

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7814/2021.

C M No: 1082/2024

Khyber Pakhtunkhwa
Service Tribunal

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

Diary No. 15990

Dated 23-09-24

VERSUS

Jehanzeb Khan s/o Muhammad Nawaz Khan Junior Clerk, Police department, Peshawar.

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 24.01.2024
WHEREBY RIGHT OF DEFENSE OF SUBMISSION OF PARA-WISE COMMENTS OF
APPLICANT STRUCK OFF WITHOUT HEARING STANCE OF THE DEPARTMENT**

Respectfully Sheweth:

1. That, the above titled Service Appeal was fixed for 24.01.2024 before this Hon'ble Tribunal wherein right of defense of submission of Para-wise Comments of respondent has been struck off by this Hon'ble Tribunal and the case is now fixed for 26.09.2024.
2. That, above captioned Service Appeal has been filed by the appellant in this Hon'ble Tribunal for ante-dated appointment which is not justifiable under law/ rules/ policy.
3. That, in instant case, malafide intention of the applicant is involved and he is in try to get relief from this Hon'ble Tribunal. 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 always 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 24.01.2024, whereby the respondent is 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 ante-dated appointment which is unjustifiable not in accordance with law/ rules/ policy.
8. That, respondent department has always complied with the directions of higher judiciaries as well as lower fora.
9. That feeling aggrieved the respondent department seeks right for restoration to file Para-wise comments on the following Grounds.

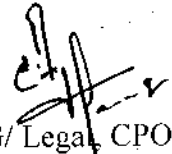
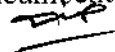
GROUND:

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

- C) That on the very same day on which the respondent was proceeded ex-parte, the Para-wise comments were prepared and submitted for favor of signature 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 respondent department may kindly be set aside and right of defense of submission of Para-wise comments may kindly be restored, please.


AIG/ Legal CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(MUHAMMAD ASIF)
Incumbent


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7814/2021

CM No. 1082/2024



Jehanzeb KhanAppellant

VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... (Respondents)

AUTHORITY LETTER

Mr. Wisal Ahmad SP/Courts & Litigation, CPO, Peshawar is authorized to submit Para-wise comments/ reply in the captioned Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of respondent.


AIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(MUHAMMAD ASIF)
Incumbent


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7814/2021.

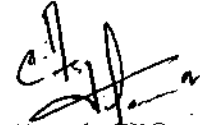
Jehanzeb Khan.....Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... Respondent.

AFFIDAVIT

I, Muhammad Asif AIG/Legal, CPO, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying restoration application on behalf of respondent to the Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.



AIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(MUHAMMAD ASIF)
Incumbent



23 SEP 2024.



BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Jehanzeb Khan
S/O Muhammad Nawaz Khan,
Junior Clerk, Police Department,
Peshawar Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 7990

Dated 26/11/2021

1. Provincial Police Officer,
KP, Peshawar.
2. Regional Police Officer,
Bannu Region Bannu. Respondents

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**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST NOTIFICATION NO 2731-41 / E-V DATED
24-05-2018 OF R. NO. 01 WHEREBY APPELLANT
WAS APPOINTED AS JUNIOR CLERK FROM THE DATE
HE REPORTS FOR DUTY AT PLACE OF POSTING:**

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Filed to-day

Registrar

Respectfully Sheweth:

1. That facts of the case has been fully narrated in the Writ Petition to appoint him as ASI at the strength of Deceased Sons Quota as per section 10 (4) of the APT Rules, 1989 because father of appellant died during service on 05-01-2006 and then he submitted application for appointment as ASI on 07-02-2006. (Cop as annex "A")
2. That the said Writ Petition came up for hearing on 23-07-2013 and then the hon'ble court held that in the circumstances, the respondents shall honor their commitment by posting the petitioner against the post of Junior Clerk preferably within a period of one month. (Copy as annex "B")

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Filed to-day


Registrar

S.A No. 7814/2021

24.01.2023


Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.


Several opportunities have been given to the respondents for submission of reply/comments, however they have failed to submit the same even today, therefore, their right for submission of reply/comments stands struck off. Adjourned. To come up for arguments on 04.05.2023 before the D.B.


(Salah-Ud-Din)
Member (J)

04th May, 2023

1. Appellant alongwith his counsel present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Learned counsel for the appellant seeks adjournment for preparation of arguments. Adjourned. To come up for arguments on 12.07.2023 before the D.B. Parcha Peshawar given to the parties.



(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan) for
Chairman

Nasim Amin

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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