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

Khyber Pakhtunkhwa
Service Tribunal

C.M. No. 1337/2024

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Range, Abbottabad.
3. District Police Officer, Abbottabad.

Diary No. 17691

Dated 06-11-24

Appellants

VERSUS

Musawar Anwar S/o Muhammad Anwar R/o of Aziz Bang, presently residing at Jhangi Syedan, Tehsil and District Abbottabad, Ex-Constable No.1029 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. 967/2024 MSAWAR ANWAR EX-CONSTABLE NO.1029,
DISTRICT POLICE ABBOTTABAD VERSUS IGP KPK ETC**

Respectfully Sheweth:

1. That the above 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-parte 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.

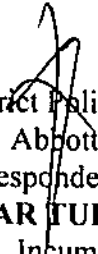
GROUND

- 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.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. 967/2024 TITLED MUSAWAR ANWAR EX- CONSTABLE
NO. 1029 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

06 NOV 2024

ATTESTED



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



Service Appeal No. 967 /2024

Musawar Anwar son of Muhammad Anwar, resident of Aziz Bang,
presently residing at Jhangi Syedan, Tehsil & District Abbottabad,
Ex-Constable No.1029 District Police Abbottabad.

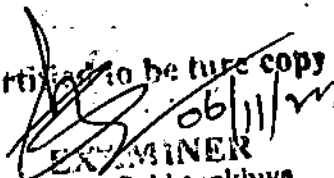
...APPELLANT

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.4,
WHEREBY, THE APPELLANT WAS
AWARDED THE MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE ON THE BASIS
OF INVOLVEMENT IN A CRIMINAL CASE
FIR NO.165, DATED 17/02/2022 UNDER
SECTION 302/34 PPC READ WITH SECTION

Certified to be true copy

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



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.

Certified to be true copy

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

EX-
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Adnan Shah, P.A.

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date 06/11/23

Application No. _____

Name of Applicant Hammad

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