

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

**PESHAWAR,**

MISC. Appli. NO. 295/2024

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
4. Commandant, FRP Khyber Pakhtunkhwa, Peshawar.

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 15758  
Dated 12-09-2024

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 23.07.2024 AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS IN SERVICE APPEAL 2495/2023, TITLED HABIB UR REHMAN VS GOVT OF KHYBER PAKHTUNKHWA ETC**

Respectfully Sheweth:

1. That, the above titled Service Appeal was fixed for 23.07.2024 before this Hon'ble Tribunal wherein right of defense of submission of Para-wise Comments of respondents have been struck off by this Hon'ble Tribunal and the case is fixed for 26.09.2024.
2. That, above captioned Service Appeal has been filed by the appellant in this Hon'ble Tribunal against their withdrawal of out of turn promotion order.
3. That, in instant case, the interest of Police Department is involved. Since the matter pertains to out of turn promotions and the same has been deprecated by the Apex Court in its judgments reported as 2013 SCMR 1785, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206 & 2018 SCMR 1218 being out of turn promotion. Thus, on this score, the submission of Para-wise comments is much necessary.
4. That, before preparation of Para-wise comments, getting of official record is necessary so that the Para-wise comments could be prepared precisely.
5. That, for collection of record, official correspondence amongst different tiers of Police Department is always made.
6. That, this Hon'ble Tribunal has passed ex-parte decision vide order dated 23.07.2024, whereby the respondents are deprived from submission of Para-wise comments which is not in accordance with natural justice.
7. That, the appellant in captioned Service Appeal is not entitled to get relief from this Hon'ble Tribunal as his case pertains to out of turn promotion.
8. That, respondent department has always complied with the directions of higher judiciaries as well as lower fora.
9. That feeling aggrieved the respondents seek right for restoration to file Para-wise comments on the following Grounds.

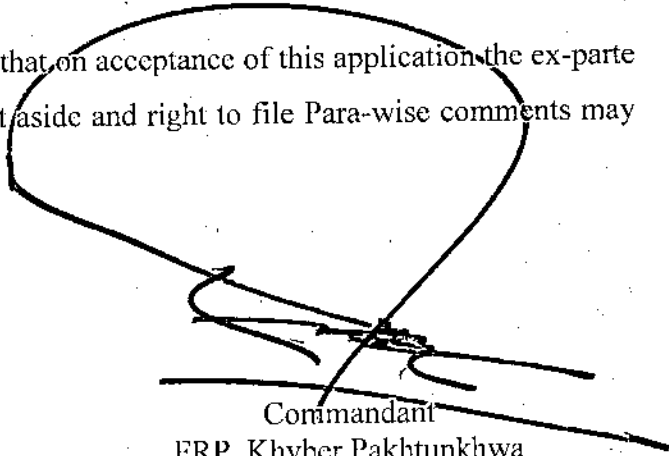
**GROUND:**

- A) That the valuable rights of the department/ respondents are involved with the instant Service Appeal.
- B) That the application is within time and there is nothing disobedience on the part of respondents.

- C) That on the very same day on which the respondents were proceeded ex-parte, the Para-wise comments were prepared and submitted for favor of signatures of respondents within possible shortest period.
- D) That there is no legal bar in acceptance of the application in hand.
- E) That the delay was not intentional but due to the above reasons, the respondent department will show punctuality in future.
- F) That according to the rules of natural justice, Audi-alteram-partem, the restoration of defense of respondent department is essential.

**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.



Commandant  
FRP, Khyber Pakhtunkhwa  
(Respondent No. 4)  
**(SYED ASHFAQ ANWAR) PSP**  
Incumbent

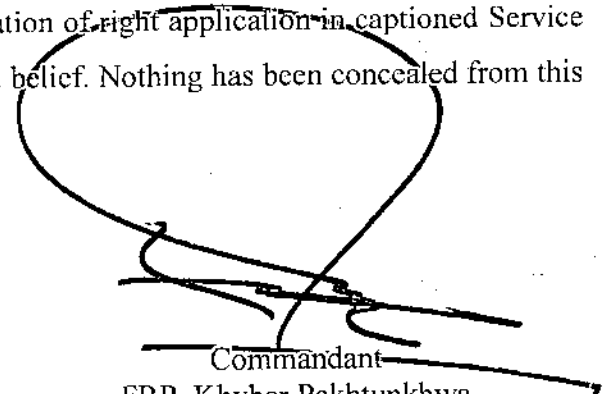
**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
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**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 23.07.2024 AND**  
**RESTORING RIGHT OF FILING PARA-WISE COMMENTS IN SERVICE APPEAL**  
**2495/2023, TITLED HABIB UR REHMAN VS GOVT OF KHYBER PAKHTUNKHWA**  
**ETC**

**AFFIDAVIT**

I, Syed Ashfaq Anwar, Commandant, FRP Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm on oath that the contents of restoration of right application in captioned Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.



Commandant  
FRP, Khyber Pakhtunkhwa  
(Respondent No. 4)  
**(SYED ASHFAQ ANWAR) PSP**  
Incumbent



11 2 SEP 2024

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 2495 of 2023

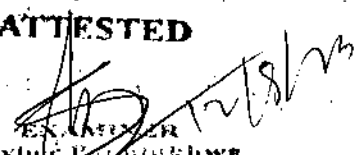
Habib-ur-Rehman, posted as SP Havelian,  
District Abbottabad ..... APPELLANT

VERSUS

1. Government of Khyber through Chief Secretary, KP Civil Secretariat, Peshawar.
2. Inspector General of Police, CPO Police Lines, Peshawar.
3. Regional Police Officer, Hazara Division, Abbottabad.
4. Commandant FRP, Peshawar.
5. Deputy Inspector General Headquarter, Abbottabad. .... RESPONDENTS.

**SERVICE APPEAL UNDER SECTION 4**  
**OF KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE**  
**IMPUGNED LETTERS DATED 11.03.2023,**  
**12.03.2023 AND OFFICE ORDERS OF**  
**DEMOTION/ REVERSION DATED**  
**14.03.2023 AND SUBSEQUENT PROCEEDINGS**  
**OR ORDERS EMANATING/ARISING**  
**THEREFROM.**

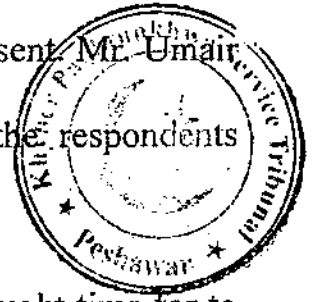
ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

SAM/2495

27.06.2024

Junior to learned counsel for the appellant present Mr. Umair Azam learned Assistant Advocate General for the respondents present.



Written reply not submitted. Learned AAG sought time for to contact the respondents for submission of written reply. Adjourned. To come up for written reply/comments on 23.07.2024 before S.B. P.P given to the parties.


SCANNED  
KPST  
Peshawar  
\*kaleem\*


  
(Rashida Bano)  
Member (J)

23<sup>rd</sup> July, 2024

1. Junior to counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.
2. File to come up alongwith connected Service Appeal No.2449/2023 titled "Sajjad Haider Vs. Government of Khyber Pakhtunkhwa" on 26.09.2024 before D.B at Camp Court, Abbottabad. P.P given to the appellant's junior counsel.

\*Mutazem Shah\*

  
(Kalim Arshad Khan)  
Chairman

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 12/8/23

Number of Words 2-8

Copying Fee \_\_\_\_\_

Urgent \_\_\_\_\_

Total \_\_\_\_\_

Name of Counsel 12/8/23

Date of Completion 12/8/23

Date of Delivery of \_\_\_\_\_