

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1257/2024.

Inspector General of Police Khyber Pukhtunkhuwa & others..... (Respondents)


Versus

Shakeel Ahmad (Appellant)

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DEPONENT



DSP khyber

CNIC No # 21201-8380857-7

Mobile# 03339262626

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1257 /2024

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer. Peshawar.
3. District Police Officer Khyber

Pakhtunkhwa
Service Tribunal
No. 18/23
Dated 20/11/24

..... Respondents

Versus

Shakeel Ahmad S/O Malak Muhammad Hussain

..... Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTE DATED 10.10.2024
AND RESTORING RIGHT OF FILING PARAWISE COMMENTS**

Respectfully Sheweth:-

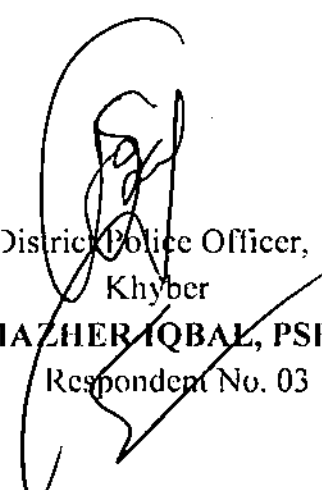
1. That the above captioned service appeal file by the appellant namely FC Shakeel Ahmad, which was fixed for 10.10.2024.
2. That the instant case pertains to Dismissal from his Service.
3. That this hon'able Tribunal issue ex party order dated: 10.10.2024 in the title case without taking into consideration the stance of Police Department which is not in accordance with the natural justice.
4. That, neither any notice nor any summon was received from this honorable court, to the respondents for attend the above mention case on due date i.e. 10.10.2024.
5. That, the instant case was received to this office (undersigned) on 15.10.2024, while ex-parte proceedings were initiated against the respondents on 10.10.2024. Hence, respondents were unaware to attend the honorable court on due date i.e. 10.10.2024. (Copy of notice is attached as annexure-A)
6. That from the said ex-parte order the answering respondent is deprived of his right of defense.
7. That, the parawise comments accordingly prepared and are ready for submission.
8. That respondent department always complied with the direction of the Hon'able court in letter and spirit.
9. That feeling aggrieved the respondent seek right for restoration of defense and filing parawise comments on the following grounds.

Grounds:

- A. That the valuable right of the department/respondent is involved with the instant Service Appeal.
- B. That the application is within time and there is no disobedience on the part of respondent.
- C. That there is no legal bar an acceptance of the application in hand.
- D. That the delay was not intentional but due to the above justified reason, the respondent will show punctuality in future.
- E. That according to the rules of natural justice, audi-alteram-partem, no one cannot be condemned unheard.

PRAYER:

It is therefore most respectfully prayed that one acceptance of this application the ex-parte proceedings against the respondent may be set aside and right to file para-wise comments may kindly be restored, please.


District Police Officer,
Khyber
(MAZHER IQBAL, PSP)
Respondent No. 03

① ② ④

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No.1257/2024.

Inspector General of Police Khyber Pukhtunkhuwa & others..... (Respondents)

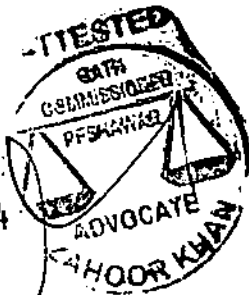
Versus

Shakeel Ahmad (Appellant)

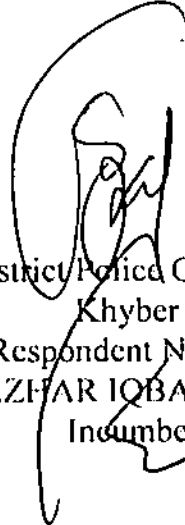
AFFIDAVIT

I, Mazhar Iqbal , District Police Officer, Khyber (Respondent No. 3) do hereby solemnly affirm on oath that the contents of accompanying Reply to the instant Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

20 NOV 2024



A circular notary seal for Advocate Zahoor Khan. The seal features a central emblem of a scale of justice. The text around the emblem reads: "NOTTESTED", "OATH", "COMMISSIONED", "PESHAWAR", "ADVOCATE", and "ZAHOOR KHAN".



District Police Officer,
Khyber
Respondent No. 03
(MAZHAR IQBAL, PSP)
Incumbent

003

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1257/2024.


Inspector General of Police Khyber Pukhtunkhuwa & others..... (Respondents)

Versus

Shakeel Ahmad (Appellant)

AUTHORITY LETTER

Mr. Mazhar Khan DSP, Khyber is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant Service Appeal on behalf of respondents.


District Police Officer,
Khyber
Respondent No. 3
(Mazhar Iqbal, PSP)
Incumbent

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1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

1257/24

Khyber Pakhtunkhwa
Service Appeal No. 15168 of 2024

Shakeel Ahmad S/O Malik Muhammad Hassan
Ex-Fool Constable (FC) Khyber Pakhtunkhwa Police District Khyber.
R/O Zakha Khel, Wali Baig Khel, PO & Tehsil Landi Kotal District Khyber.

Urgency No. 15168
Date of Appealant 23/8/24

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



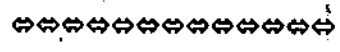
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:

- i. Order No.3402/PA-DPO Khyber, dated: 25.05.2023 of Respondent No.3, vide which major penalty of dismissal from service was imposed upon Appellant.
- ii. Order No.2425-29/PA, dated: 04.07.2023 of Respondent No.2, vide which Departmental Appeal of Appellant was rejected, and
- iii. Order No.5/1930-34/24 dated: 06.08.2024 of Respondent No.1, vide which Revision Petition dated: 25.07.2023 of Appellant was rejected.

PRAYER-IN-APPEAL:

Filed to Registrar
22/8/24

On acceptance of Instant Service Appeal, Impugned Orders dated: 25.05.2023 (of Respondent No.3), 04.07.2023 (of Respondent No.2) and 06.08.2024 (of Respondent No.1), alongwith pre/post proceedings thereto, may be set aside and Respondent Department may be directed to reinstate Appellant in Service with all consequential benefits.



Respectfully Sheweth:

1. That appellant is low abiding peaceful citizen of Pakistan and permanent resident of District Khyber.
2. That appellant, being qualified, was enlisted as Khassadar, in erstwhile Khyber Khassadar Force, by the Competent Authority, vide order dated: 05.07.2013.
3. That, on the strength of excellent performance, appellant was absorbed in the Khyber Pakhtunkhwa Police, vide Notification No. SO(Police)HD/SMY 2019 Merged Area/373-83, dated: 13.02.2020 (at Serial No.1861). He gone through mandatory police training successfully and always performed professional duties with zeal, devotion and utmost satisfaction of the superiors, which has always been appreciated/applauded by the Respondent Department.

(Copies of:

- i. CNIC (Annexure-A)
- ii. Service Card (Annexure-B)
- iii. Last posting order dated: 14.04.2023 (Annexure-C)
- iv. Absorption Notification dated: 13.02.2020 (Annexure-D)
- v. Police training certificate dated: 10.06.2022 (Annexure-E)
- vi. Major seizure reports dated: 24.01.2017, 04.12.2017, 06.02.2018 & 05.01.2019 (Annexures F, F/1, F/2 & F/3 respectively)

Re-submitted to -day and filed.

Registrar
21/8/24

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar
20-11-24

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10th Oct, 2024

1. None for the appellant present. Mr. Arshad Azam, Assistant Advocate General present.

2. Written reply/comments on behalf of respondents have not been submitted nor is there anybody present on behalf of the respondents, therefore, they are placed ex-parte. To come up for ex-parte arguments on 27.11.2024 before D.B.

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

Certified to be true copy

EX-102
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
20-11-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 835 Date 20-11-24

Name of Applicant Rafiqat ulah

Number of Words/Sheet 2

Copying Fee 10/-

Urgent/Ordinary 6/-

Total 16/-

Name & Sign of Applicant Zeeeshm

Date of Completion of Copy 20-11-24

Date of Delivery of Copy 20-11-24

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

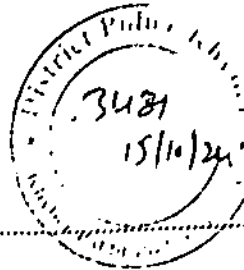
APPEAL No. 1257 of 2024

Shakeel Ahmad

Appellant/Petitioner

Versus

PPO - KPK



RESPONDENT(S)

Res No 3 District Police officer

DPO Khyber at shahkas

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10.10.24 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

for Reply

Legal

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Received today on dt 15/10/24

[Handwritten signature]

*Assessed by ASB
Khyber
M.A. Khan*