


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Restoration Application No. 1249/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	22.10.2024	<p>The application for restoration of Service appeal No.1753/2023 submitted today by Mr. Javed Ali Ghani 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  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

R.A

C.M.No. 1249 /2024

IN

Appeal No.1753/2023

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1753/2023

Dated 22-10-24

Mst. Shehnaz d/o Sharif Gul

P.O. Prang Mohallah Qudrat Abad, Mojokey, Charsadda

Presently Sultan Colony No.2, Dalazak Road, Peshawar

Ex-Computer Operator (BPS-16) CCPO Office

Peshawar .....Appellant

**Versus**

- 1) Additional Inspector General (HQr) of Police, KP, Peshawar.
- 2) Inspector General of Police, KP, Peshawar.
- 3) Deputy Inspector General of Police, KP, Peshawar.
- 4) Director Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar.
- 5) Capital City Police Officer, Peshawar..... Respondents


APPLICATION FOR RESTORATION OF APPEAL

*Respectfully Sheweth;*

- 1) That aforementioned appeal was fixed for 04.07.2024 which has been dismissed in default.
- 2) That the counsel for the appellant due to non-availability and lack of information and notice of the case was unable to appear before this Hon'ble Tribunal on the date fixed..
- 3) That on 16.10.2024 the appellant was of the view that the case may be fixed in the month of October, 2024, due to summer vacation and long dates for fixing the case was in a routine that's why the appellant inquired on the date i.e. 16.10.2024.
- 4) That about the case proceedings, it came to know that the case has been dismissed in default.
- 5) That the non-appearance of the applicant/ undersigned was not intentional, deliberate but due to aforementioned reason.

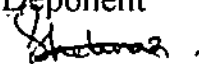
- 6) That valuable rights of the appellant are involved and major penalty has been awarded, hence needs to be restored.
- 7) That this hon'ble Tribunal and superior courts of the country always favour adjudication of the cases on merits rather than on technicalities and there is no legal impediment in the way of restoration of the case.

It is, therefore, requested that the above noted writ petition may kindly be restored in the interest of justice and be decided on merits.

Appellant  
Through   
**Javed Ali Ghani**  
Advocate High Court

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent  




BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR.

C.M.No. \_\_\_\_/2024

IN

Appeal No.1753/2023

Mst.Shehnaz.....V/S.....Addl: Inspector General (HQr) & others


APPLICATION FOR CONDONATION OF DELAY

*Respectfully Sheweth;*

- 1) That aforementioned appeal was fixed for 04.07.2024 which has been dismissed in default.
- 2) That the counsel for the appellant due to non-availability and lack of information and notice of the case was unable to appear before this Hon'ble Tribunal on the date fixed..
- 3) That on 16.10.2024 the appellant was of the view that the case may be fixed in the month of October, 2024, due to summer vacation and long dates for fixing the case was in a routine that's why the appellant inquired on the date i.e. 16.10.2024.
- 4) That about the case proceedings, it came to know that the case has been dismissed in default.
- 5) That the non-appearance of the applicant/ undersigned was not intentional, deliberate but due to aforementioned reason.

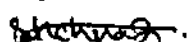
- 6) That the delay, if any, is not intentional but is for the above reason.
- 7) That valuable rights of the petitioner are involved in the case and it will be in the interest of justice and according to the law if the alleged delay is condoned and the appeal is heard and decided on merits.

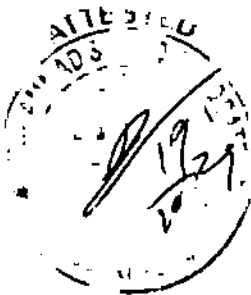
It is, therefore, prayed that, the delay in filing restoration application may kindly be condoned and it may be decided on merits and decided according to the law.

Appellant  
Through   
**Javed Ali Ghani**  
Advocate High Court

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent  




1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.



S.A. No. 1753 /2023

Date: 7209  
Dated: 28/8/2023

Mst. Shehriaz d/o Sharif Gul  
P.O. Prang Mohallah Qudrat Abad, Mojokey, Charsadda  
Presently Sultan Colony No.2, Dalazak Road, Peshawar  
Ex-Computer Operator (BPS-16) CCPO Office  
Peshawar .....Appellant

Versus

- 1) Additional Inspector General (HQr) of Police, KP, Peshawar.
- 2) Inspector General of Police, KP, Peshawar.
- 3) Deputy Inspector General of Police, KP, Peshawar.
- 4) Director Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar
- 5) Capital City Police Officer, Peshawar..... Respondents

SERVICE APPEAL U/S 4 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18.07.2023 VIDE WHICH THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE UNDER E&D RULES, 2011 AND APPELLANT FILED REPRESENTATION ON 03.08.2023 VIDE DIARY NO.5120 WHEREBY THE APPELLANT WAS SERVED WITH A NOTICE DATED 07.08.2023 AND 16.08.2023 FOR THE EXECUTION OF ORDER DATED 18.07.2023.

Respectfully submitted:

- 1) That the appellant was appointed as Computer Operator in worthy Department on the recommendation of the Public Service Commission of Khyber Pakhtunkhwa in year 18.07.2017.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

16-10-23

- 2) That the appellant as such performing her duties with dedication, honesty, due diligence to the entire satisfaction of her immediate seniors without any complaint with full zeal since her induction.
- 3) That a show cause notice was issued to the appellant and an inquiry was conducted without fulfilling mandatory procedure with the respondent department/ competent authority.
- 4) That after completion of inquiry the appellant was awarded the major penalty vide order dated 18.07.2023 and received by the appellant on 27.07.2023 and was removed from service.
- 5) That the appellant filed departmental appeal on 03.08.2023 during the pendency of said appeal the appellant was served notice dated 07.08.2023 and 16.08.2023 for the execution of the order dated 18.07.2023.
- 6) That the appellant approached the respondents that as her appeal dated 03.08.2023, is pending before the competent authority/ respondents and the notice dated 07.08.2023 and 16.08.2023 may please be withdrawn, but the appellant was orally told that her appeal is decided what's why the instant notices have been served upon the appellant.
- 7) That the appellant being aggrieved from the above-said impugned orders having no other efficacious and proper remedy against the above noted order, hence approaches before Hon'ble Tribunal.

**GROUNDS:**

- 8) That order of removal from service by the competent authority, is illegal and against the law, facts on against the record of the case and is not maintainable.
- 9) That the order of respondent department is based on personal grudges biased one and is not sustainable in the eyes of law.

ATTESTED

WITNESSES  
 MEMBER  
 SERVICE TRIBUNAL

- 10) That the order for inquiry so issued by the competent authority is not according to law, rules and policy and the same is needs to be reversed.
- 11) That the respondent-department has not taken into consideration the mandatory procedure in case of absentia no prior notice to the alleged inquiry, show cause and subsequent proceedings were served upon the appellant and unilaterally taken all the steps and actions which is violative of law.
- 12) That in the instant proceedings the transfer order so carried out by the respondents dated 24.10.2022 and other proceedings were not considered by the department as the appellant was having her basic rights for the same.
- 13) That the medical certificates/ documents and facts so narrated by the appellant was not considered while delivering findings for her removal and awarding major penalty is against the basic norms of natural justice.
- 14) That the competent authority so issued the alleged impugned order is not according to the mandate and authority and the result of jurisdiction which was not vested under the law and respondents have traveled beyond their jurisdiction to pass removal from service of the appellant.
- 15) That the appellant so found guilty in the alleged inquiry no mandatory and necessary procedure was adopted and the appellant was illegally declared found guilty of misconduct.
- 16) That the appellant while having her authorized leave under the rules, policy and regulations were not considered which are available on the face of record duly communicated in time for consideration, the same we ignored which are the necessary ingredients for the determination of such like guilt.

ATTESTED



OFFICE OF THE

SECRETARY

GOVERNMENT OF

INDIA



- 4
- 17) That the appellant was not associated in anyway with the inquiry so conducted by the department and was condemned unheard, which is against the law and justice.
  - 18) That the instant findings and subsequent removal in the charge sheet and inquiry is against the established norms of law and natural justice and are not maintainable in the eyes of law.
  - 19) That the departmental appeal before the competent authority and its subsequent rejection/ dismissal/ service notice is illegal, against law and is not sustainable according to the law and rules on the subject.

Keeping in view, what has been stated above, it is, therefore, humbly requested the impugned order of removal from service dated 18.07.2023 and subsequent notices dated 07.08.2023 and 16.08.2023 under Form PR-25-2-1 (1) u/s 160/175 Gr.P.C. may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.

ATTESTED

ENCLAVE  
Ministry of Justice  
Supreme Tribunal  
Islamabad

*Shahid*

Appellant

Through

*Javed*

Javed Ali Ghani  
Advocate Supreme Court.

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.

Advocate

*Ali*

ATTESTED

*23/8/23*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

S.A. No. \_\_\_\_\_/2023

Mst. Shehnaz ..... Appellant  
Versus  
Additional Inspector General (HQR) of Police, KP,  
Peshawar and others ..... Respondents

AFFIDAVIT

I, Mst. Shehnaz d/o Sharif Gul R/o P.O. Prang Mohallah Qudrat Abad, Mojokey, Charsadda Presently Sultan Colony No.2, Dalazak Road, Peshawar Ex-Computer Operator (BPS-16) CCPO Office Peshawar (appellant), do hereby affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.

*Shehnaz*

Deponent  
CNIC No. 17101-7070437-0

*16/10/2023*

*CPM*

*16-10-24*

Number of Pages .....  
Application No. ....  
Name of Applicant .....  
Number of Pages .....  
Date of Filing .....  
Judge/Ordinary .....  
Date of Hearing .....  
Date of Judgment .....  
*16-10-24*  
*16-10-24*  
*16-10-24*

ORDER

4<sup>th</sup> July 2024



Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. The 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 4<sup>th</sup> day of July, 2024.*

(Rashida Bano)  
Member(J)

(Kalim Arshad Khan)  
Chairman

\*Asif Masood Ali Shah, P.A.\*

Certified in true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

16-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar  
Application No. 132 Date 16-10-24  
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