

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: \_\_\_\_\_ vs \_\_\_\_\_

S.#	Contents	Yes	No
1.	This appeal has been presented by: <i>Advocate J. Sanam No 3 Appellant</i>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	✓
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: \_\_\_\_\_

*Sanam No 3*  
*Appellant*

Signature: \_\_\_\_\_

*Sanam No 2*

Dated: \_\_\_\_\_

*18/07/2022*

*وکیل صاحب کا ای میل ایڈریس  
نہیں ہے*

# وکالت نامہ

بعدالت جناب محمد علی محمد علی سون فوہ کراچی ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ  
منجانب وکیل

حضرت محمد علی محمد علی et al

دعوی یا جرم سب سے پہلے باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیروی وجود ہی مقام ایڈووکیٹ

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص

رہبر عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی

پیشگی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ

ہوئے۔ نیز وکیل صاحب موصوف صدر مقام پچھری کے علاوہ کسی اور جگہ یا پچھری کے مقرر اوقات سے پہلے یا بروز

تقطیل بیروی کرنے کے مجاز نہ ہوئے۔ اگر مقدمہ مقام پچھری کے کسی اور جگہ ساعت ہونے یا بروز پچھری کے اوقات

کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہوئے۔ مجھے کل ساختہ پر واختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب

موصوف کو عرضی دعوی اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے

کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتنا ہی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو

بشرط ادا نیگی علیحدہ بیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایڈووکیٹ

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوئے جیسے صاحب

موصوف کو۔ پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ منظور ہے مضمون

Accept  
M. A. J.

2022

السنة العبد العبد العبد

Sanam Naz

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No.....*11.7/2022*

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur  
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.  
.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (Respondents)

SERVICE APPEAL

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Appeal and condonation application.		01-08
2.	Dismissal Order dated 01-03-2022	"A"	09
3.	Departmental Appeal dated 05-04-2022	"B"	10-13
4.	Wakalatnama		

*Sanam Naz*  
Appellant

Through

*M. Aslam Tanoli*

(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: *18*-07-2022

*333-5958997*

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur  
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.  
.....(**Appellant**)

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST ORDER DATED 01-03-2022 OF THE DISTRICT  
POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN  
"DISMISSED FROM SERVICE" ILLEGALLY AND AGAINST THE  
DEPARTMENTAL RULES AND REGULATIONS GOVERNING THE  
TERMS AND CONDITIONS OF APPELLANT SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE  
IMPUGNED ORDER DATED 01-03-2022 OF THE RESPONDENT MAY  
KINDLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE  
FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL  
SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant was inducted in District Police Haripur in the year 2014 and since then appellant has been performing her duties with devotion, dedication and honesty. Appellant has exemplary service record.
2. That on 01-01-2022, while appellant posted at Police Lines, Haripur was telephonically informed from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency

informed In-charge Police Lines Haripur of the situation and started preparation for abroad.

3. That due to serious illness of her cousin abroad, appellant informed her In-charge to get her leave sanctioned from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to be cared.
4. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems and requested for grant of covering sanction of leave for already availed 60 days.
5. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and told that she had been dismissed from service vide order dated 01-03-2022 which was then delivered on 05-04-2022. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
6. That appellant has 08 years service in the police department and during the entire service she has never

obtained even a single day **EARNED LEAVE** and sufficient leave balance is available in her credit and she can be granted 60 days leave from her balance.

7. That absence of appellant was not a deliberate and willful act rather due to acute compulsion for serious illness of her cousin (daughter of aunt) but these facts were never taken into consideration by DPO Haripur and dismissed her within a short time of her absence.
8. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was not given copy of inquiry report. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.
9. That appellant aggrieved of the dismissal order preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad on 05-04-2022 which was never responded within statutory period by the respondent appellate authority. **(Copy of appeal dated 05-04-2022 is attached as Annex-"B")**.
10. Hence this service appeal inter alia on the following grounds:-

**GROUND:**

- A) That orders dated 01-03-2022 of the respondents is illegal, unlawful, against the facts, departmental rules & regulations, Police E&D Rules 1975, passed in a whimsical,

arbitrary & cursory manner; hence liable to be set aside.

- B) That no proper departmental inquiry was conducted. No Charge Sheet and Show Cause Notice was issued to her. Copy of enquiry report, if any, was also not given to appellant. Even opportunity of personal hearing was not afforded to him and he was condemned unheard.
- C) That the appellate authority has also failed to abide by the law, neither had he taken into consideration the grounds of appeal presented by appellant in his departmental appeal nor was it replied within statutory period. Thus act of the appellate authority is contrary to the Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- D) That appellant was wrongly dismissed from service and departmental inquiry also could not bring any thing adverse on record against the appellant and she has been penalized without any reason and justification.
- E) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant Service appeal order 01-03-2022 of the respondent may graciously be set aside and appellant be re-instated in service from the date of dismissal with grant of all consequential

5

Back benefit . Any other relief which this honorable court deems fit may also be granted

*Sarwan J 2*  
Appellant

Through:

*M. Aslam*  
Muhammad Aslam Taholi  
Advocate High Court  
At Haripur

Dated: 18-07-2022

**Verification:**

It is verified that the contents of the instant appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 18-07-2022

*Sarwan J 2*  
Appellant



6

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur  
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (Respondents)

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to the instant one.

  
**APPELLANT**

Dated: 18-07-2022

2

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No.1024 725 District Police  
Haripur R/O Opposite Faiza Rasheed CNG Tehsil & District  
Haripur.

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer; Haripur. (Respondents)

SERVICE APPEAL

AFFIDAVIT:

I, Sanam Naz appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.



*Sanam Naz*  
Deponent/Appellant

Dated: 18-07-2022

Identified By:

*M. Aslam*

Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur

Dated 18-07-2022

*Sanam Naz*  
Appellant

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Sanam Naz Ex-Lady Constable No.725 District Police Haripur R/O  
Opposite Faiza Rasheed CNG Tehsil & District Haripur.  
.....(**Appellant**)

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (**Respondents**)

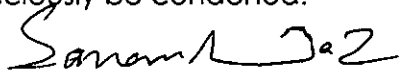

**APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 01-03-2022 passed by departmental authority whereby appellant's represent has been dismissed from service.
2. That as the impugned order has been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of her service, therefore causing a recurring cause of action to applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondent on 01-03-2022 and communicated on 05-04-2022 is illegal, without lawful authority and whimsical in manner. The applicant/appellant filed departmental appeal well in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned order is liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

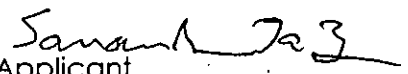
  
Applicant/Appellant  
  
(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 18-07-2022

**VERIFICATION:**

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated 18-07-2022

  
Applicant

3  
Annex A

ORDER.

LFC Sanam Naz No.725, while she posted at Police Lines, Haripur absented herself from her legitimate duties without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines. She was also not taking interest towards her legitimate duties. Her acts were severe violation of discipline, inefficiency and a gross misconduct in terms of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Therefore, she was served with charge sheet and statement of allegations vides this office Endst No. 08-09/PA, dated 28.01.2022.

To probe the allegations Deputy Superintendent of Police, HQrs, Haripur, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 144 dated 10.02.2022 and held that the LFC Sanam Naz No. 725 willfully absented herself from duties and proceeded abroad without any leave or permission/NOC. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended her for major punishment of dismissed from service under section-4 of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Hence, she was issued with Final Show Cause Notice, vide this office Endst: No.19/PA dated 15.02.2022, but she did not submit her written reply within the stipulated period.

On receiving the recommendation of enquiry officer and relevant record, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official LFC Sanam Naz No. 725 who absented herself from lawful duties without any leave or permission from the competent authority. She also went abroad without any NOC. So, the charges of misconduct stands proved beyond any doubt. Therefore, I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975 (amended-2014), awarded her major punishment of "Dismissed from Service", with immediate effect.

OB No. 144

Dated. 01-3-2022

3/1/3  
Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP  
District Police Officer,  
Haripur 2022

Alleged  
Sanam Naz

Approved in S.No  
of Punishment  
Kashif Aftab Ahmad Abbasi  
08/03/22

10

Amree B

BEFORE HONOURABLE REGIONAL POLICE OFFICER,  
HAZARA REGION, ABBOTTABAD.

(4 sheets)

Departmental Appeal  
By Lady Constable Sanam Naz No. 725  
District Police Haripur

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 149 DATED 01-03-2022 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 01-03-2022 OF DPO HARIPUR MAY KINDLY BE SET ASIDE AND APPELLANT BE GRANTED EARNED LEAVE OUT OF HIS ACCOUNT AND RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

Respectfully the following few lines are submitted for kind consideration and favorable order please:-

1. That on 01-01-2022, while appellant posted at Police Lines, Haripur was informed telephonically from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency informed In-charge Police Lines Haripur of the situation and started preparation for abroad.
2. That due to serious illness of her cousin abroad, the appellant could not spare time for approaching her officers with regard to sanction of her leave and she verbally informed her In-charge to get her leave sanction from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to

Received

All Set  
Sanam Naz

hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to care her.

3. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems to his highness and requested for grant of covering sanction of leave for 60 days.
4. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and straight way dismissed her from service vide order dated 01-03-2022 without any reason. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
5. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was never provided with the opportunity of personal hearing. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.

Attested  
Samana Jais

6. That the appellant was appointed as Constable in the Police Department in the year 2014 and thus has rendered more than 08 years service. She always performed her assigned official duties with devotion, dedication and honesty and to the entire satisfaction of her officers and never provided them a chance of reprimand. Appellant had meritorious service at her credit.
7. That appellant is the only bread earner of her family consisting upon her aged ailing parents and minor school going brothers and sisters. The appellant is already under financial distress. She had to spend handsome amount on her medical treatment of her parents and now has been dismissed from service as well.
8. That as the appellant has more than 08 years service, therefore, has sufficient leave balance at her credit. The appellant deserve to be granted Earned Leave out of her own Leave balance.
9. That if the appellant is provided with a chance of personal hearing she will really prove her innocence before your Highness about her constrains which she had to face during illness of her cousin.

It is, therefore, earnestly requested that keeping in view the aforementioned facts & circumstances the impugned order dated 01-03-2022 of the District Police Officer Haripur may kindly be set aside and the appellant be granted earned

Attested  
Samam Naz

13

leave, for the period she has been treated as absent, out of his leave account and re-instated her in service from the date of dismissal with all consequential service back benefits. Appellant shall always pray for your good health and long life. Thanking you sir in anticipation.

*Sanam Naz*

(Mst. Sanam Naz)

EX-LFC No. 725

District Police Haripur

ADDRESS: Opposite Faiza Rasheed CNG  
Tehsil & Distt: Haripur.  
Cell No.0314-5080642

Dated: 05-04-2022

*Attested*

*Sanam Naz*



Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1117 /2022 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2022	<p>The appeal of Mst. Sanam Naz presented by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before the touring Single Bench at A.Abad on _____ . Notices be issued to appellant and her counsel for the date fixed.</p>
2-		<p>By the order of Chairman</p>
		<p>REGISTRAR</p>