

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,** Pakhtunkhwa  
**PESHAWAR.** Service Tribunal

**Service Appeal No. 465/2024**

Diary No. 13754

Dated 24-06-24

1. Additional Inspector General of Police, (HQrs) Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. Deputy Inspector General of Police, Mardan.
4. District Police Officer, Mardan.....applicants

**VERSUS**

Saeed Khan son of Diyar Khan P.O Village Bhai Khan, Mohallah Garo Coail PS Rustam District Mardan Ex-Constable No. 2451 KP Police Mardan.....Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 12.06.2024 AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS.**

**Respectfully Sheweth,**

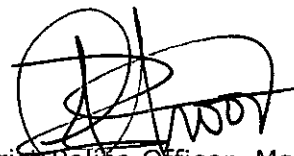
1. That, above captioned Service Appeal filed by the appellant namely Saeed Khan Ex-Constable for reinstatement in service which is fixed for 12.06.2024.
2. That the case was fixed for reply and representative of the respondents duly attended the Honorable Tribunal. Besides the said service appeal was received to this office on 07.06.2024 due to late receiving of Service Appeal and shortage of time the reply has not submitted in time before the Honorable Tribunal. Now the reply has been prepared and after completion of process the said reply will be submitted before the next date of hearing.
3. That, this Hon'ble Tribunal issued ex-parte order dated 12.06.2024 on the first date of hearing without taking into consideration the stance of Police Department, which is not in accordance with natural justice.
4. That, from ex-parte order the answering respondents are deprived of their right of defense.
5. That, the para-wise comments accordingly prepared and are ready for submission.
6. That, respondent department always complied with the directions of Hon'ble Tribunal 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.
- E. That according to the rules of natural justice, Anti-alteram-partem, no one cannot be condemned unheard.

**PRAYER.**

It is therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings against the respondents may be set aside and right to file Para-wise comment may kindly be restored, please.



District Police Officer, Mardan.  
(Respondent No. 4)  
**(ZAHOOB BABAR)<sup>PSP</sup>**  
Incumbent

*on behalf of R 3-4*

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

**Service Appeal No. 465/2024**

1. Additional Inspector General of Police, (HQrs) Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
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**VERSUS**

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**COUNTER AFFIDAVIT.**

I, the respondent do hereby declare and solemnly affirm on oath that the contents of the application in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondent have neither been placed ex-parte nor their defense has been struck off.



  
District Police Officer, Mardan.  
(Respondent No. 4)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent

24/6/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

S.A. No. 465 /2024



Saeed Khan son of Diyar Khan  
P.O. Village Bhai Khan, Mohallah Garo Coal  
P.S. Rustam District Mardan  
Ex-Constable (No.2451) KP Police. Mardan.....Appellant  
Versus

- 1) Additional Inspector General (HQr) of Police, KP, Peshawar.
- 2) Inspector General of Police, KP, Peshawar.
- 3) Deputy Inspector General of Police, Mardan.
- 4) District Police Officer, Mardan..... Respondents

SERVICE APPEAL U/S 4 OF THE SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED ORDER OB NO.515 DATED  
25.02.2022 VIDE WHICH THE APPELLANT  
WAS AWARDED MAJOR PUNISHMENT OF  
REMOVAL FROM SERVICE UNDER E&D  
RULES, 2011 AND ORDER DATED 01.03.2024  
VIDE WHICH DEPARTMENTAL APPEAL OF  
THE APPELLANT WAS DISMISSED..

*Respectfully submitted;*

- 1) That the appellant was appointed as Constable in BPS -5 in worthy Department vide order dated 24.12.2008.
- 2) That the appellant was performing his duties with dedication, honesty, due diligence to the entire satisfaction of his immediate seniors without any complaint with full zeal since his induction.
- 3) That the appellant's mother had been battling stomach cancer for a considerable period throughout 2021, she underwent treatment with

**ATTESTED**  
*[Signature]*  
EXAMINER  
Kyber Pakhtunkhwa  
Service Tribunal  
Peshawar


H. No. 465/24, Saeed Khan vs



SCANNED  
Peshawar

17.05.2024 1. Appellant in person present.

2. Notice to respondents not issued due to non-deposit of TCS expenses. Appellant is directed to deposit the same within 3 days, thereafter, notices be issued to the respondents for submission written reply. To come up for written reply/preliminary hearing on 12.06.2024 before S.B. P.P given to learned counsel for the appellant.


  
(Rashida Bano)  
Member (J)

Kaleenullah

12<sup>th</sup> June, 2024


1. Nobody is present on behalf of the appellant. Mr. Umair Azam, Additional Advocate General present.

2. Despite service through TCS, neither respondents are present before the Tribunal nor reply has been submitted, therefore, they are placed ex-parte. The appeal is admitted to full hearing. Appellant is directed to deposit security fee within 10. Be placed before the D.B for ex-parte arguments on <sup>05</sup> 09.2024. Parcha Peshi given to Assistant Advocate General.

  
(Kalim Arshad Khan)  
Chairman

\*Naam Aam\*

Date of Presentation of Application 14-6-24  
Number of ~~work~~ page 2  
Copying Fee \_\_\_\_\_  
Urgent \_\_\_\_\_  
Total 18/-  
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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar