


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1145/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.10.2024	<p>The application for restoration of Service appeal No. 6624/2021 submitted today by Mr. Fazal Elahi Advocate. It is fixed for hearing before Division Bench at Peshawar on 11.10.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

In Re:

Service Appeal No. 6624/2021

Muhammad Shoaib

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & others

APPLICATION FOR GRANT OF PERMISSION TO
FILE THE ACCOMPANYING APPLICATION AT THE
PRINCIPAL SEAT I.E PESHAWAR.

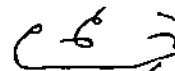
Respectfully Sheweth

1. That the titled case was fixed for hearing before the Abbottabad bench of this Hon'ble Tribunal which has been dismissed for want of prosecution on 26.09.2024.
2. That since the applicant has been freshly engaged as a counsel in the present case who practice here in Peshawar therefore through this application he may please be allowed to file the accompanying restoration application before the principal seat here in Peshawar.

It is therefore requested that the applicant may please be allowed to file the said application here at the principal seat.

Applicant/Appellant

Through



FAZAL ELAHI

Advocate

Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re: *R.A - No. 1145/2024*

Service Appeal No.6624/2021

Muhammad Shoaib, Sneior Clerk, Police Department,
presently posted at Office of the District Police Officer
Haripur.

... APPELLANT

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

..... RESPONDENTS

I N D E X

S.#	Description of Documents	Annex	Pages
1.	Restoration Application alongwith Affidavit		1-3
2.	Attested Copy of Order dated 26.09.2024		4

Applicant/Appellant
Through



Fazal Elahi
Advocate Supreme Court.

Dated: 04.10.2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re: *R. A. No. 1145/24*

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 6624/2021

Diary No. *16458*

Dated *28.10.2024*

Muhammad Shoaib, Sneior Clerk, Police Department,
presently posted at Office of the District Police Officer
Haripur.

. . . APPELLANT

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

. RESPONDENTS

APPLICATION FOR RESTORATION
OF THE ABOVE TITLED APPEAL
DISMISSED FOR WANT OF
PROSECUTION VIDE ORDER DATED:
26.09.2024.

Respectfully Sheweth:

1. That the titled appeal was pending adjudication before this Hon'ble Tribunal, in which 26.09.2024 was fixed as the date of hearing.
2. That on the date fixed, the titled appeal has been dismissed for want of prosecution because of absence of the appellant.
3. That the applicant/ appellant seeks restoration of the appeal in question and its decision on merits for the following amongst other grounds;

GROUND:

- A. That the absence of the appellant/ counsel was neither willful nor intentional.
- B. That the absence as above said was because of circumstances which were beyond control of the applicant/ counsel.
- C. That valuable rights of the applicant/ appellant are involved in the appeal in hand.
- D. That the law otherwise too is in favor of decisions of merits rather than technicalities.
- E. That the appeal in question if heard and decided on merit will not prejudice the case of either of the parties.
- F. That the applicant seeks permission of this Honorable Tribunal to raise/ argue additional grounds during the hearing of this application.

It is, therefore respectfully prayed that by accepting this application, the appeal in question may please be restored to its original number and be decided on merit in the interest of justice.

Through Applicant/Appellant



Fazal-Elahi

Advocate Supreme Court.

Dated: 04.10.2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Service Appeal No.6624/2021

Muhammad Shoaib, Sneior Clerk, Police Department,
presently posted at Office of the District Police Officer
Haripur.

. . . APPELLANT

VERSUS

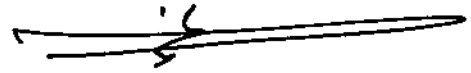
1. Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

. RESPONDENTS

AFFIDAVIT

I, Muhammad Shoaib, Senior Clerk Police Department do hereby solemnly affirm and declare on oath that all the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

DEPONENT





**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents

SERVICE APPEAL


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7.	Wakalatnama		

*23.9.24.
Dismissed for want
of service*


Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: -06-2021

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 6624/2021

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST NOTIFICATION NO.1178-88/E-V DATED 14-04-2021 AND ORDER NO. 2272/21 DATED 27-05-2021 OF PPO/IGP KPK PESHAWAR VIDE WHICH APPELLANT'S PROMOTION AS ASSISTANT GRADE CLERK (BPS-16) HAS BEEN DEFERRED AND DEPARTMENTAL APPEAL REJECTED RESPECTIVELY.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 14-04-2021 AND 27-05-2021 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE PROMOTED AS ASSISTANT GRADE CLERK (BPS-16) IN ACCORDANCE WITH NOTIFICATION NO. 823-50/E-V DATED 12-03-2021 WHEN HIS JUNIORS HAVE BEEN PROMOTED WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That appellant was appointed as Junior Clerk in the police department on 08-09-1988 and promoted to the rank of Senior Clerk on 11-12-2012. Thus appellant has rendered about 32 years service. Appellant always performed his assigned duties with devotion, dedication and honesty. Appellant has unblemished rather meritorious service record at his credit.

M. Shoaib

6624/2024



ORDER

26th Sept, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf

of the appellant. Mr. Asif Masood Ali Shah, Deputy District

Attorney 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.

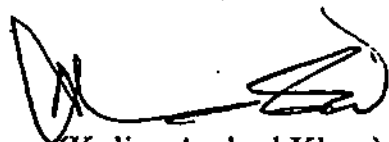
Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court at camp court Abbottabad and given under our hands and seal of the Tribunal this 26th day of*

September, 2024.

Certified to be true copy
EX: MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
04-10-2024


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A.

Date of Presentation of Application	04-10-2024
Number of Words	1-P
Copying Fee	5/-
Urgent	5/-
Total	10/-
Name of Copyist	
Date of Completion of Copy	04-10-2024
Date of Delivery of Copy	04-10-2024

بعدالت ضمیمہ کنوینشن سروسز لٹریچر ہونٹل



2 جناب

07-10-2024

مقدمہ سروسز لٹریچر ہونٹل

دعویٰ

مجموعہ

محمد شعیب بنام لٹریچر ہونٹل لٹریچر ہونٹل

باعث تحریر آئینہ

مقدمہ بنام راجہ عثمان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام سٹار بورڈ کیلئے عقل الہی خان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار دیا گیا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صوتی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ از صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور ان کا ساختہ پرواخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام روزہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی نہ کوڑ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 07-10-24

ماہ 10 2024

واہ

کے لئے منظور ہے
Approved by
Raz Saleh
ASC

(SC) Sa: Chah Muhammad Sheraib

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