

①

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

Khyber Pakhtunkhwa
Service Tribunal

- C.M. NO. 1336/2024*
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 2. Regional Police Officer, Hazara Range, Abbottabad.
 3. District Police Officer, Abbottabad.

Distt No. 17690

Dated 06-11-24

Appellants

VERSUS

Saif Ur Rehman, Sub Inspector Police Station Chamhatti Tehsil
and District Abbottabad.

Respondent

APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 30/10/2024
AND RESTORING RIGHT OF FILING PARAWISE COMMENTS IN SERVICE
APPEAL NO. 906/2024 SAIF UR REHMAN S.I, DISTRICT POLICE
ABBOTTABAD VERSUS IGP KPK ETC

Respectfully Sheweth:

1. That the above cited Service Appeal was fixed for 30.10.2024 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 for fixing of seniority with his bathc mates and grant of financial back benefits.
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 30.10.2024, 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.

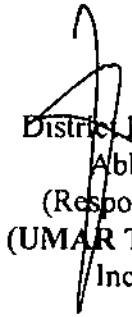
GROUND

- 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 the very same day on which the respondents were proceeded ex-parte the Para-wise comments were prepared and submitted for favour of signatures of respondents within possible shortest period.
- 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.
906/2024 TITLED SAIF UR REHMAN S.I 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.

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

08 NOV 2024





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 906 of 2024

Saif Ur Rehman, Sub inspector Police Station Chamhatti Tehsil and District Abbottabad.

...APPELLANT

VERSUS

- 1) Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Abbottabad.
- 3) District Police Officer Abbottabad.

...RESPONDENTS

- 1) Inspector Saif Ur Rehman
- 2) Regional Police Officer Abbottabad
- 3) District Police Officer Abbottabad

APPEAL UNDER SECTION 4 OF KYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER NO. 4969 DATED 29.03.2024 ISSUED BY RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT REGARDING BACK BENEFITS OF PROMOTION AS A ASI W.E.F 31.08.2017 AND SUBSEQUENTLY AS A SUB INSPECTOR W.E.F 31.08.2019 WAS

- 1) Inspector Saif Ur Rehman
- 2) Regional Police Officer Abbottabad
- 3) District Police Officer Abbottabad

Certified to be true copy
 [Signature]
 Khyber Pakhtunkhwa Service Tribunal
 Peshawar



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service appeal No. 906/2024

Saif Ur Rehman versus Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
Order-04 30 th October, Peshawar 2024.	<p>Present:</p> <ol style="list-style-type: none"> 1. Mr. Sardar Muhammad Azim, Advocate on behalf of the appellant. 2. Mr. Asif Masood Ali Shah, Deputy District Attorney respondents. 3. On 24.09.2024, Mr. Zahoor Ahmad, DSP, appeared on behalf of the respondents and requested additional time to submit a written reply.
Order-5 30 th October 2024	<p>However, to date, no reply has been submitted, and no one is present on behalf of the respondents; therefore, they are considered ex-parte.</p>
Order-6 30 th October 2024	<p>The matter is set for ex-parte arguments on 28.11.2024 before D.B at camp court Abbottabad. P.P given to the appellant's counsel as well as Learned Deputy District Attorney.</p>
Order-7 30 th October 2024.	<p>Certified to be true copy</p> <p><i>(Signature)</i> (Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>
Order-8 30 th October 2024.	<p>EX-101/2024 Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>*Adnan Shah*</p>
Order-9 30 th October 2024.	<p>Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>Application No. _____ Date: 06/11/24</p> <p>Name of Applicant: <u>Hammad</u></p> <p>Number of Vorders/Pages: <u>28</u></p> <p>Copying Fee: <u>10/-</u></p> <p>Urgent/Ordinary: <u>15/-</u></p> <p>Total: <u>25/-</u></p> <p>Name & Sign of Copyist: <u>Shahid</u></p> <p>Date of Completion of Copy: <u>06/11/24</u></p> <p>Name of D...: <u>06/11/24</u></p>