

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

CM No; \_\_\_\_\_/2024

In

Service Appeal No-9617/2020

**Humayun Khan**

.....Appellant

**V E R S U S**

**PPO & Others**

.....Respondents

**I N D E X**

S. No	Description of documents	Annexure	Pages
1.	Restoration Application with Affidavit		1-2
2.	Copy of Order Dated 03-06-2024 + Power of Attorney	A	3-5

Humayun  
Petitioner

Dated:-01-09-2024

Through

Fazal Shah Mohmand ASc

Ibad Ur Rehman Khalil

&

Baseer Ahmad Shah

Advocates High Court

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell # 0301-8804841

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

①

**PESHAWAR**

C.M. No \_\_\_\_\_/2024

In

Service Appeal No: 9617 /2020

Humayun Khan, Sub Inspector MR/30 R/o Village Kalu Khan, Tehsil Razar  
District Swabi. ....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15359

Dated 30.08.2024

**VERSUS**

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Capital City Police Officer Khyber Pakhtunkhwa through Peshawar.
3. Senior Superintendent of Police Operations Peshawar.

.....Respondents

**APPLICATION FOR THE RESTORATION OF TITLED APPEAL**

**Respectfully Submitted:-**

1. That the above titled Service Appeal was pending before this honorable Tribunal which has been dismissed in default on 03-06-2024. **(Copy of Order dated 03-06-2024 is enclosed as annexure A).**
2. That actually the appellant was of the view that date is fixed on 03-07-2024 but when the appellant came to this honorable Tribunal he was told that his appeal has been dismissed in default.
3. That the absence was not willful and deliberate rather the same was due to the mentioned misunderstanding.
4. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
5. That instant application is well within time and the valuable rights of the appellant are involved besides there is no bar on restoration of titled appeal.

2

It is therefore most humbly prayed, that on acceptance of this application, the above mentioned service appeal may kindly be ordered to be restored.

Dated:--01-09-2024

*Humayun*  
Appellant

Through

*Fazal*  
Fazal Shah Mohmand,

Advocate

Supreme Court of Pakistan,

&

Ibad Ur Rehman Khalil *Ibad*

&

Baseer Ahmad Shah *Baseer*

Advocates High Court. *Sub. Rasool*

**A F F I D A V I T :-**

I, Humayun Khan, Sub Inspector MR/30, R/o Village Kalu Khan Tehsil Razar District Swabi, (the applicant/appellant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Humayun*  
DEPONENT



"A"

3



BEFORE KHYBER PAKHTUNWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 9617 /2020

Hunayun Khan, Sub-Inspector MR/30, R/O Village Kalu Khan, Tehsil  
Razar, District Swabi.

.....APPELLANT

V  
ERSUS

1. The Inspector General of Police, Police lines, Opposite CM House,  
Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Police Lines, Secretariat Road, Peshawar,  
Khyber Pakhtunkhwa.
3. Senior Superintendent of Police, Operations, Police Lines, Secretariat Road,  
Peshawar, Khyber Pakhtunkhwa.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST ORIGINAL ORDER DATED 8<sup>TH</sup> APRIL, 2020  
WHEREBY APPELLANT IS AWARDED A PENALTY OF  
"FORFEITURE OF ONE YEAR APPROVED SERVICE"  
AND AGAINST APPELLATE ORDER DATED 1<sup>ST</sup> JULY,  
2020 WHEREBY PENALTY IS UPHELD BY APPELLATE  
AUTHORITY DESPITE BEING EXONERATED FROM  
ALLEGED CHARGES.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED  
ORDERS DATED 8<sup>TH</sup> APRIL, 2020 AND 1<sup>ST</sup> JULY, 2020  
MAY KINDLY BE SET ASIDE AND PENALTY OF  
"FORFEITURE OF ONE YEAR SERVICE" MAY ALSO BE  
RESTORED IN FAVOUR OF APPELLANT TO MEET THE  
ENDS OF JUSTICE.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
23/10/20

Appeal No. 9617/2020  
Humayun Khan vs Govt

4



ORDER


3<sup>rd</sup> June, 2024


Kalim Arshad Khan, Chairman: Nobody present on behalf

of the appellant. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. The case was called several times but neither appellant nor his counsel turned up before the Tribunal, till its rising. 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 this 3<sup>rd</sup> day of June, 2024.

  
(Farzeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
23/8/24

Date of Presentation of Application 23-8-2024  
Number of Words pages = 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyiest Shahad  
Date of Completion of 23-8-2024  
Date of Delivery of 26-8-2024

5

**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR**

Humayun Khan

.....Petitioner/Appellant

**VERSUS**

PPO & others

.....Respondents/Defendants

I, Humayun do hereby appoint and constitute,

**Fazal Shah Mohmand, Ibad Ur Rehman Khalil & Baseer Shah** Advocates  
To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the advocate or his substitute responsible for the result of the said matter in consequence of his absence from the court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 2/9/24

Humayun  
Client (s)  
Humayun Khan

ACCEPTED BY: [Signature]  
Fazal Shah Mohmand ASC,  
Ibad Ur Rehman Khalil  
&  
Baseer Shah [Signature]  
Advocates, High Court.