


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Restoration Application No. 1397/2024**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.11.2024	<p>The application for restoration of Service Appeal No. 324/2024 submitted today by Mr. Mujeeb Ullah Advocate. It is fixed for hearing before Division Bench at Peshawar on 27.11.2024. Parcha Pehsi given to counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

RA  
CM No. 1397/2024

In  
Service Appeal No. 326/2024.

Shah Faisal

Versus

Inspector general of Police KP & others

APPLICATION FOR FIXATION OF THE INSTANT APPEAL FOR  
HEARING AT PRINCIPAL SEAT.

Respectfully Sheweth,

1. That the above titled appeal is filed before this Hon'ble Tribunal which was dismissed in default for non-prosecution on 05/11/2024, Restoration application has been filed before this Hon'ble Court wherein no date of hearing is yet fixed.
2. That the Applicant/ counsel is requesting for fixation of the instant appeal before principal seat.
3. That most of the contesting Respondents also belong to Peshawar.
4. That there is no legal impediment on acceptance of this application.

In wake of above submissions, the instant appeal may kindly be fixed before principal seat for ends of justice.



Mujeeb Ullah  
Advocate  
Counsel for Appellant

**BEFORE THE HON'BLE ADDITIONAL DISTRICT AND SESSIONS  
JUDGE, PESHAWAR**

RA  
EM No. ----1397/2024

In  
Service Appeal No. 326/2024.

Shah Faisal

Versus

Inspector general of Police KP & others


**APPLICATION FOR RESTORATION OF THE CAPTIONED  
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS  
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

**INDEX OF DOCUMENTS**

S. No	Description of Documents	Annexure	Page No
1	Restoration Application along with affidavit		
2	Copy of the impugned order dated 05/11/2024	A	
3	Copy of medical certificate	B	

  
Applicant/Appellant

Through:

Mujeeb Ullah   
Khalid & Law Associates  
46-C, 2<sup>nd</sup> Floor, Cantonment Plaza  
Peshawar Cantt

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR.**

*RA*  
CM No. ~~---~~ *1397*/2024

In

Service Appeal No. 326/2024.

Khyber Pakhtunkhwa  
Service Tribunal

Case No. *18127*

Dated *20/11/2024*

Shah Faisal No. 275/M Inspector District Police Office, Timergara Lower  
Dir.

**APPELLANT**

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand.
3. District Police Officer, Lower Chitral.

**RESPONDENTS**

**APPLICATION FOR RESTORATION OF THE CAPTIONED  
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS  
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

Respectfully Sheweth,

1. That the above titled Appeal was pending adjudication before this Hon'ble Court and was fixed for 05/11/2024 before Camp Court at Swat.
2. That on previous date i-e 05/11/2024, this Hon'ble Court was please to pass an order wherein the appeal in hand was dismissed in default for non-prosecution.  
{Attested copy of the order sheet dated 05/11/2024 is annexed as A}
3. That the Applicant/ Appellant seeks restoration of the captioned appeal inter alia on the following grounds.

**GROUND**

A. That the instant Application is within time and there is no legal bar on the acceptance of this Application.

B. That the absence of the appellant on the date fixed was not intentional rather he was at he is serving inspector in police department and was busy in urgent matters assigned to him. Furthermore counsel of the

Appellant was not feeling well due backaches issue and was unable to travel for long.


**{Copy of medical certificate is annexed as B}**

- C. That with utmost respect this Hon'ble Court has non suited the Appellant without following the prescribed procedure under the law for attendance as well as awarding opportunity of personal service which amounts to the gross miscarriage of justice and is against the National Judicial policy.
- D. That admittedly the Appellant is pursuing his case vigilantly and above all valuable rights of the petitioner are involved hence on this score alone the impugned Order is liable to be set aside.
- E. That in plethora of judgments the Superior Court has held that les should be decided on merits and technicalities should be avoided. Thus the absence of the appellant and his counsel on the date fixed was not intentional but rather due to the above stated reasons.
- F. That the Impugned Order is against the express provisions of Article 10A of the Constitution of Islamic Republic of Pakistan 1973, thus fair trial is the fundamental guaranteed right of the Appellant.
- G. That any other grounds may be raised at the time of arguments before this Hon'ble Court with prior permission of this Hon'ble Court.

In wake of the above submissions it is, therefore, most humbly prayed that on the acceptance of the instant application the impugned order dated 05/11/2024 may kindly be set aside and the captioned Appela mentioned above may graciously be restored for ends of justice.

  
Applicant/Appellant

Through: '

Mujeeb Ullah  
  
Khalid & Law Associates  
46-C, 2<sup>nd</sup> Floor, Cantonment Plaza  
Peshawar Cantt

**BEFORE THE HON'BLE ADDITIONAL DISTRICT AND SESSIONS  
JUDGE, PESHAWAR**

CM No. -----/2024

In

Service Appeal No. 326/2024.

Shah Faisal

Versus

Inspector general of Police KP & others

**APPLICATION FOR RESTORATION OF THE CAPTIONED  
APPEAL WHICH WAS DISMISSED IN DEFAULT BY THIS  
HON'BLE COURT VIDE IMPUGNED ORDER DATED 05/11/2024**

**AFFIDAVIT**

I, Shah Faisal No. 275/M Inspector District Police Office, Timergara Lower Dir. do hereby solemnly affirm and declared that the contents of the accompanying application are true & correct to the best of my knowledge and belief and nothing has been concealed from this August Court

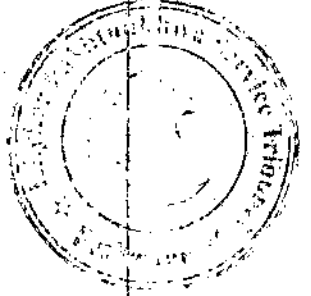
*Shah*  
Deponent

Identified By

*Mujeeb Ullah*  
Mujeeb Ullah

Advocate,  
Peshawar High Court, Peshawar





1

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2024.

Shah Faisal No. 275/M Inspector District Police Office, Timergara Lower  
Dir.

APPELLANT

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand.
3. District Police Officer, Lower Chitral.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDERS DATED 25/08/2022, 22/10/2022 & 15/12/2023  
COMMUNICATED TO APPELLANT ON 16/01/2024 WHEREBY  
MAJOR PENALTY OF "REMOVAL FROM SERVICE" IMPOSED  
UPON APPELLANT WAS CONVERTED INTO FORFEITURE OF  
THREE YEARS APPROVED SERVICE BY RESPONDENT NO. 2.**

**Prayer:**

By accepting of this service appeal, the impugned order dated 15/12/2023 of Respondent No. 1 to the extent of forfeiture of three years approved service may kindly be declared null and Void and may kindly be set aside, consequently forfeiture of three years approved service may kindly be restored. Any other relief, which this honorable court deems fit and appropriate, may also be granted in favor of appellant for the ends of justice.

**Respectfully Sheweth:**

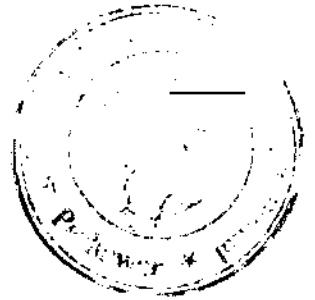
**Brief facts leading to the instant appeal are;**

- 1- That appellant was initially appointed as ASI in the year 2010 in police Department through Public Service Commission and was later on promoted to Sub Inspector and is currently performing his duties as Inspector Police in Lower Dir.

{Copy of Initial appointment order is annexed as A}

8



APPELLED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
2024-11-24



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 326 of 2024

Shah Faisal versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others.

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-07 05<sup>th</sup> November, 2024.</p>	<p>Present:</p> <ol style="list-style-type: none"> <li>1. Nemo on behalf of the appellant.</li> <li>2. Mr. Umair Azam, Additional Advocate General on behalf of the respondents.</li> </ol> <p>Despite repeated calls at various intervals until the court's rising, no one has appeared on behalf of the appellant. In view of the absence of representation and lack of prosecution, the instant appeal stands dismissed in default for want of prosecution. File be consigned to the record room.</p> <p><b><u>ANNOUNCED</u></b> 05.11.2024</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">         (Fareeha Paul)        Member (Executive)        Camp Court, Swat     </div> <div style="text-align: center;">         (Aurangzeb Khattak)        Member (Judicial)        Camp Court, Swat     </div> </div> <p><i>*Naeem Amin*</i></p> <p>Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>Application No. <u>732</u> Date <u>08-11-24</u></p> <p>Name of applicant <u>Syed Qasim Ali</u></p> <p>Name of respondent <u>2-1</u></p> <p>Copy no. <u>61</u></p> <p>Handwritten notes: <u>61</u>, <u>2eesha</u>, <u>08-11-24</u>, <u>18-11-24</u></p>

Certified true copy

F. Khyber Pakhtunkhwa Service Tribunal, Peshawar

08-11-24

*[Handwritten signature]*



