


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1131/2024

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. 7722/2021 submitted today by Syed Zia ur Rehman 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.

NO. 7722/202

Rashheed Ahmad vs JGP & others

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

Respectfully Sheweth:

1. That the above mentioned is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
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 appellants/applicants 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 the may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Dated: 01/10/24

Appellant/Applicant

Through

Sayed Zia-ur-Rahman (Adv.)

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

R.A NO: 1131 /2024
IN
APPEAL NO.7722/2021

Rasheed Ahmad

VS

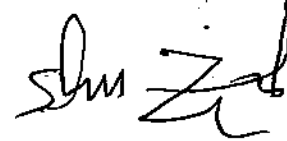
IGP & Others

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APPELLANT

THROUGH:



(SYED ZIA UR REHMAN)

Advocates, High Court Peshawar

BEFORE THE LEARNED KP SERVICE

TRIBUNAL PESHAWAR

R.A. No. 1131/2024
CIVIL MISC. NO. 1/2024

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 16215

Dated 01-10-2024

In service Appeal No. 7722/2021

Rasheed Ahmad S/o Dost Muhammad R/O
Gandagir Dir Upper, presently serving as constable
Belt no. 1119, DPO Upper Dir (Appellant)

VERSUS

- 1) Inspector General of Police, Khyber Pakhtunkhwa
- 2) Regional Police Officer, Malakand at saidu sharif, Swat
- 3) District Police Officer, Dir Upper
(Respondent)

Application for and on behalf of applicant for restoration of above mentioned service appeal, dismissed in non-prosecution on 05-09-2024.

Respectfully sheweth:

- 1) That the above mentioned appeal was fixed for attendance on 09-05-2024, which was dismissed in non prosecution vide order dated 05-09-2024.

(Copy of the order is attached as annexure A)

- 2) That the counsel for the appellant was ill, a neuro disease that caused non synchronisation of the eye movement and were unable to appear before the court on the date fixed as he was unable even to communicate the date to his client.
- 3) That non appearance was not intentional or deliberate but due to the above reasons.
- 4) That it is the settled principle enunciated by the superior courts that a case is to be

decided on merits and litigants should not be knocked out on mere technicalities.

- 5) That valuable rights of the appellant are involved in the case and he will face irreparable loss if the appeal is not restored.
- 6) That there is no legal bar in restoration of the said petition.
- 7) That as prima facie the present petition is time barred so separate application for condonation of delay is being filling.
- 8) That any other ground may be agitated at the time of arguments with the kind permission of this honourable court/tribunal.

It is therefore most humbly prayed that on the acceptance of this application the titled appeal may kindly be restored and be heard on its own merits in the best interest of justice.

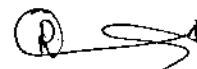
Appellant

Through
Syed Zia Ur Rehman farooqui

Date: 23-09-2024

AFFIDAVIT:-

As per instruction of my client do hereby solemnly affirm and declare that the contents of this appeal are true and correct to the best knowledge and belief and nothing has been concealed from this Honble court .



DEPONENT



①

BEFORE THE LEARNED
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Dir: 7744
Date: 18/10/2021

Rasheed Ahmad S/o Dost Muhammad

R/o Gandagir Dir Upper presently serving as Constable Belt No.
1119, DPO Dir Upper

(Appellant)

VERSUS

- 1) Inspector General of Police, Khyber Pakhtunkhwa
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat
- 3) District Police Officer, Dir Upper

(Respondents)

Service Appeal Under Section 04 of the
Service Tribunal Act, against the order dated
14.10.2016 upto the extent whereby the
absence period from 06.06.2010 to
06.07.2020 and remaining intervening service
period was treated as Service without pay, as
well as decision upon departmental appeal
dated 13.09.2021 which was turned down.

Health Officer

18/10/21

04th July, 2024

R.A No. 411/2024
Rasheed Akbar vs Govt

Applicant is present in person. Mr. Noroz, DSP (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Applicant seeks adjournment on the ground that his counsel has not turned up from Peshawar. Adjourned. To come up for arguments on restoration application on 05.09.2024 before the D.B at Camp Court, Swat. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (Executive)
Camp Court, Swat

(Aurangzeb Khattak)
Member (Judicial)
Camp Court Swat



ORDER
5th Sep, 2024

Mr. Kalim Arshad Khan, Chairman: Nobody is present on behalf of the petitioner.

2. This application is for restoration of appeal. Today case was called several times till last hours of the court but nobody put appearance on behalf of the petitioner. Therefore, the instant application is dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 5th day of September, 2024.*

(Rashida Bano)
Member(J)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Adnan Shah

ATTESTED
18/9/24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

RECEIVED
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