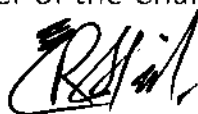


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1126/2024

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. 7466/2021 submitted today by Mr. Fazal Shah Mohmand 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 SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

CM No; _____/2024

In

Service Appeal No-7466/2021

Rashid 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 20-09-2024	A	3-4


Petitioner

Dated:- 20-09-2024

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

RA.
C.M. No 1126 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16200

Dated 01-10-2024

In

Service Appeal No: 7466 /2021

Rashid Khan, Constable No 92, District Police Mardan, Presently at Counter
Terrorism Department, Headquarters, Peshawar.

.....Appellant

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Mardan.
3. District Police Officer, Mardan.

.....Respondents

APPLICATION FOR THE RESTORATION OF TITLED APPEAL

Respectfully Submitted:-

1. That the above titled Service Appeal was pending before this honorable Tribunal which was dismissed in default on 20-09-2024. **(Copy of Order dated 20-09-2024 is enclosed as annexure A).**
2. That actually the appellant was present on the date fixed i.e. 20-09-2024 and the case was adjourned to 26-09-2024 but when the appellant came to this honorable Tribunal on 26 -09-2024 he was told that his appeal had been dismissed in default.
3. That the law as well as the superior Courts also favors decisions of cases on merit instead of technicalities.
4. 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:--26-09-2024

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand,
Advocate
Supreme Court of Pakistan,

&

[Signature]
Ibad Ur Rahman Khalil

&

[Signature]
Baseer Ahmad Shah
Advocates High Court

A F F I D A V I T :-

I, Rashid Khan, Constable No 92, District Police Mardan, Presently at Counter Terrorism Department, Headquarters, Peshawar, (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.



[Signature]
DEPONENT

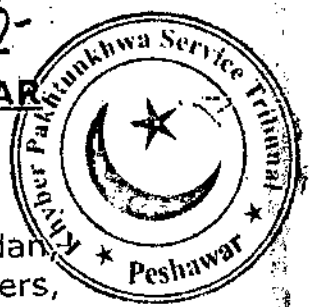
"A"

3

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

Rashid Khan, Constable No 92, District Police Mardan,
Presently at Counter Terrorism Department, Headquarters,
Peshawar.



.....Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Mardan.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR MODIFYING/VARYING ORDER DATED 08-09-2014 OF RESPONDENT NO 2 WHEREBY THE APPELLANT HAS BEEN REINSTATED IN SERVICE WITH IMMEDIATE EFFECT AND THE PERIOD OF ABSENCE HAS BEEN TREATED AS LEAVE WITHOUT PAY AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned order dated 08-09-2014 of respondent No 2 may kindly be modified/varied to the extent of reinstating the appellant in service from the date of dismissal with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in District Police Mardan on 26-10-2007 and since then the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the year 2010 the appellant while lastly posted to Police Station Saro Shah, was falsely involved in case FIR No 1485 dated 25-10-2010 Under Sections 506/354/186 PPC of Police Station City Mardan, the appellant was suspended on 24-11-2011 and was dismissed from service by respondent No 3 vide order

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
01-10-2021




ORDER

20th Sept, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

2. In the early hours, the appellant had put appearance, however, after that 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 Peshawar and given under our hands and seal of the Tribunal this 20th day of September, 2024.*


(Rashida Bano)
Member(J)


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

01-10-2024

Date of Presentation of Application	27-09-2024
Number of Words	2-p
Copying Fee	10/-
Urgent	
Total	10/-
Name of Copy	
Date of Completion	01-10-2024
Date of Delivery of Copy	01-10-2024