

Not Issue

C.M No:-1246/2024

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1000/2024.

Khyber Pakhtunkhwa
Service Tribunal

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.

Diary No. 17001

Dated 22-10-24

VERSUS

Attiqu Ur Rehman Ex-Constable No 2252 posted as PSO to SDPO Hayatabad , Peshawar.

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 07.10.2024 AND
RESTORING RIGHT OF FILING PARA-WISE COMMENTS.**

Respectfully Sheweth:-

1. That, above captioned Service Appeal filed by the appellant namely Attiqu Ur Rehman which is fixed for 20.11.2024.
2. That the case was fixed for Preliminary Hearing on 07.10.2024 since the respondents had received notice of the case, hence the record was called from the concerned branch for preparation of para wise comments and placed before the high ups for duly signature.
3. That, this Hon'ble Tribunal issued ex-parte order dated 07.10.2024 without taking into consideration the stance of Police Department, which is not in accordance with natural justice.
4. That, from ex-parte order the answering respondents are deprived of their right of defense.
5. That, the para-wise comments accordingly prepared and are ready for submission.
6. That, respondent department always complied with the directions of Hon'ble Courts in litter and spirit.
7. That feeling aggrieved the respondents seek right for restoration to file Para-wise comments on the following grounds.

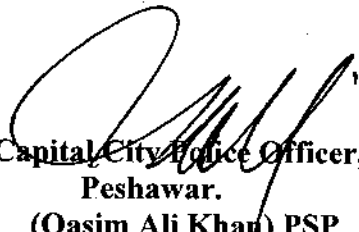
Grounds:

- A) That the valuable rights of the department/respondents are involved with the instant Service Appeal.
- B) That the application is within time and there is no disobedience on the part of respondents.
- C) That there is no legal bar in acceptance of the application in hand.
- D) That the delay was not intentional but due to the above justified reasons, the respondents will show punctuality in future.
- E) That according to the rules of natural justice, Anti-alteram-parten, no one cannot be condemned unheard.

22-11-24

PRAYER:

It is therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings against the respondents may be set aside and right to file Para-wise comment may kindly be restored, please.


Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.1)
Incumbent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1000/2024.

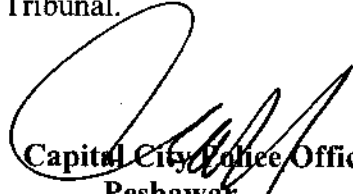
- 1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. Capital City Police Officer, Peshawar.

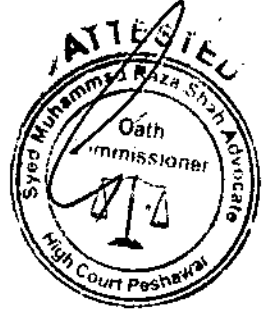
VERSUS

Attiqu Ur Rehman Ex-Constable No 2252 posted as PSO to SDPO Hayatabad , Peshawar.

AFFIDAVIT

I, Qasim Ali Khan CCP Peshawar, do hereby solemnly affirm on oath that the contents of accompanying application for restoration of right of submission of Para-wise comments, on behalf of respondent department are correct to the best of our knowledge and belief. Nothing has concealed/kept secret from this Hon'ble Tribunal.


Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.1)
Incumbent



22 OCT 2024

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



Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1000 /2024

Diary No. 13950

Dated 03-07-2024

Attiqu ur Rehman
Ex-Constable No.2252
Posted as PSO/SDPO Hayatabad Peshawar.....**APPELLANT**

Versus

1. Capital City Police Officer, Peshawar
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST: IMPUGNED
ORDER DATED 07.02.2024 WHEREBY
APPELLANT HAS BEEN AWARDED THE
MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE WITH IMMEDIATE
EFFECT**

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

21-10-24

Prayer:

on acceptance of this Service Appeal,
the Impugned Order dated 07.02.2024
may kindly be set-aside be declared as
null and void and the appellant may



7th Oct, 2024

1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General present.

2. Written reply on behalf of the respondents have not been submitted. On the previous date respondents had sought time to submit reply but today neither they have submitted written reply nor anybody present on behalf of the respondents, therefore, they are placed ex-parte. To come up for ex-parte arguments on 20.11.2024 before D.B. P.P given to the appellant's counsel.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
81-10-24

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(Kalim Arshad Khan)
Chairman

Aahnan Shah, P.A.

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. _____	(203)	Date _____	21-10-24
Name of Applicant _____			Raziq
Number of Words/Pages _____			24
Copying Fee _____			10/-
Urgent/Ordinary _____			ST
Total _____			15/-
Name & Sign of Copyist _____			Zeesham
Date of Completion of Copy _____			21-10-24
Date of Delivery of Copy _____			21-11-24