

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No 512 /2024

C.M. No. 898/2024

Akhunzada Muhammad Niaz..... (Appellant)

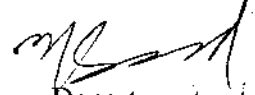
Versus

Government of Khyber Pakhtunkhwa, Peshawar & others..... (Respondents)

**INDEX**

S.No.	Description of documents	Annex	Pages
1.	Memo of Application	-	1
2.	Copy of order Sheet		2
3.	Affidavit	-	3
4.	Authority Letter		4

Respondents Through



Department  
Representative

1

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

Service Appeal No. 512 /2024 Akhunzada Muhammad Niaz VS Govt of KP & Others

1. Additional Chief Secretary, Home & Tribal Affairs Khyber Pakhtunkhwa, Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Telecommunication & Transport Khyber Pakhtunkhwa.
4. Superintendent of Police Telecomm & Transport Khyber Pakhtunkhwa.

.....(Appellants)

**VERSUS**

Akhunzada Muhammad Niaz.....(Respondent)

**APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDING VIDE ORDER SHEET DATED 15.07.2024 AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15011


Date 16-8-24

RESPECTFULLY SHEWETH:

1. That, the above titled appeals was fixed on 15.07.2024 for submission of the respondents reply/comments before this Hon'ble Tribunal.
2. That, the subject appeal is connected with 16 others appeals are Sub judice before this Hon'ble Tribunal.
3. That due to collection of record of Police officials, Para wise comments could not be submitted before the Hon'ble Tribunal within time, therefore the Hon'ble Tribunal placed the respondents Ex-parte vide order Sheet dated 15.07.2024 and struck off the respondent's right of defense.
4. That, respondent department always complied with the directions of this Hon'ble Tribunal.
5. That feeling aggrieved the respondents seek right for restoration to file Para-wise comments.

**PRAYERS:**

It is, therefore, most respectfully prayed that on acceptance of this application, the ex-parte proceedings against the respondents may be set aside and right to file Para-wise comments may kindly be restored, please.

  
(MUHAMMAD NISAR KHAN)  
Superintendent of Police,  
Telecommunication & Transport  
Khyber Pakhtunkhwa Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 5/2 /2024



Akhunzada Muhammad Niaz son of Akhunzada Abdul Hakeem,  
Head Constable, Belt No. 229,  
Khyber Pakhtunkhwa Police,  
Telecommunication Department, Peshawar,

..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa,  
Through Secretary, Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police (IGP),  
Provincial Police Officer (PPO),  
Khyber Pakhtunkhwa,  
Central Police Office, Peshawar.
3. Deputy Inspector General of Police (DIG),  
Telecommunication & Transport, Khyber Pakhtunkhwa,  
Peshawar.
4. Superintendent of Police (SP),  
Telecommunication & Transport, Khyber Pakhtunkhwa,  
Peshawar.

..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT,  
1974 AND IN THE LIGHT OF JUDGMENT OF  
PESAWAR HIGH COURT PESHAWAR DATED  
05.03.2024, PASSED IN THE WRIT PETITION NO. 2290-P  
OF 2021. AGAINST THE IMPUGNED INACTION /  
OMISSION OF THE RESPONDENTS WHEREBY THE  
APPELLANT WAS NOT OFFERED PROMOTIONAL  
COURSES AND CONSEQUENT EXAMS / TESTS. ON

ATTESTED

*A. M. Khan*  
13-8-24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(2)



15<sup>th</sup> July, 2024

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

2. Written reply on behalf of the respondents has not been filed nor is there anybody present as representative, therefore, they are placed ex-parte. The appeal is admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. To come up for arguments on 09.10.2024 before D.B. P.P given to the learned counsel for the ~~respondent~~ <sup>appellant.</sup>

*[Handwritten signature]*

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

**ATTESTED**  
*[Signature]*  
13-8-24  
**EXAMINER**  
Kyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 13-8-24  
Number of Words 2  
Copying Fee 5  
Urgent 5  
Total 15/-  
*[Signature]*  
Name of Copyist \_\_\_\_\_  
Date of Copying \_\_\_\_\_  
Date of Delivery of Copy 13-8-24

(3)

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKWA PESHAWAR**

Service Appeal No. 512/2024


Akhunzada Muhammad Niaz ..... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa etc..... (Respondents)

**AFFIDAVIT**

I, Nisar Muhammad Khan Superintendent of Police, Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar (representative of respondents/department) do hereby solemnly declared that the contents of accompanying application on behalf of Respondents Department are correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
(NISAR MUHAMMAD KHAN)  
Superintendent of Police,  
Telecomm.&Transport  
Khyber Pakhtunkhwa, Peshawar.

**ATTESTED**

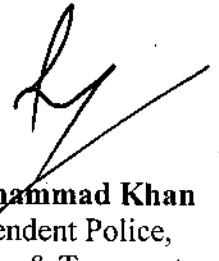


13-08-2024

AUTHORITY

(4)

It is certified that Muhammad Saeed Khan DSP (BPS-17) of Police Telecommunication is hereby authorized/nominated to submit the application on behalf of respondents department in S/Appeal No.512/2024 in case titled Akhuzada Muhammad Niaz VS Government of Khyber Pakhtunkhwa Peshawar & Others.



**Nisar Muhammad Khan**  
Superintendent Police,  
Telecomm: & Transport  
Khyber Pakhtunkhwa Peshawar