


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1376/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.11.2024	<p>The application for restoration of Service Appeal No. 1198/2024 submitted today by Mr. Amin ur Rehman Advocate. It is fixed for hearing before Division Bench at Peshawar on 22.11.2024. Parcha Pehsi given to counsel for the applicant.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

R.A
S.M. No. 1376 of 2024
IN
Service Appeal No.1198/2024

Noor Taj, Ex-Foot Constable (FC) Khyber Pakhtunkhwa Police District Khyber. . . . Appellant

VERSUS

Provincial Police Officer (PPO) Khyber Pakhtunkhwa & others Respondents

I N D E X

S. No.	Description of documents	Annex	Pages
1.	Application for restoration of the lilled appeal		1-2
2.	Affidavit		3
3.	Order dated: 12.11.2024 of this Hon'ble Court	A	4
4.	Extract from cause list of the Hon'ble Peshawar High Court, Peshawar	B	5

لور تاج

APPELLANT

Through

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

Muaz Ashraf Khalil

&

Shams ur Rahman

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0342-9101124

Dated: 13.11.2024

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

R.A

E.M.No. 1376 of 2024

IN

Service Appeal No. 1198/2024

Khyber Pakhtunkhwa
Services Tribunal

Discy No. 17965

Dated 15/11/24

NOOR TAJ S/O MIR AZAM

Ex-Foot Constable (FC) Khyber Pakhtunkhwa Police District Khyber.

R/O Village Shalman Sheenpokh,

Post Office & Tehsil Landi Kotal District Khyber. **Appellant**

VERSUS

1. Provincial Police Officer (PPO) Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar.
2. Capital City Police Officer (CCPO) Police Lines, Peshawar.
3. District Police Officer (DPO), Khyber at Shahkas. **Respondents**

APPLICATION, FOR AND BEHALF OF APPELLANT, FOR RESTORATION OF THE TITLED APPEAL, DISMISSED IN DEFAULT, VIDE ORDER DATED: 12.11.2024.

Respectfully Sheweth:

1. That the titled Appeal is pending adjudication before this Hon'ble Tribunal, which was admitted for regular hearing vide order dated: 16.08.2024.
2. That applicant/appellant was directed by this Hon'ble Tribunal to deposit security fee as well as TCS expenses, however, due to unavoidable compelling circumstances, particularly law and order situation in his native village Shalman Spinpokh, a far flung area of Tehsil Landi Kotal Tribal District Khyber, he was unable to either mark personal attendance or to deposit the requisite fee ibid, within the stipulated time, although he was represented through counsel but at the relevant time of calling of the case on the date fixed i.e. 12.11.2024, he was on his legs before the Hon'ble Peshawar High Court, Peshawar and when reached to this Hon'ble Tribunal, he was informed that the titled appeal has been dismissed in default, vide order dated: 12.11.2024, hence the instant application.
(Copies of order dated: 12.11.2024 of this Hon'ble Tribunal & Extract from the cause list dated: 12.11.2024 of the Hon'ble Peshawar High Court, Peshawar are attached as Annexures A & B respectively)
3. That absence of applicant/appellant and his counsel, at the relevant time of calling of the titled appeal by this Hon'ble Tribunal on 12.11.2024, was not deliberate rather occasioned inadvertently, moreover, appellant undertakes to be careful in future and assure this Hon'ble Tribunal to be present on each and every date of hearing, hence deserves to be granted the subject relief.

(2)

4. That valuable rights of applicant / appellant are involved into the matter and if non-suited, he will suffer irreparable loss. Furthermore, instant application is within time and there is no legal bar to grant opportunity to applicant/appellant to defend his case.
5. That facts and grounds of the titled appeal may be considered as integral part and parcel of instant application.

It is, therefore, most humbly prayed that on acceptance of instant application, the titled appeal may be restored in its original number and applicant/appellant may also be allowed to deposit security fee as well as TCS expenses, so as to enable him to defend his case and to secure the ends of justice & equity.

نور تاج

APPELLANT

Through

Amin ur Rehman Yusufzal

Khaliid Khan Mohmand

Muaz Ashraf Khalil

&

Shams ur Rahman

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0342-9101124

Dated: 14.11.2024

(3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

C.M. No. _____ of 2024
IN
Service Appeal No. 1198/2024

Noor Taj, Ex-Foot Constable (FC) Khyber Pakhtunkhwa Police District Khyber. . . . **Appellant**

VERSUS

Provincial Police Officer (PPO) Khyber Pakhtunkhwa & others **Respondents**

AFFIDAVIT

I, **Noor Taj S/O Mir Azam**, Ex-Foot Constable (FC) Khyber Pakhtunkhwa Police District Khyber R/O Village Shalman Sheenpokh, PO & Tehsil Landi Kotal District Khyber, do hereby solemnly affirm declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge, belief and nothing has been kept concealed from this Hon'ble Tribunal.

نور تاج

Identified By:



Amin ur Rehman Yusufzai
Advocate, Peshawar

DEPONENT
CNIC #: 21203-8561380-9
Cell: 0305-9755806

ATTESTED
MOHAMMAD AKBAR KHAN (A.P.S.)
OATH
COMMISSIONER
Advocate High Court Peshawar




13/11/24



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1198/2024

Noor Taj 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
<p>Order-04 12th November, 2024.</p>	<p><u>Mr. Kalim Arshad Khan, Chairman:</u></p> <p>Present:</p> <ol style="list-style-type: none"> None for the appellant. Nobody is present on behalf of the appellant nor security fees as well as TCS expenses has been deposited, therefore, the instant appeal is dismissed in default as well as for non-compliance of the court order. <p>Consign</p> <ol style="list-style-type: none"> <i>Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 6th day of November, 2024.</i> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p> <p><i>*Adnan Shah*</i></p> <p style="text-align: right;">Khyber Pakhtunkhwa Service Tribunal, Peshawar Date: 13-11-24</p> <p>Application No. 698</p> <p>Name of Applicant: Farid Mannan</p> <p>Number of Words/Parts: 1/1</p> <p>Copying Fee: 5/-</p> <p>Urgent/Ordinary: 10/-</p> <p>Total: 205/-</p> <p>Name & Sign of Copyist: 205/-</p> <p>Date of Completion of Copy: 13-11-24</p> <p>Date of Issuance of Copy: 13-11-24</p>

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13-11-24

(2)

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

A

Service Appeal No. ___/2024

Noor Taj S/O Mir Azam
Ex-Foot Constable (FC) Khyber Pakhtunkhwa Police District Khyber.
R/O Village Shalman Sheenpakh, PO & Tehsil Landi Kotal District Khyber. Appellant

VERSUS

1. Provincial Police Officer (PPO) Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar.
2. Capital City Police Officer (CCPO) Police Lines, Peshawar.
3. District Police Officer (DPO), Khyber at Shahkas. Respondents

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:

- i. Order No.4608/PA-DPO Khyber, dated: 20.09.2021 of Respondent No.3, vide which major penalty of dismissal from service was imposed upon Appellant.
- ii. Order No.394-98/PA, dated: 30.11.2023 of Respondent No.2, vide which Departmental Appeal of Appellant was rejected, and
- iii. Order No.1698-1702/24 dated: 05.07.2024 of Respondent No.1, communicated to Appellant on 22.07.2024, vide which Revision Petition of Appellant has been rejected.

PRAYER-IN-APPEAL:

On acceptance of instant Service Appeal, impugned Orders dated: 20.09.2021 (Of Respondent No.3), 30.11.2023 (of Respondent No.2) and 05.07.2024 (of Respondent No.1), alongwith pre/posti proceedings thereto, may be set aside and Respondent Department may be directed to reinstate Appellant In Service with all consequential benefits.

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Respectfully Sheweth:

1. That appellant is law abiding peaceful citizen of Pakistan and permanent resident of District Khyber. (Copy of CNIC is attached as Annexure "A").
2. That appellant, being qualified, was enlisted as Khassadar, in erstwhile Khyber Khassadar Force, by the Competent Authority, vide Order dated: 15.10.2009 and was subsequently merged in the Khyber Pakhtunkhwa Police, vide Notification No.SO(Police)HD/SMY 2019 Merged Area/373-83, dated: 13.02.2020 (at Serial No.400).
(Copies of Police ID Card, Salary slip for the month of May 2023 and absorption Notification dated: 13.02.2020 are attached as Annexures "B, C & D" respectively).
3. That appellant, while posted at Michni Check Post, Police Station Landi Kotal, evident from Mad No.6 dated: 27.03.2023, was unilaterally dismissed from service by Respondent No.3, vide Order dated: 20.06.2023.
(Copies of last posting order dated: 27.03.2023 & dismissal from service Order dated: 20.06.2023 are attached as Annexures "E & F" respectively)
4. That Appellant approached Respondent No.2/Appellate Authority, through Departmental Appeal, however, rejected vide Order dated: 30.11.2023.
(Copy of Order dated: 30.11.2023 of the Appellate Authority / Respondent No.2 is attached as Annexure "G")

5

Annex - (B)

5

PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR TUE, 12 NOVEMBER, 2024

BEFORE:-

MR. JUSTICE ISHTIAQ IBRAHIM, CHIEF JUSTICE
MR. JUSTICE SAHIBZADA ASADULLAH

Court No: 1

NOTICE CASES

6	W.P 4251/2022 With IR(N),with cm.2185/22(M), (Criminal-Harassment) (20094)	Suleman Jalal Khan V/S Govt of KP & others	Mr Hassan Muhammad Shinwar, Mr Seadat Ullah Khan Tangi
			Mr Samkullah Jan, Mr Amin ur Rehman Yousafzai, Mr Junaid Zaman, Mr Sadaqat Ullah, Writ Petition Branch AG Office, Mr Dr. Amer Hamid

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PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR TUE, 12 NOVEMBER, 2024

BEFORE:-

MR. JUSTICE IJAZ ANWAR
MR. JUSTICE SYED ARSHAD ALI

Court No: 2

MOTION CASES

33	W.P 587/2024 With IR, (Service-Provincial-Civil Services-Pay/Allowances) (224276)	Nazir Khan and Others V/S Govt. of KP and Others	Mr Noor Mohammad Khattak
			Mr Amin ur Rehman Yousafzai, Mr Sadaqat Ullah, Writ Petition Branch AG Office, Mr Dr. Amer Hamid, Milan Ainullah

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PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR TUE, 12 NOVEMBER, 2024

BEFORE:-

MR. JUSTICE SHAKEEL AHMAD
MR. JUSTICE Dr. KHURSHID IQBAL

Court No: 4

NOTICE CASES

16	W.P 2083/2024 With IR, (Legislation-Others) (228731)	Ibad Ullah Khan and Another V/S Govt. of KPK and Others	Mr Amin ur Rehman Yousafzai
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ATTESTED


وکالت نامہ

5 A

بعدالت سرسرس بس بیونک پستالہ

لفور ساج نام PPO

سجانب اپیلانٹ فی آجری 5A 1198/24

تھانہ ایف آئی آر تاریخ

باعث تحریر آنک

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی وجود ابھی بہ مقام پستالہ کے لئے

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ فیڈرل شریعت کورٹ آف پاکستان

خالد خان مہمند ایڈووکیٹ معاذ اشرف خلیل ایڈووکیٹس ہائی کورٹ پشاور

کو بدین شرط وکیل مقرر کیا ہے کہ میں برپیشی پر خود یا بذریعہ وکیل حاضر ہوں اور ہونا اور ہوتے پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر
اجاظر عدالت کرونگا اگر پیشی پوزن مظهر حاضر نہ ہو اور مقدمہ بیرونی نظر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں
گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بڑے وقتوں میں بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اگر
مقدمہ تلافی صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بر وقتوں میں یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر سن مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا
اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات
خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، جواب دہی اور درخواست اجراء ذمہ داری نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی
اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد واپس اور اس نامہ کو فیصلہ بر
خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا نظریہ درخواست حکم استغاثی یا قری یا گرفتاری قبل اجراء ڈگری
بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے
واسطے یا بصورت اپیل و اپیل کے واسطے کسی دوسرے وکیل یا ایجنٹ کو بنانے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں دینی اور دوسرے ہی اختیارات
حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں ہر جگہ ہر جان التوا پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف
کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ مقدمہ بیرونی مشغول مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai
Advocate High Court

Federal Shariat Court of Pakistan
CNIC: 17301-3813582-3
Cell No. 0321-9022964
BC-10-7562

Khalid Khan Mohmand
Advocate High Court
Peshawar
BC No. 18-1115
&
Muaz Ashraf Khalil
Advocate High Court
Peshawar.
BC No. 19-1719

شمس الرحمن

BC-22-5744