Ali Ex-Constable No.1225

District Police Kohat Appellant

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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Service Appeal No. 360/2024

CM No- 640/2024

1. Regional Police Officer, Kohat
2. District Police Officer, Kohat

..... Respondents

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13829

Dated 27-06-2024

Fahad Ali Ex-Constable No. 1225
District Police Kohat

..... Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 24.05.2024 AND
RESTORING RIGHT OF FILING PARAWISE COMMENTS**

Respectfully Sheweth:-

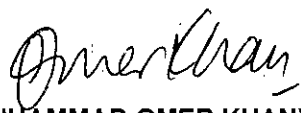
1. That above captioned Service Appeal led by the appellant namely Ex-Constable Fahad Ali for reinstatement in service which is fixed for 26.07.2024.
2. That this Hon'ble Tribunal issued ex-parte order dated 24.05.2024 without taking into consideration the stance of Police department, which is not in 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.


(MUHAMMAD OMER KHAN) PSP
District Police Officer,
Kohat
(Respondent No. 2)

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 360/2024
Fahad Ali
Ex-constable No. 1225
District Kohat

..... Appellant

VERSUS

1. Regional Police Officer, Kohat
2. District Police Officer, Kohat.

..... Respondents

AFFIDAVIT

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 2 do hereby solemnly affirm and declare on oath that the contents of objection petition are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.



Omer Khan
District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

SERVICE APPEAL NO. _____/2024



Fahad Ali, Ex-Constable No.1225,
R/O Dhoda Sharif, District Kohat.

(APPELLANT)

VERSUS

1. The Regional Police Officer, Kohat Region, Kohat.
2. The District Police Officer, Kohat.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.10.2023, WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 28.02.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

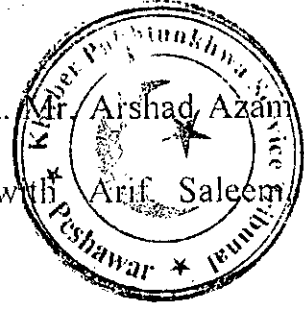
THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 04.10.2023 AND 28.02.2024 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]

S.A No 360/2024
Fahad Ali


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25.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General along with Arif Saleem Stenographer for the respondents present.

2. Written reply on behalf of respondents are still awaited. Representative of respondent sought time for submission of written reply. Granted. To come up for written reply/comments on 24.05.2024 before S.B. P.P given to parties.

SCANNED
Peshawar


(Rashida Bano)
Member (J)

Kaleemullah

24th May. 2024


1. Junior to counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. Reply was directed to be submitted but they have not submitted reply nor anybody is present on behalf of respondents. Therefore, respondents are placed ex-parte. To come up for arguments on 26.07.2024 before D.B. P.P given to the appellant's junior counsel.


(Kalim Arshad Khan)
Chairman

Mutazem Shah

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ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar