


## Form-A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 1129/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.10.2024	<p>The application for restoration of Service appeal No. 274/2024 submitted today by Mr. Mujeeb Ullah Advocate. It is fixed for hearing before Division Bench at Peshawar on 04.10.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By order of the Chairman  REGISTRAR</p>

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

In Re

*R. A. No. 1129/2024*

Service Appeal No. 274/2024

Dawood Khan

**Versus**

Govt. Khyber Pakhtunkhwa & others

**APPLICATION FOR FIXATION OF THE ABOVE TITLED**  
**RESTORATION APPLICATION AT PRINCIPAL SEAT,**  
**PESHAWAR**

**Respectfully Sheweth:**

1. That the above mentioned appeal was pending adjudication before this Hon'ble Tribunal which was dismissed in default on 19-09-2024.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

*It is therefore prayed that on acceptance of this application may please be fixed at Principal Seat, Peshawar for the the Convenience of parties and best interest of justice.*

Appellant/Applicant

Through

Mujeeb Ullah

Advocate High Court



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

*R.A. No. 1129/2024*

In Re

Service Appeal No \_\_\_\_\_ 274/2024

Dawood khan

**Versus**

Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs  
Department & others

**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Application with Affidavit		1-2
2.	Copy of impugned order dated 19/09/2024	A	<b>4</b>

Appellant

Through

**MUJEEB ULLAH**

Advocate

Khalid & Law Associates

46-C, 2<sup>nd</sup> Floor, Cantonment Plaza,  
Peshawar Cantt

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

R. A. No. 1129/2024

In Re

Service Appeal No. \_\_\_\_\_ 274/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16234

Dated 01-10-2024

Dawood Khan, LHC No. 1346  
District Police Officer, Timergara, Lower Dir.

.....Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar
3. Regional Police Officer, Malakand.
4. District Police Officer, Timergara Lower Dir.

.....Respondent

**(Service Appeal No. 274/2024)**

**APPLICATION FOR RESTORATION OF ABOVE TITLE SERVICE APPEAL WHICH WAS  
DISMISSED IN DEFAULT VIDE ORDER DATED 19/09/2024.**

**Respectfully Sheweth,**

1. That the Appellant filed the above titled Service Appeal before this Hon'ble Tribunal and was fixed on 19/09/2024. Furthermore two other connected appeal No. 275 & 276/24 were also clubbed with the instant appeal.
2. That on the day fixed the counsel of appellant was present before this Hon'ble Tribunal but was unfortunately all the <sup>appeals were</sup> dismissed in default vide order dated 19.09.2024.  
**{Copy of impugned order dated 19/09/2024 is annexed as annexure A}.**
3. That the Applicant/Appellant prays for the restoration of above titled appeals were alongwith connected appeal inter alia on the following grounds;

**GROUND**

- A. That instant application is with in time and there is no legal impediment on acceptance of the same.

(21)

- B. That on the date fixed, the counsel for the Appellant was duly in attendance/available before this Hon'ble Tribunal. Furthermore the counsel for appellant was part of the argument on 11-A of the police rules CCTV photoge or recording may be perused if available.
- C. That the Appellant is pursuing his case vigilantly before this Hon'ble Tribunal.
- D. That valuable rights of the Appellant are involved in the instant case
- E. That equity and justice demands that lis should be decide on merit rather than technicalities.

It is therefore most humbly prayed that in the light of above stated facts and grounds the Appeals of the appellant alongwith other connected appeals may kindly be restored for the ends of justice.

Appellant

Through

MUJEEB ULLAH

Advocate

Khalid & Law Associates

46-C, 2<sup>nd</sup> Floor, Cantonment Plaza,  
Peshawar Cantt

**AFFIDAVIT**

I, Mujeeb Ullah Advocate, as per instruction of my client do hereby solemnly declared and affirm that the contents of the accompanying application are true & correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

ADVOCATE



(3)

(1)



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

Service Appeal No 274/2024.

Dawood Khan LHC No. 1346 District Police Office, Timergara Lower Dir.

**APPELLANT**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Secretariat Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar
3. Regional Police Officer, Malakand.
4. District Police Officer, Timergara Lower Dir.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDERS DATED 03/06/2022, 19/09/2022 & 22/12/2023  
COMMUNICATED TO APPELLANT ON 05/01/2024 WHEREBY  
MAJOR PENALTY OF "REDUCTION IN PAY BY THREE  
STAGES" WAS IMPOSED ON THE APPELLANT WITH  
IMMEDIATE EFFECT IMPOSE UPON APPELLANT WAS  
CONVERTED INTO MINOR PENALTY OF STOPPAGE OF ONE  
ANNUAL INCREMENT BY RESPONDENT NO. 2.**

**Prayer:**

By accepting of this service appeal, the impugned order dated 22/12/2023 of Respondent No. 2 to the extent of stoppage of one annual increment may kindly be declared null and Void and kindly be set aside, consequently stoppage of one annual increment may kindly be restored. Any other relief, which this honorable court deems fit and appropriate, may also be granted in favor of appellant for the ends of justice.

**Respectfully Sheweth:**

**Brief facts leading to the instant appeal are;**

- 1- That appellant is an employee of the Respondents department and is performing his duties as Police Constable since 2010 at Timergara Lower Dir.

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
01-10-24

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31<sup>st</sup> July, 2024

1. Learned counsel for the appellant present.

Mr. Umair Azam, Additional Advocate General alongwith Mr. Muhammad Ibrahim, DSP for the respondents present.

2. Similar nature of appeals have been fixed on 19.09.2024 before D.B, therefore, let if be fixed alongwith those appeals on 19.09.2024 before D.B. P.P given to the parties.

*[Handwritten signature]*

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A\*

Service Appeal No. 274/2024 titled "Dawood Khan Vs. Secretary Home. & Tribal Affairs Department and others"

ORDER

19.09.2024

Kalim Arshad Khan, Chairman: Nemo for the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Case was called several times till last hours of the court but nobody turned up on behalf of the appellant. Therefore, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court at Peshawar given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of September, 2024.

*[Handwritten signature]*  
**REGISTERED**  
EXAMINER  
Member Peshawar Service Tribunal  
30-09-2024

*[Handwritten signature]*  
(Rashida Bano)  
Member (J)

*[Handwritten signature]*  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 30-09-2024  
 Number of Words 1-8  
 Copying Fee 5/-  
 Urgent 5/-  
 Total 10/-  
 Name of Candidate 30-09-2024  
 Date of Completion 30-09-2024  
 Date of Delivery of Copy 30-09-2024