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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 700 /2024

civil misc APPLI. NO. 1099/2024

**Khyber Pakhtunkhwa
Service Tribunal**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. District Police Officer Khyber

Diary No. 16028

Dated 25-09-24

..... Respondents

Versus

Sabit ullah Son of Ali Mat Jan Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTY DATED 18.09.2024
AND RESTORING RIGHT OF FILING PARAWISE COMMENTS**

Respectfully sheweth:-

1. That the above captioned service appeal file by the appellant namely FC Sabit Ullah was fixed for 18.09.2024.
2. That the instant case pertains to Dismissal from his Service.
3. That this hon'able Tribunal issue ex party order dated: 18.09.2024 in the title case without taking into consideration the stance of Police Department which is not in accordance with the natural justice.
4. That from the said ex-party order the answering respondent is deprived of his right of defense.
5. That, the parawise comments accordingly prepared and are ready for submission.
6. That respondent department always complied with the direction of the Hon'able court in letter and spirit.
7. That feeling aggrieved the respondent seek right for restoration of defense and filing parawise comments on the following grounds.

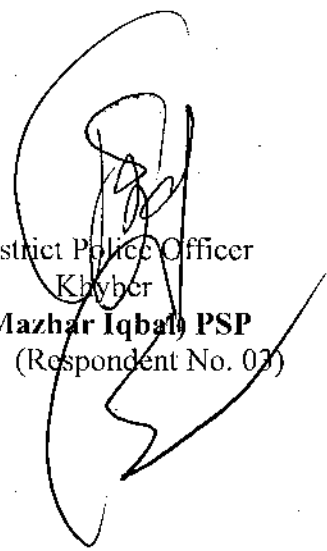
Grounds.

- A- That the valuable right of the department/respondent is involved with the instant Service Appeal.
- B- That the application is within time and there is no disobedience on the part of respondent.
- C- That there is no legal bar an acceptance of the application in hand.
- D- That the delay was not intentional but due to the above justified reasons, the respondent will show punctuality in future.
- E- That according to the rules of natural justice, Audi-alteram-partem, no one cannot be condemned unheard.

PRAYER

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

District Police Officer
Khyber
(Mazhar Iqbal) PSP
(Respondent No. 03)



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 700/2024.

Sabit Ullah (Appellant)

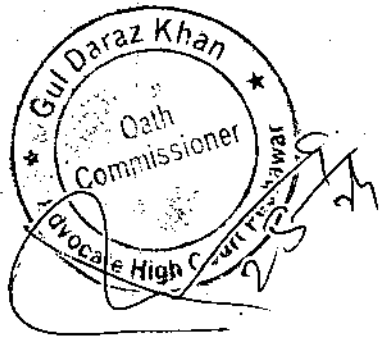
Versus

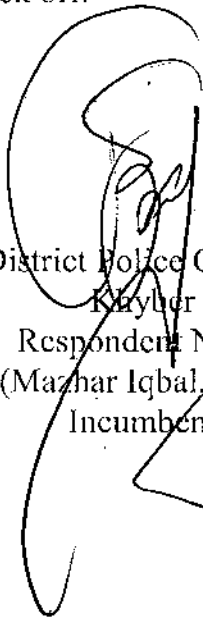
Government of Khyber Pakhtunkhwa and others..... (Respondents)

AFFIDAVIT

I, Mazhar Iqbal, District Police Officer, Khyber (Respondent No. 3) do hereby solemnly affirm on oath that the contents of accompanying Reply to the instant Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this Service Appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.




District Police Officer,
Khyber
Respondent No. 3
(Mazhar Iqbal, PSP)
Incumbent

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 780 /2024

Sabit Ullah Son of Ali Mat Jan Ex-Constable No.1243,
District Police Khyber, R/O Kamar Khel, Daray Plaray, P/O
Bara, Baz Garha, Tehsil Bara District Khyber

.....Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar.
2. Capital City Police Officer, Peshawar.
3. District Police Officer, District Khyber

.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED:30.08.2023 WHEREBY
APPELLANT HAS BEEN AWARDED THE
MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE WITH IMMEDIATE
EFFECT.**


Prayer in Appeal:-

**On acceptance of the instant appeal, the
impugned order dated:30.08.2023,
22.12.2023 & 07.05.2023 may kindly be set**

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18th Sept, 2024 1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present.

2. Written reply on behalf of the respondents has not been filed nor is there anybody present as representative, despite last chance given on the previous date, therefore, they are placed ex-parte. To come up for arguments on 09.10.2024 before D.B. P.P given to the learned counsel for the appellant.


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.