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

- C.M. No. 1338/2024  
Khyber Pakhtunkhwa  
Service Tribunal
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
  2. Regional Police Officer, Hazara Range, Abbottabad.
  3. District Police Officer, Abbottabad.

Diary No. 17693

Dated 06-11-24

Appellants

VERSUS

Waqas Ahmad S/o Muhammad Zulfiqar, resident of Jhaffar Tehsil & District  
Abbottabad, Ex-Constable No. 1041 District Police Abbottabad.

Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 26/09/2024**  
**AND RESTORING RIGHT OF FILING PARAWISE COMMENTS IN**  
**SERVICE APPEAL NO. 958/2024 WAQAS AHMAD EX-CONSTABLE NO.1041,**  
**DISTRICT POLICE ABBOTTABAD VERSUS IGP 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 26.11.2024.
2. That, above captioned Service Appeal has been filed by the appellant in this Hon'ble Tribunal against his punishment of dismissal from 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.

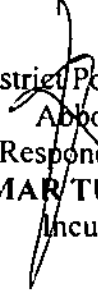
**GROUND**

- A. That the valuable rights of the department/ respondents are involved with the instant Service Appeal.

- 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.3)  
(UMAR TUFAIL) PSP  
Incumbent

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

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Range, Abbottabad.
3. 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. 958/2024 TITLED WAQAS AHMED EX- CONSTABLE  
NO. 1041 DISTRICT POLICE ABBOTTABAD VERSUS IGP 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.

06 NOV 2024  
ATTESTED  
Hafiz Muhammad Saad Durrani  
Commissioner  
Advocate High Court Peshawar

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

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



Service Appeal No. 958 /2024

Waqas Ahmad son of Muhammad Zulfiqar, resident of Jhaffar Tehsil & District Abbottabad, Ex-Constable No.1041 District Police Abbottabad.

**...APPELLANT**

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (RPO), Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**....RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF**  
**SERVICE TRIBUNAL ACT, 1974, FOR**  
**DECLARATION TO THE EFFECT THAT**  
**ORDER BEARING OB NO.88 DATED**  
**07/04/2023 ISSUED BY RESPONDENT NO.3,**  
**WHEREBY, THE APPELLANT WAS**  
**AWARDED THE MAJOR PUNISHMENT OF**  
**DISMISSAL FROM SERVICE ON THE BASIS**  
**OF INVOLVEMENT IN A CRIMINAL CASE**  
**CERTIFIED TO BE TRUE COPY FIR NO.165, DATED 17/02/2022 UNDER**  
**SECTION 302/34 PPC READ WITH SECTION**  
**15-AA KPK, POLICE STATION MIRPUR,**  
**DISTRICT ABBOTTABAD AND AGAINST**  
**THE ORDER NO. 3060/PA DATED 06/06/2024**

Certified to be true copy  
  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar  
 06/11/24



25<sup>th</sup> 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\*

Handwritten signature and date: 06/11/24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. \_\_\_\_\_ Date 06/11/24

Name of Applicant: Hamed

Number of Writs: 29

Grounds: 5/10/

Urgent Order: 5/15/

Total: 06/11/24

Name & Sign of Applicant: 06/11/24

Date of Completion of Order: 06/11/24

Date of Delivery of Order: 06/11/24