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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP
COURT ABBOTTABAD**

C.M. No. 1339/24

1. Government of Khyber Pakhtunkhwa through Secretary Interior and Tribunal Affairs, Khyber Pakhtunkhwa Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Hazara Range, Abbottabad.
4. District Police Officer, Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 17692

Dated 06-11-24
Appellants

VERSUS

Mazhar Rauf S.I No.43/H, Police Line Abbottabad.

Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 26/09/2024
AND RESTORING RIGHT OF FILING PARAWISE COMMENTS IN SERVICE
APPEAL NO. 244/2024 MAZHAR RAUF S.I NO.43/H, DISTRICT POLICE
ABBOTTABAD VERSUS GOVT: OF KPK ETC**

Respectfully Sheweth:

1. That the subject cited Service Appeal was fixed for 26.09.2024 before this Hon'ble Tribunal wherein right of defense of submission of Parawise Comments of respondents have been struck off by this Hon'ble Tribunal and the case is fixed for 28.11.2024.
2. That, above captioned Service Appeal has been filed by the appellant in this Hon'ble Tribunal against his punishment of Forfeiture of 02 years approved Service.
3. That, before preparation of Parawise Comments, getting of official record is necessary, so that the Para-wise comments could be prepared precisely.
4. That, for collection of record, official correspondence amongst different tiers of Police Department is always made.
5. That, this Hon'ble Tribunal has passed ex-partee decision vide order dated 26.09.2024, whereby the respondents are deprived from submission of Para-wise comments which is not in accordance with natural justice.
6. That, the respondent department has always complied with the direction of higher judiciaries as well as lower fora.
7. That, feeling aggrieved the respondents seek right for restoration to file Parawise comments on the following Grounds.

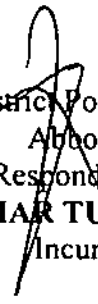
GROUND

- 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 nothing disobedience on the part of respondents.
- C) That, on 30.10.2024 getting knowledge about ex-parte proceedings, on the subject Service Appeal, the instant application is moved for setting aside ex-parte proceedings which is well in time.
- 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-partum, 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 respondents may be set aside and right to file Para-wise comments may kindly be restored, please.


District Police Officer
Abbottabad
(Respondent No.4)
(UMAR TUFAIL) PSP
Incumbent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.**

1. Government of Khyber Pakhtunkhwa, through Secretary Interior and Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Hazara Range, Abbottabad.
4. District Police Officer, Abbottabad.

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 26.09.2024
AND RESTORING RIGHT OF FILING OF PARAWISE COMMENTS IN
SERVICE APPEAL NO. 244/2024 TITLED MAZHAR RAUF S.I NO. 43/H,
DISTRICT POLICE ABBOTTABAD VERSUS GOVT: OF KPK ETC.**

AFFIDAVIT

I, Umar Tufail, (PSP) District Police Officer, Abbottabad, do hereby affirm on oath that the contents of restoration of right application in captioned Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Honourable Tribunal.

District Police Officer
Abbottabad
(Respondent No.4)
(UMAR TUFAIL) PSP
Incumbent

06 NOV 2024



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 244 2024

Khyber Pakhtunkhwa Service Tribunal

10495

10-1-2024

Mazhar Rauf S.I No.43/H, Police Line Abbottabad.

3/2/24

...APPELLANT

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Interior and Tribunal Affairs, Khyber Pakhtunkhwa, Peshawar.
- 2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3. Regional Police Officer, Hazara Range, Abbottabad.
- 4. District Police Officer, Abbottabad.

3/2/24

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT HONOURABLE TRIBUNAL HAS CONVERTED THE SERVICE APPEAL OF THE APPELLANT INTO DEPARTMENTAL APPEAL AND DIRECTED THE RESPONDENTS' DEPARTMENT THAT TEMPERING/OVER WRITING IN REGISTER NO.5-A WAS MADE BY THE APPELLANT OR SOME ONE ELSE BUT AGAIN RESPONDENT

[Signature]
10/01/24

ATTESTED
[Signature]
06/11/24



26th Sept, 2024

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

2. Written reply/comments on behalf of the respondents have not been submitted despite service, therefore, they are placed ex-parte. To come up for ex-parte arguments on 30.10.2024 before D.B at camp court Abbottabad. P.P given to the parties.

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

*Adnan Shah, P.A.**
Certified in Signature
06/11/24
Khuzdar Pakhtunkhwa Service Tribunal

Khuzdar Pakhtunkhwa Service Tribunal, Peshawar

Application No. _____ Date: 06/11/24

Name of Applicant: Hamed

Number of sheets: 27

Copying Fee: 10/-

Urgent/Ordinary: Urgent

Total: 15/-

Name of Signatory: Adnan Shah

Date of Completion of work: 06/11/24

Date of Delivery of Call: 06/11/24