

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

Service Appeal No. 1854/2023.

1. The Superintendent of Police FR Kohat Range, Kohat.
2. Commandant FRP Khyber Pakhtunkhwa, Peshawar.

VERSUS

Hassan Waheed Ex-Recruit constable No. 5385 R/o Bahadar Colony near DC Office
Pindi Road Kohat.....respondent.

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SRESPONDENTS

Service Appeal No. 1854/2023.

1. The Superintendent of Police FR Kohat Range, Kohat.
2. Commandant FRP Khyber Pakhtunkhwa, Peshawar.

VERSUS

Hassan Waheed Ex-Recruit constable No. 5385 R/o Bahadar Colony near DC Office Pindi Road Kohat.....respondent.

APPLICATION FOR SETTING ASIDE THE ORDER DATED 04.06.2024. Khyber Pakhtunkhwa Service Tribunal

RESPECTFULLY SHEWETH:

Diary No. 13886

Dated 21-07-24


1. That the above titled Service Appeal is pending before the Khyber Pakhtunkhwa, Honorable Tribunal Peshawar and next date fixed for hearing on 04.06.2024 as per order sheet dated 07.05.2024. (Copy of order sheet dated 07.05.2024 is attached as annexure "A")
2. That this Hon'ble Tribunal issued Ex-Parte order dated 04.06.2024, without taking under consideration the stance of Police Department, which is not in accordance with natural justice.
3. That from Ex-parte order the answering respondents are deprived their right of defense.
4. That the Petitioners/respondents attended the Honorable Tribunal each and every date of hearing in the above titled case.
5. That the petitioners/respondents have not deliberately or willfully uses any delay tactics in the submission of Para-Wise comments, before the Hon'ble Tribunal.
6. That the petitioners/respondents seek permission to file Para-wise comments on the following grounds.

GROUND:-

- A. That the valuable rights of the department/respondents are involved with the instant appeal.
- B. That the instant application within time and there is no disobedience on the part of replying respondents.
- C. That there is no legal bar in acceptance of the application in hand.
- D. The delay was not intentional, but due to the above justified reason. However, the replying respondents will show punctuality in future.
- E. That according to the rules of natural justice, no one be condemned unheard.

PRAYERS:-

It is therefore, humbly prayed that the Ex-parte order/proceedings dated 04.06.2024 may be set aside and the petitioners/respondents may kindly be provided an opportunity for defense in the subject case in the larger interest of justice.


SP FRP Kohat Range, Kohat
(Respondent No. 1 to 2)
(Asad Mehmood)
(Deponent)

**BEFORE THE KYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1854/2023

1. The Superintendent of Police FRP Kohat Rang Kohat.
2. Commandant FRP Khyber Pakhtunkhwa Peshawar

(Petitioners)

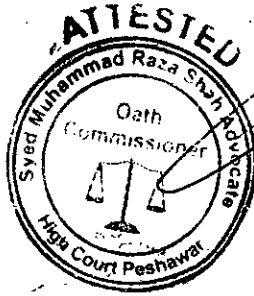
Versus

Hassan Waheed Ex-Constable No 5385, R/o Bahader Colony near DC Office Pindi Road Kohat

(Respondents)

AFFIDAVIT

I, Respondent No 1 (Asad Mehmood) do hereby solemnly affirm and declare on oath that the contents of accompany 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 that nothing has been concealed from this Hon'ble Service Tribunal.



[Signature]
Superintendent of Police FRP
Kohat Range Kohat
Asad Mehmood
(Respondent No. 2)

01/11/2024



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. 1854/2023

Hassan Waheed Ex-Recruit Constable No.5385

R/o Bahadar Colony Near D.C Office Pindi Road Kohat. (Appellant)

Versus

1. Govt. of Khyber Pakhtunkhwa Through Secretary Home and Tribal Affairs Khyber Pakhtunkhwa Peshawar.
2. The Superintendent of Police FRP Kohat Range Kohat.
3. Commandant Frontier Reserve Police Khyber Pakhtunkhwa.
4. Additional Inspector General of Police Headquarters Khyber Pakhtunkhwa Peshawar.
5. Inspector General of Police Headquarters Khyber Pakhtunkhwa Peshawar.

(Respondents)

1. Appeal Under Section 4 of the Khyber Pakhtunkhwa Services Tribunal Act against orders of the S.P FRP Kohat Range Kohat dated 26-7-2022, whereby the appellant was removed from service, appellate order of the Commandant FRP KPK dated 27-6-2022 and order passed on Revision Petition dt:31-7-2023 by the Additional Inspector General of Police Headquarters whereby they upheld the impugned order of removal from service of the appellant without any lawful justification.
2. The impugned orders being unlawful, quorum non judice, legally defective, unjust, capricious, colourful and legally not sustainable may kindly be set aside and the appellant may be reinstated in service from the date of removal from service with all back benefits.

Respected Sir,

Facts:

1. That appellant is a bonafide resident of Kohat. He belongs to a respectable law abiding, peace loving and noble family of Kohat.

TESTED
2/6/23
JANAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1854/2023
Hassan Waheed vs Govt



07.05.2024

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah Deputy District Attorney alongwith Mr. Ihsanullah, ASI for the respondents present and sought time for submission of reply/comments. Granted. To come up for reply/comments as well as preliminary hearing on 04.06.2024 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

karran

04th June , 2024

1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General present.
2. Respondents No. 1, 4 & 5 are unnecessary parties, therefore, their names are deleted from the panel of respondents. Mr. Ihsanullah, ASI was present on behalf of the respondents on the previous date who had sought adjournment twice but no reply has been submitted nor any representative is present before the Tribunal today, therefore, respondents are placed ex-parte. To come up for preliminary hearing on 04.07.2024 before the S.B.

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(Kalim Arshad Khan)
Chairman

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar