

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CM 616 /2024
IN
Service Appeal 495/2024

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 13619
Dated 21/6/24

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

..... (Applicant/Respondent No 4)

VERSUS

Mr Roman Khan Head Constable BPS-09 Police Station Ghalanai
District Mohmand.

..... (Respondent)

**APPLICATION FOR SETTING ASIDE EX-PARTE
ORDER DATED 07.06.2024 AND RESTORING RIGHT OF
FILING PARA WISE COMMENTS.**

Respectfully Sheweth:

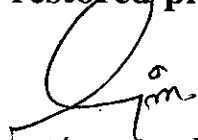

1. That the above titled appeal is pending before the Honourable Tribunal and fixed for today dated 21.06.2024.
2. That on the last date of hearing, the applicant/respondent No 4 has been proceeded against ex-parte.
3. That the applicant/respondent No 4 was not served and he came to know of the proceedings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

GROUND

- 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.

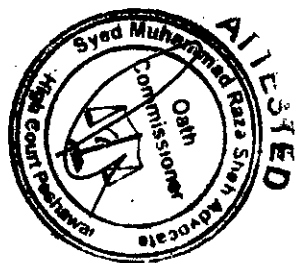
Dated 21.06.2024

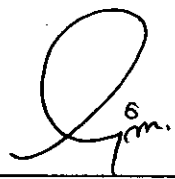

Applicant/respondent No 4
Through

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



Deponent 
Respondent No. 4

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 495 /2024



Mr. Mr. Roman Khan, Head Constable (BPS-09)
Police Station Ghallani, District Mohmand.

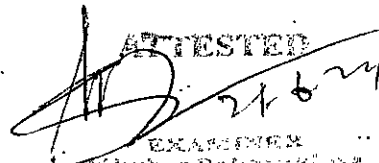
..... APPELLANT

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.

.....RESPONDENTS

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.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

S.A 495/2024
M. Roman Khan vs Govt



17.05.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam,
Assistant Advocate General for the respondents present.

2. Notices have not been issued to the respondents due to non-depositing 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.

(Muhammad Akbar Khan)
Member (E)

Kamranulhaq

07.06.2024 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.

ATTESTED

EXAMINER
Hyder Pur, Islamabad
Service Tribunal
Islamabad

(Fareeha Paul)
Member(E)

Fazle Subhan, P.S

Date of Presentation of Application 21-6-24
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Date of Presentation of Copy 21-6-24
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بعدالت

خسرو بخشو کھو کر وں شرا سونل پتھ

مورخہ 2024 F-6 R#4 پنجاب

رومان خان بنام گوٹھ سٹو و عمر

مقدمہ S.A 495/2024 دعوی جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی و جواب دہی وکل کاروائی متعلقہ آن مقام سٹاؤ کیلئے قنصل مشاہدہ سندھ AS عباد الرحمن صلح مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق نرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم بیرونی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ بیرونی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

رومان خان و سلم Feb 11 2024 R#4

الرقوم 21 ماہ 06 2024

القلم لکھنؤ

مقام سٹاؤ کے لئے منظور ہے۔