

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

C.M. NO. 896/2024

Service Appeal No 510 /2024

Gulfam Hussain ..... (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  
*M. Sand*  
Department  
Representative

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

Service Appeal No. 510 /2024 Gulfam Hussain 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**

Gulfam Hussain .....(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. 15009


Dated 16-08-24

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. 510 /2024



Gulfam Hussain son of Muhammad Yaqoob  
Head Constable, Belt No. 73  
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

**ATTESTED**

*A. J. Khan*  
12-8-24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

TIME, DUE TO DEPARTMENT'S LETHARGY AND NEGLIGENCE, WHICH RESULTED IN INELIGIBILITY OF THE APPELLANT FOR FURTHER PROMOTION TO THE POST OF ASI AS HE NOW UNDER THE IMPUGNED RULE 13.9A OF POLICE RULES, 1934 (AS ADDED THROUGH AMENDMENT IN 2017, AFTER THE PROMULGATION OF POLICE ACT, 2017) HAS BECOME OVERAGE.

*May it please this honorable Tribunal:*

The Appellant very earnestly craves permission to plead his case and seeks for the solace of his grievance from this Honorable Court, as follows:

Facts leading to this Appeal:

1. That That the Khyber Pakhtunkhwa Police has force of around one hundred and twenty plus thousands men and women policing total population of 26 million of Khyber Pakhtunkhwa province. The Headquarter of Khyber Pakhtunkhwa Police is called Central Police Office (CPO) which is situated at Peshawar. The Respondent No. 2 / Provincial Police Officer (PPO/IGP) is the Head of the Khyber Pakhtunkhwa Police who acts as ex-officio Secretary to the Provincial Government and exercises administrative and financial powers as envisaged under Khyber Pakhtunkhwa Police Act, 2017.

2. That the Provincial Police Officer (Respondent No. 2) is assisted by the Additional Inspectors General of Police, Deputy Inspectors General of Police and other senior ranking police officers at CPO, Units and Regional levels, in the effective administration and performance of his duties.

**ATTESTED**

*[Signature]*  
12-8-24

EXAMINER

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

That the Khyber Pakhtunkhwa Police is divided into seven (07) Regions namely Peshawar, Malakand, Mardan, Hazara, Bannu, Kohat and Dera Ismail Khan. Each Region is headed by a Regional Police Officer (RPO) and Capital City, Peshawar is headed by Capital City Police Officer (CCPO). Thirty Five (35) Districts of Khyber Pakhtunkhwa including Newly Merged Districts are divided among these seven (07) Regions vis-à-vis their administration and



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

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

2. Written reply on behalf of the respondents has not been filed. <sup>ex parte</sup>  
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 <sup>ex parte</sup> arguments on 09.10.2024 before D.B. P.P given to  
the learned counsel for the <sup>appellant.</sup> ~~parties.~~

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

**ATTESTED**  
*Adnan Shah*  
12-8-24  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

Date of Presentation of Application 12-8-24  
Number of Words 3  
Copying Fee 5  
Urgent 5  
Total 20/-  
Name of Appellant  
Date of 12-8-24  
Date of Delivery of Copy 12-8-24

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

Service Appeal No 510/2024

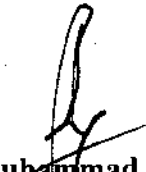
Gulfam Hussain..... (Petitioner)

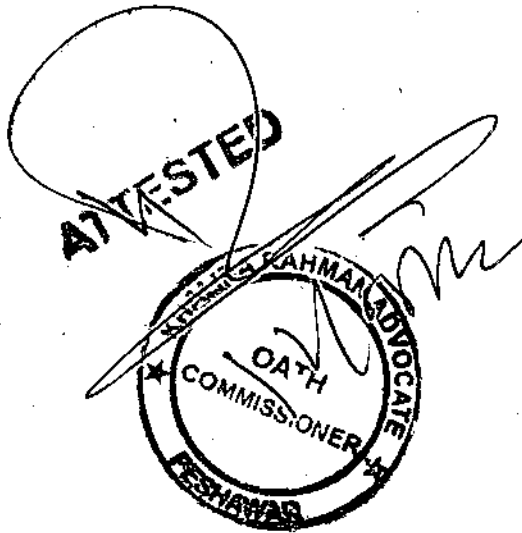
Versus

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

**AFFIDAVIT**

I, Nisar Muhammad Khan Superintendent of Police Telecommunication KPK Peshawar (representative of respondents/Department) do here by solemnly declare 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 Honourable Court.

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



(4)

**AUTHORITY**

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 case titled Gulfam Hussain VS Government of Khyber Pakhtunkhwa Peshawar & Others.



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