


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1247/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.10.2024	<p>The application for restoration of Service appeal No. 1679/2022 submitted today by Naila Jan Advocate. It is fixed for hearing before Division Bench at Peshawar on 25.10.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

R.A NO: 1247 /2024
IN
APPEAL NO.1679/2022

Watan Badsha

VS

IGP & Others

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S.No.	Documents	Annexure	P. No.
1.	Memo of Application	----	1-2
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APPLICANT /APPELLANT

THROUGH:


(NAILA JAN)

Advocate Supreme Court of
Pakistan.

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

R.A NO: 1247 /2024
IN
APPEAL NO.1679/2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 17003

Dated 22-10-24

Watan Badsha (Ex Constable No.391) District Kohat.

APPLICANT /APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, (RPO) District Kohat.
3. District Police Officer, (DPO) Kohat.

RESPONDENTS

**APPLICATION FOR RESTORATION OF APPEAL
NO. 1679/2022 WHICH WAS DISMISSED IN
DEFAULT VIDE ORDER DATED 14/10/2024.**

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 1679/2022 was filed before this
Honorable Tribunal against the dismissal order.
2. That the instant appeal was in arguments stage fixed on
14/10/2024 at Hon'able Service Tribunal. The counsel for
the appellant not attends the court due engagement in High
Court & Session Courts. Therefore, the above mentioned


appeal was dismissed in default vide order dated 14/10/2024.
Copy of the order is attached as annexure-A.

3. That counsel for the appellant file application for attested order sheet, which was handed over to the counsel for appellant on 21/10/2024, so the instant restoration application is well in time.
4. That valuable right is involved in the instant appeal of the appellant, So, it is in the interest of justice that the appeal should be dealt on merit rather to dismiss in default.
5. That not attaining the tribunal is not intentional but due to the reason above.

It is therefore, most humbly prayed, on acceptance of this application, the above mentioned appeal No. 1679/2022 may be restore in interest of justice.

APPLICANT /APPELLANT

Through:


(NAILA JAN)
Advocate Supreme Court of
Pakistan.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.


DEPONENT





BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO 1079/2022

Watan Badsha (Ex Constable No 391 District Kohat)Appellant

Vs

1. Inspector General of Police Khyber Pukhtunkhwa Peshawar
2. Regional Police Officer (RPO) District Kohat.
3. District Police Officer (DPO) Kohat.....Respondents

Appeal under section 4 of the Khyber Pukhtunkhwa Service Tribunal Act 1974 against the impugned order OB No. 1088 dated 22-12-2017 of respondent No 03 whereby the appellant was imposed major penalty of *Compulsory Retirement* and order dated 10-06-2022 whereby Respondent No 02 Rejected departmental Appeal of the appellant and order dated 05-09-2022 of Respondent No. 01 (Communicated on 07-11-2022) whereby Mercy Petition of the appellant was rejected for no good Grounds which is utter violation of law, Rules and Principles of Natural justice hence, not sustainable in the eye of law.

PRAYERS:

On Acceptance of the instant appeal both the impugned orders, dated 22-12-2017, 10-06-2022 and 05-09-2022 may kindly be declared illegal void ab Initio, set aside the impugned orders and the appellant may kindly be reinstated into service with all back benefits.

Respectfully sheweth;

1. That the appellant was enlisted In the respondent department and since his appointment the appellant performed his duties with full devotion, enthusiasm and to the entire satisfaction of the respondents.
2. That the appellant has 02 disable girl children at home who fell ill on 02-12-2017 and there was no other male who could care of them therefore, on the verbal permission of his high ups the appellant went home for look after of their children.
3. That the appellant was proceeded departmentally at his back and without conducting regular inquiry the appellant was compulsory retired from service on the allegation of 20 days absence vide order dated 22-12-2017 however the same was never communicated to the appellant. (Copy of the order dated 22-12-2017 is annexure A)
4. That the appellant filed a departmental appeal on dated 11-02-2022 however, the same was rejected vide order dated 10-06-2022 through a non-speaking order however the same was never communicated to the appellant. (Copy of the order dated 10-06-2022 and departmental appeal are annexure-B & C)

ATTESTED

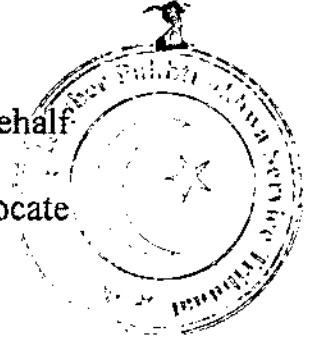
EXAMINER
Khyber Pukhtunkhwa
Service Tribunal
Peshawar

21-10-24

ORDER

14th Oct, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the petitioner. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.



2. In the early hours of the court appellant had put appearance but neither the appellant nor his counsel again appeared when the call was made. 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 14th day of October, 2024.*

(Rashida Bano)
Member(J)

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

Office of the P.A. of
Member for Plaintiffs
Peshawar
21-10-24

Application No.	(237)	Date	21-10-24
Name of Applicant		Name of Advocate	Nasir Advi
Number of Words/lines	2-8		
Copying Fee	10/-		
Urgent/Ordinary	5/-		
Total	15/-		
Name & Sign of Copyist			Zeeshan
Date of delivery of copy			21-10-24