

(1)

**BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No.326 of 2024. C.M. No. 757/2024**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand.
3. District Police Officer, Lower Chitral.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11421

Dated 23-07-2024

**VERSUS**

Shah Faisal No.275/M, Inspector District Police Office, Timergara Lower Dir.

**APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDING DATED 23.05.2024  
AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS.**

Respectfully Sheweth!

1. That the cited Service Appeal was filed by the petitioner/appellant Mr. Shah Faisal No.275/M Challenging Punishment of his Three Years approved Service which was fixed before this honorable Tribunal for 23.05.2024.
2. That due to far flungness, blockage of roads and heavy snow and rainfall the respondents remained unable to timely collect relevant record and submit the parawise comments on the due date.
3. That this honorable Tribunal has issued ex-parte Order on 23.05.2024 without taking into consideration the stance of Police department, which is not in accordance with Natural Justice.
4. That from the ex-parte Order the answering respondents are deprived of their right of defence.
5. That the parawise comments accordingly prepared are ready for submission.
6. That replying respondents have always complied Orders of this honorable Tribunal in letter & spirit.
7. That feeling aggrieved the respondents seek right for restoration to file Parawise Comments on the following grounds.

**Grounds:**

- A. That the valuable rights of the department/respondents are involved with the instant appeal.
- B. That the application is within time and there is no disobedience on the part of the respondents.
- C. That there is no legal bar on 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, Audi-alterem, portion, no one can be condemned un heard.

**Prayers:-**

In light of the facts submitted above, it is humbly prayed that on acceptance of this application the ex-parte proceeding against the respondents may kindly be set-aside and right to file parawise comments may very graciously be restored please.



(Nftikhar Shah)  
District Police Officer,  
Chitral Lower

on Behalf of Res. 1, 2 & 3

(2)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

Service Appeal No.326 of 2024.


1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand.
3. District Police Officer, Lower Chitral.


**VERSUS**

Shah Faisal No.275/M, Inspector District Police Office, Timergara Lower Dir.

**AFFIDAVIT**

I, Iftikhar Shah, District Police Officer, Chitral Lower, do hereby solemnly affirm on oath that the contents of accompanying application for restoration of right of submission of Para-wise comments, on behalf of respondent department are correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
**ZAFAR-UL-HAQ**  
Advocate and Oath Commissioner  
Distt Court Chitral (L)  
26/08/24

  
(IFTIKHAR SHAH)  
District Police Officer,  
Chitral Lower.  
Mobile No.03327715254  
NIC No. 16101-8052482-7

(3)

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**



Service Appeal No. 326 /2024.

Shah Faisal No. 275/M, Inspector District Police Office, Timergara Lower Dir.

**APPELLANT**

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand.
3. District Police Officer, Lower Chitral.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 25/08/2022, 22/10/2022 & 15/12/2023 COMMUNICATED TO APPELLANT ON 16/01/2024 WHEREBY MAJOR PENALTY OF "REMOVAL FROM SERVICE" IMPOSED UPON APPELLANT WAS CONVERTED INTO FORFEITURE OF THREE YEARS APPROVED SERVICE BY RESPONDENT NO. 2.**

**Prayer:**

By accepting of this service appeal, the impugned order dated 15/12/2023 of Respondent No. 1 to the extent of forfeiture of three years approved service may kindly be declared null and Void and may kindly be set aside, consequently forfeiture of three years approved service may kindly be restored. Any other relief, which this honorable court deems fit and appropriate, may also be granted in favor of appellant for the ends of justice.

**Respectfully Sheweth:**

**Brief facts leading to the instant appeal are;**

That appellant was initially appointed as ASI in the year 2010 in police Department through Public Service Commission and was later on promoted to Sub Inspector and is currently performing his duties as Inspector Police in Lower Dir.  
{Copy of Initial appointment order is annexed as A}

**ATTESTED**

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


SA No 26/2024 (4)  
Shah Faisal vs. Govt



29.04.2024 01. Junior to counsel for the appellant present. Mr. Arshad Azam, Asstt. A.G alongwith Waseem Abbas, H.C for the respondents present.

SCANNED  
KPST  
Peshawar


02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for some time. Granted. To come up for written reply/comments on 23.05.2024 before the S.B. PP given to the parties.

  
(Farceha Paul)  
Member(I)

\*Fazle Subhan, P.S\*

23<sup>rd</sup> May, 2024 1. Junior to counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. On the previous date, Mr. Waseem Abbas, HC had put appearance on behalf of respondents and had requested for time to submit reply. Today, nobody is present on behalf of the respondents, nor the reply has been submitted. Therefore, they are placed ex-parte. To come up for arguments on 25.07.2024 before D.B. P.P given to the appellant's junior counsel.

  
(Kalim Arshad Khan)  
Chairman

Number of Pages 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist Shah Faisal  
Date of Completion of Copy 23-7-24  
Date of Delivery of Copy 23-7-24

\*Mutazem Shah \*

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**AUTHORITY LETTER.**

Mr. Waim Abbas No.1049 Focal Person Legal Branch District Police Chitral Lower is hereby authorized and deputed to attend honorable Service Tribunal, Khyber Pakhtunkhwa Peshawar in Service Appeal No.326/2024 titled Shah Faisal vs Inspector General of Police Khyber Pakhtunkhwa and others as a departmental representative on **25.07.2024.**

  
District Police Officer,  
Lower Chitral.