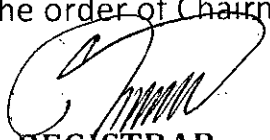


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 317/2024

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 30.04.2024 | <p>The application for restoration of Appeal No. 907/2019 submitted today by Syed Muddasir Pirzada Advocate. It is fixed for hearing before Division Bench at Peshawar on . Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p> |

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Restoration Appli. No. 317/2024

CM No. _____/2024

In Re:

Service Appeal No. 907/2019

Bashir Niazi.....Appellant

V E R S U S

IGP, KPK & others.....Respondents

I N D E X

| S.No | Description of Documents | Annex | Pages |
|-------------|---------------------------------------|--------------|--------------|
| 1. | Application for restoration | | 1-3 |
| 2. | Affidavit | | 4 |
| 3. | Copy of Order dated 19.04.2024 | A | 5-6 |

[Signature]
Applicant/ Appellant
Through

SYED MUDDASIR PIRZADA

Advocate, High Court
At District Courts Kohat
Cell # 0345-9645854

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

R. A. No. 317/2024

CM No. _____/2024

In Re:

Service Appeal No. 907/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12496

Dated 30/4/24

**Bashir Niazi SI Kohat Police Presently Serving at
Model Court Kohat**

.....Appellant

V E R S U S

1. Inspector General of Police KPK Peshawar
2. Deputy Inspector General of Police Kohat
Region Kohat.
3. District Police Officer Kohat
4. Mir Atlas SI No 63-K District Karak
5. Gul Faraz SI No. 79 KCTD Karak
6. Ghulam Rasool SI 80K PS Takht Nasraty
Investigation Incharge.
7. Asal Khan SI No. 101 K QRF Karak Incharge
Elite Force.
8. Nasrullah SI 105K Special Branch Kohat.
9. Sakhi ur Rehman No 6K Legal Branch Hangu
10. Ameer Sultan SI HBI Hangu.

.....Respondents

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 19.04.2024.**

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this Hon'ble Tribunal on 19.04.2024.
2. That the counsel of the Appellant as well as Appellant are belongs to District Kohat, moreover on the date fixed they were on way to Court and due to blockage of Road, they were unable to appear before the Court on time and when appear, they came into knowledge that the Appeal was dismissed in default on 19.04.2024.
(Copy of Order dated 19.04.2024 is attached)
3. That the applicant wants the restoration of the titled Appeal for the following amongst other.

GROUND:

- A. That the absence of the Appellant was neither willful not intentional.
- B. That valuable rights of the Appellant is involved in the case in question.

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C. That the law otherwise favour the decision of cases on merit.

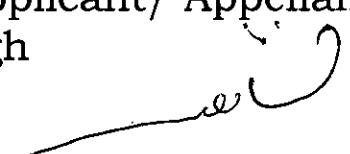
D. That the application is within time.

E. That there is no legal bar on acceptance of the instant Application.

F. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, requested that by accepting this application the Appeal in question may be restored to its original number in the interest of justice.

Applicant/ Appellant
Through


SYED MUDDASIR PIRZADA
Advocate, High Court
At District Courts Kohat

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No. _____/2024

In Re:

Service Appeal No. 907/2019

Bashir Niazi.....Appellant

VERSUS

IGP, KPK & others.....Respondents

AFFIDAVIT

I, **Bashir Niazi SI Kohat Police Presently Serving at Model Court Kohat**, do hereby solemnly affirm and declare that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Bashir Niazi

DEPONENT



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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 907 / 2019



Bashir Niazi SI Kohat Police Presently serving at Model Court Kohat

(Appellant)
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 849
12-6-2019

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT.
3. DISTRICT POLICE OFFICER KOHAT
4. Mir Atlas SI No-63-K District Karak
5. Gul Faraz SI No-79KCTD Karak
6. Ghulam Rasool SI 80K PS Takht Nasurity Investigation Incharge
7. Asal Khan SI No-101 K QRF Karak Incharge Elite Force.
8. Nasurallah SI 105K Special Branch Kohat.
9. Sakhi ur Rehman No-6K Legal Branch Hangu
10. Ameer Sultan SI HBI-Hangu.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION /ORDER No 2759-68/EC 15-03-2016 ALONGWITH IMPUGNED SENIORITY LIST DATED 15-03-2016 IN WHICH THE APPELLANT SENIORITY HAS NOT BEEN CORRECTED AND THE PROFORMA RESPONDENT No- 4 to 10 WERE PROMOTED PRIOR TO THE APPELLANT AND THE APPELLANT WHO ARE SENIOR ACCORDING TO SENIORITY LIST AND THE RESPONDET NO 4- TO 10 WERE CONSIDER SENIOR HENCE FEELING AGGRIVED APPELLANT PREFER REPRESENTATION ON 14-02-2019 WHICH WAS NOT ENTERTAIN NOR CONSIDER TILL DATE

Pray:

Filed to-day In view of above submission it is requested that, by accepting of instant service appeal the impugned seniority list may graciously be corrected in the light of letter No 453-57 /E-III dated 27-01-2017 and the name of the appellant may kindly be brought forward in the seniority list and the name of respondent No- to be placed according to the rules to there own seniority list

Registrar
12/6/19

Re-submitted to -day
and filed.

Registrar
16/7/19

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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06.02.2024

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan
Assistant Advocate General for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on
the ground that learned counsel for the appellant is not available today.
Adjourned. To come up for arguments on 19.04.2024 before D.B. P.P
given to the parties.

SCANNED
PESHAWAR
Kamranullah

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

19.04.2024 1. Nobody present on behalf of appellant, Mr. Asif
Masood Ali Shah learned Deputy District Attorney for the
respondents present.

2. Called several times till last hours of the court but
nobody turned up on behalf of the appellant. In view of the
above, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under
our hands and seal of the Tribunal on this 19th day of April,
2024.

(Faleeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Certified to be true copy

*Kaleem Ullah

EX-MINISTER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22-4-2024
Number of Pages 2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist Shahzad
Date of Completion of Copy 29-4-2024
Date of Delivery of Copy 29-4-2024