

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

см_617_12024

Service Appeal 494/2024

Mr Ajmal Khan S/o Ismail MTO District Police District Mohmand.

VERSUS

Mr Muhammad Yousaf Head Constable BPS-09 Police Line District Mohmand.

...... (Respondent)

<u>APPLICATION FOR SETTING ASIDE EX-PARTE</u> ORDER DATED 07.06.2024 AND RESTORING RIGHT OF FILING PARA WISE COMMENTS.

Respectfully Sheweth:

- 1. That the above titled appeal is pending before the Honourable Tribunal and fixed for today dated 21.06.2024.
- 2. That on the last date of hearing, the applicant/respondent No 4 has been proceeded against ex-parte.
- 3. That the applicant/respondent No 4 was not served and he came to know of the proceedings on 20.06.2024, hence the applicant seeks setting aside of above order on the following grounds.

<u>Grounds:</u>

- A) That the valuable right of the applicant/respondent No 4 are involved with the instant Service appeal.
- B) That the application is within time and there is nothing disobedience on the part of applicant/respondent No 4.
- C) That there is no legal bar in acceptance of the application in hand.
- D) That according to the rules of natural justice no one can be condemned un-heard.

It is, therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings order dated 07.06.2024 against the applicant/respondent No 4 may be set aside & right to file Para-Wise Comments may kindly be restored please.

Dated 21.06.2024

Applicant/respondent No 4 Through

> Fazal Shah Mohmand Advocate Supreme Court

AFFIDAVIT

I, Mr Ajmal Khan S/o Ismail MTO District Police District Mohmand do hereby affirm and declare on oath that the contents of this Comments is true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

Dated 21.06.2024

ESTE, Deponent Oath Respondent No. 4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. /2024



APPELLANT

Mr. Muhammad Yousaf, Head Constable (BPS-09) Police Line Ghallani, District Mohmand.

VERSUS

1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

2- The Regional Police Officer, Mardan Region.

- 3- Aziz Ali Shah S/O Farid Khan, ASI Police Station Ekkaghound, District Mohmand.
 - 4-

Ajmal Khan S/O Ismail MTO, District Police, District Mohmand.

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE IMPUGNED ORDER DATED 28/11/2023, WHEREBY THE RESPONDENT NO. 01 HAS PROMOTED AND CONFIRMED PRIVATE RESPONDENTS BEING JUNIOR FROM APPELLANT AND WITH OUT FULFILLING ALL THE CODAL AND LEGAL FORMALITIES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF NINETY DAYS

Khyber Pakhtukhwe Service Tribunal Psakawar 17.05.2024 1.

M. Youff U Gad 1. Learned counsel for the appellant present. Mr. Assistant Advocate General for the respondents present.

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2. Notices have not been issued to the respondents due to nondepositing of TCS expenses, therefore, appellant is directed to deposit TCS expenses within three days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 07.06.2024 before S.B. P.P given to the parties.

494/2024

(Muhammad Akbar Khan) Member (E)

07.06.2024

Date of Presentation of Application Number of Name of Copy Date of Complection of Date of Delivery of Copy. [ota] Irgen opying Ģ

01. Counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the official respondents present. Nemo for private respondents No. 3 & 4 despite proper service, hence placed e-parte.

02. Learned Deputy District Attorney requested for time to contact the official respondents for submission of reply/comments. Granted. To come up for reply/comments of official respondents on 21.06.2024 before the S.B. PP given to

the parties. TTESTEL hibuaul

(Fareeha Paul) Member(E)

Fazle Subhan, P.S

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باعث جررا تكه

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مقادم

دعوتى

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مقدمة متدرجة فوان بالاعين التي طرف سف وأسط بيروى وجزاب داي وكل كارواني متعلقة - النامقام من حد المليح عنل شار مع مداد الرقال العراد رساله
- النامقام من مدر المرادر المرا المرادر م المرادر م مقرد كرك افراركياجا تاب كماحب موضوف كومقد مدكاكل كارواني كاكال اختيار جوكا - نيز ويل صاحب كوراضي نامه كرف وتقرر ثالث وفيصله برحلف ديني جواب داي اورا قبال دعوى ادر بصورت وكرى كرف اجراءادروصولى جيك دروبيدار عرضى دوركا اوردر خواست برقتم كى تصدين کراین برد شخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگر کی مکظرفہ یا بیل کی جرارگ اور منسوقی نیز دائر کرنے ایک ظرانی ونظر ثانی دیروی کرنے کا مختار ہوگا۔از بصورت ضرورت مقدمة فركور يحكن باجروى كارواني كواسط اوروكي باعتار قانوني كوابيخ جمراه باابيخ بجائ تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کو بھی وہی جملہ برگورہ با اختیارات حاصل ہوں کے ية الازاس كاساخته برداخته منظور وقبول بوكا دوران مقدمه مين بوتر چه ترجانه التوايية مقدمه ي حبب مسادموكا كولى تاريخ يبشى مقام دورة يرجو باطد سابر موتوكل ساحب بايند مون ے۔ کہ بیروی ندکور کریں ۔ لہزاوکا لست نامد کھیریا کہ نسکار ہے۔

> الرقوم 21. 06 06 ÷202 4

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