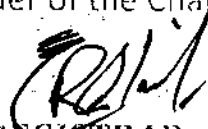


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1266/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.10.2024	<p>The application for restoration of Service appeal No.264/2023 submitted today by Mr. Usman Alam Advocate. It is fixed for hearing before Division Bench at Peshawar on 28.10.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PUKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No264/2023.

R.A. No. 1268/2024

Naqeeb Ullah **Versus** *IGP & others*

I N D E X

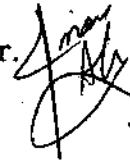
S.No	Description of Documents	Annex	Pages
1.	Application		1
2.	Affidavit		2
3.	Copy of order dated 23-07-2024	A	3

Applicant/Appellant

Through

Dated: 23/10/2024

Usman Alam
Advocate Peshawar.



**BEFORE THE KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service appeal No 264/2023.

R.A. No. 1266/2024

Naqeeb Ullah (Ex Constable No. 5345)
Police Department FRP,
Khyber Pakhtunkhwa Kohat Range

17032

23/10/2024

.....Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa
2. Commandant Frontier reserve Police Khyber Pakhtunkhwa Peshawar.
3. S.P Kohat FRP

.....Respondents

**APPLICATION FOR RESTORATION OF SERVICE APPEAL
OF THE APPLICANT WHICH WAS DISMISSED DUE TO
NON PROSECUTION DATED 23-07-2024.**

Respectfully Sheweth:

1. That the above noted Service Appeal was pending before this Hon'ble Tribunal and was dismissed for non prosecution on 23-07-2024.
(Copy of order dated 23-07-2024 is attached as annexure "A").
2. That the council of appellant inadvertently noted the date of hearing as 23-10-2024, unfortunately. And the same dated was noted by my counsel on my behalf.
3. That the absence of the applicant was not will full nor deliberate, but was due to above mentioned reason.
4. That superior Courts is of the view that the case should be deiced on merit and technicalities should be avoided.

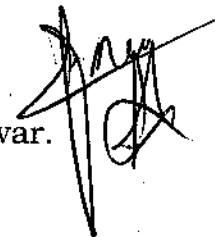
It is, therefore, humbly prayed that in the interest of justice and on acceptance of this application the above titled Service Appeal may please be restored.

Applicant/Appellant

Dated: 23 / 10 / 2024

Through

Usman Alam
Advocate Peshawar.



BEFORE THE KHYBER PUKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal No264/2023.

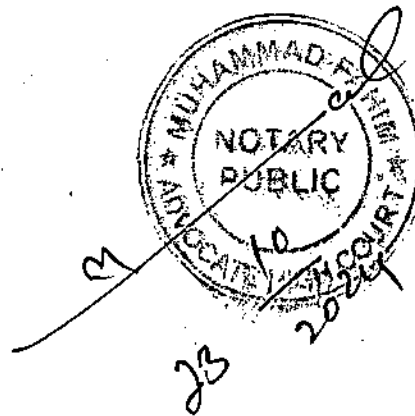
Naqeeb Ullah Versus IGP & others

AFFIDAVIT

I, **Naqeeb Ullah Ex Constable**, as per instructions of my client, do hereby solemnly affirm and declare on oath, that the contents of the accompanied **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED

Deponent



A handwritten signature of the deponent, Naqeeb Ullah, written in black ink.

4

BEFORE THE KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service appeal No264/2023.

Naqeeb Ullah (Ex Constable No. 5345)
Police Department FRP,
Khyber Pakhtunkhwa Kohat Range

.....Appellant

Versus

1. Inspector General of Police Khyber Pakhtunkhwa
2. Commandant Frontier reserve Police Khyber Pakhtunkhwa Peshawar.
3. S.P Kohat FRP

.....Respondents

APPLICATION FOR CONDONATION OF DELAY
THAT THE SERVICE APPEAL WAS DISMISSED
AND DEFAULT DUE TO NON APPEARANCE OF
APPELLANT/PETITIONER.


Respectfully Sheweth,

1. That the appellant/petitioner has instituted the instant case and final arguments for hearing has been fixed before this Hon'ble Court.
2. That the appellant/petitioner thought that his case was fixed on the month of October of 2024.
3. That the appellant/petitioner also that date gave to his counsel and after that the appellant/ petitioner mobile signals can not work from 15-09-2024 to till date at kohat.
4. That the counsel of the appellant/petitioner know about the dismissed in default on 29-09-2024 but due to mobile signals I was informed know and present before this Hon'ble Court.

5. That the appellant/petitioner case genuine and from 2023 till the end of 2024 each and every date his presence was sure before this Hon'ble Court.
6. That due to the nature of case the decision must be in the favour of appellant /petitioner and that is the power of this Hon'ble Court so restore the same petition and fixed for final arguments.
7. That any other grounds will be raised at the time of arguments with the prior permission of this apex Court.

It is therefore most humbly prayed that on the acceptance of this petition condonation of delayed order may kindly be passed in favor of the petitioner.

Petitioner
Through
Usman Alahi
Advocate



BEFORE THE KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service appeal No264/2023.

Naqeeb Ullah ***Versus*** *IGP & others*

AFFIDAVIT

I, **Naqeeb Ullah Ex Constable**, as per instructions of my client, do hereby solemnly affirm and declare on oath, that the contents of the accompanied **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



23/6/2024

Deponent

NR

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR



Second Appeal No: 264 /2023

Naqeeb Ullah (Ex. Constable No. 5345)
Police Department, FRP,
Khyber Pakhtunkhwa, Kohat Range.

.....APPELLANT

VERSUS

- 1) Inspector General of police Khyber Pakhtunkhwa.
- 2) Commandant frontier reserve police Khyber Pakhtunkhwa, Peshawar.
- 3) S.P. Kohat F.R.P

..... RESPONDENTS

APPEAL U/SEC 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1947 AGAINST THE IMPUGNED
ORDER NO: 140/PA DATED 17-03-2022
OF THE SUPERINTENDENT OF POLICE
F.R.P, KOHAT RANGE. WHEREBY THE
APPELLANT WAS REMOVED FROM
SERVICE AND THE IMPUGNED ORDER
NO: 10157-58 ISI LEGAL PESHAWAR
DATED 12-12-2022 OF THE
COMMANDANT F.R.P PESHAWAR
WHEREBY APPEAL AGAINST THE
IMPUGNED ORDER REMOVAL FROM
SERVICE WAS TURNED DOWN IN A
CLASSICALLY CURSORY AND
WHIMSICAL MANNER.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
23-10-24



ORDER

23rd July 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf

of the appellant. Mr. Muhammad Jan, 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 23rd day of July, 2024.*

(Aurangzeb Khattak)
Member(J)

(Kalim Arshad Khan)
Chairman

Ainon Shabbir, P.A.

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	20-09-2024
Number of Words	1-P
Printing Fee	5/-
Stamp	5/-
	10/-
	20-09-2024
Date of Delivery of Copy	20-09-2024

ORDER