


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 556/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.06.2024	<p>The application for restoration of Appeal No. 986/2018 submitted today by Syed Muddasir Pirzada Advocate. It is fixed for hearing before Division Bench at Peshawar on 24.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

R. A - No. 556/2024

CM No. _____/2024

In Re:

Service Appeal No. 986/2018

Ex-Constable Naimat Ullah KhanAppellant

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 04.06.2024	A	5-6

Applicant/ Appellant
Through

SYED MUDDASIR PIRZADA

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

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

RA. NO. 556/2024

CM No. _____/2024

In Re:

Service Appeal No. 986/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13509

Dated 13-06-2024

Ex-Constable Naimat Ullah Khan S/o Bilawar Khan
R/o Gumbat District 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

.....Respondents

APPLICATION FOR RESTORATION OF
THE ABOVE TITLED APPEAL DISMISSED
IN DEFAULT ON 04.06.2024.

Respectfully Sheweth:

1. That the above titled Appeal was fixed before this
Hon'ble Tribunal on 04.06.2024.

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 04.06.2024.
(Copy of Order dated 04.06.2024 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 nor intentional.
- B. That valuable rights of the Appellant is involved in the case in question.
- 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.

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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. 986/2018

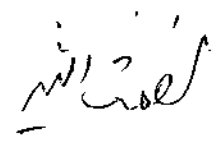
Ex-Constable Naimat Ullah KhanAppellant

V E R S U S

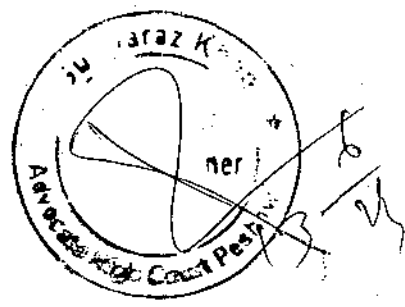
IGP, KPK & others.....Respondents

AFFIDAVIT

I, **Ex-Constable Naimat Ullah Khan S/o Bilawar Khan R/o Gumbat District 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.



DEPONENT



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BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 986 2018



Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1171

Dated 17-7-2018

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
- 3- DISTRICT POLICE OFFICER KOHAT

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 02-03-2018 VIDE NO 222 IN WHICH THE RESPONDENT NO:-3 CONDUCT THE DENOVA ENQUIRY FOR BACK BENEFIT IN COMPLIANCE TO THE ORDER OF KPK SERVICE TRIBUNAL THE RESPONDENT NO-3 AGAIN DISMISS THE APPELLANT WITHOUT ANY COGENT REASON FEELING AGGRIVED THE APPELLANT PREFER DEPARTMENTAL REPRESENTATION DATED 06-03-2018 WHICH WAS NOT CONSIDER NOR ENTERTAIN TILL DATE.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant may please be re instated in the service with all back benefits are blessed with any other remedy as the honorable tribunal deem proper.

Filed to
Registrar
17/7/18

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving as constable Belt No-750 in District Police Kohat and a false criminal case was register against the appellant dated 06-08-2014 u/s 377/367-A382/34/109 along with other accused PS Bilitang Kohat.

That due to above mentioned criminal case the appellant was dismissed from service and then the honourable service tribunal reinstated the appellant in to service and so far as for back benefits honourable tribunal directed the respondent to conduct the denova enquiry but due to non response and mis

Re-submitted to day
and filed.

Registrar
17/7/18

ATTORNEY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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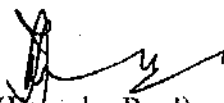


Service Appeal No.986/2018 titled "Naimat Ullah Vs. Police Department"

4th June, 2024 **Kalim Arshad Khan, Chairman:** Nobody is present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. This case was called several times but nobody put appearance on behalf of the appellant till rising of the Court. Therefore, the appeal in hand is dismissed in default. Consign.


3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of June, 2024.*


(Fareeha Paul)
Member (E)

Munazem Shah


(Kalim Arshad Khan)
Chairman

ATTESTED


EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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